

Public Document Pack

Southend-on-Sea Borough Council

Civic Centre
Southend-on-Sea

6 December 2016

Dear Sir or Madam,



I hereby summon you to attend the meeting of the Southend-on-Sea Borough Council to be held in the Council Chamber, Civic Centre, Southend-on-Sea on, Thursday, 15th December, 2016 at 6.40pm for the transaction of the following business.

R Tinlin
Chief Executive & Town Clerk

AGENDA

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Communications**
- 4 Questions from Members of the Public**
- 5 Questions from Members of the Council**
- 6 Petition - Keep Pupils Safe at Darlinghurst Primary School (Pages 1 - 2)**
Prayer of the Petition attached.
- 7 Petition - Excessive Speeding in Wells Road (Pages 3 - 4)**
Prayer of the Petition attached
- 8 Minutes of the Meeting held on Thursday, 20th October 2016 (Pages 5 - 20)**
Minutes attached.
- 9 Minutes of the meeting of Licensing Sub-Committee A held Tuesday, 18 October 2016 (Pages 21 - 22)**
Minutes attached.
- 10 Minutes of the meeting of Licensing Sub Committee B held Friday 14th October 2016 (Pages 23 - 24)**
Minutes attached.
- 11 Minutes of the meeting of Licensing Sub-Committee B held Tuesday, 25 October 2016 (Pages 25 - 26)**
Minutes attached.

- 12 Minutes of meeting of Appointments and Disciplinary Committee held Tuesday, 25 October 2016 (Pages 27 - 28)**
Minutes attached.
- 13 Minutes of the meeting of Cabinet Committee held Thursday, 3rd November 2016 (Pages 29 - 34)**
Minutes attached.
- 14 Minutes of the meeting of Cabinet held Tuesday, 8 November 2016 (Pages 35 - 48)**
Minutes attached.
- 15 Minutes of the meeting of Appeals Committee B held Monday, 7 November 2016 (Pages 49 - 52)**
Minutes attached.
- 16 Minutes of the meeting of Development Control Committee held Wednesday, 9th November 2016 (Pages 53 - 66)**
Minutes attached.
- 17 Minutes of the meeting of Place Scrutiny Committee held Monday, 28 November 2016 (Pages 67 - 72)**
Minutes attached.
- 18 Minutes of the meeting of People Scrutiny Committee held Tuesday, 29th November 2016 (Pages 73 - 78)**
Minutes attached.
- 19 Minutes of the meeting of Policy and Resources Scrutiny Committee held Thursday, 1 December 2016 (Pages 79 - 82)**
Minutes attached.
- 20 Minutes of the meeting of Health and Wellbeing Board held Wednesday, 7th December 2016**
Minutes to follow
- 21 Notice of Motion - York Road (Pages 83 - 84)**
Notice of Motion attached.
- 22 Notice of Motion - State Pension Arrangements for 1950's Women (Pages 85 - 86)**
Notice of Motion attached.
- 23 Notice of Motion - Affordable Housing & Viability Issues (Pages 87 - 88)**
Notice of Motion attached.
- 24 Local Council Tax Support Scheme 2017/18 (Pages 89 - 94)**
Report of the Chief Executive attached.
- 25 National Scheme for Auditor Appointments (Pages 95 - 102)**
Report of the Chief Executive attached.
- 26 Changes to the Constitution (Pages 103 - 140)**
Report of the Chief Executive attached.
- 27 Appointments to Committees**

This page is intentionally left blank

Petition: Keep Pupils Safe at Darlinghurst Primary School

6

Prayer of the Petition:

We the undersigned ask that Southend Borough Council helps keep the pupils of Darlinghurst Primary School safe by:

- a) Putting in place a school crossing patrol and/or zebra crossing outside of the school on Darlinghurst Grove, to enable children to cross more safely; and

- b) Increasing patrols of civil enforcement officers, the CCTV vehicles and police presence at either end of the school day, to enforce compliance with the school keep clear markings.

This page is intentionally left blank

Dear Neighbour,

I live at number 59 Wells Avenue, Southend on sea and have done for over 20 years, but recently I have noticed an increase in people driving excessive speed down Wells Avenue which I think will eventually cause a severe accident.

I contacted our local Councillor, Councillor Buckley by email 23rd September 2016, see attached and his reply, 29th September 2016, was to ask me to raise a Petition concerning Excessive speed by motor vehicles along Wells Avenue.

Sorry for the delay in organising this petition, due a family Holiday.

If you are over the age of 18yrs and concerned about the Excessive Speeding and would like Southend on sea Council to do some thing about Excessive Speeding, would you please sign below with your name, signature ,so I can keep you informed of any future development.

Once signed please return
come around to collect ne:

Thank you,

John R Bailey

2nd November 2016

**I would like Southend on sea Council to do some thing
about Excessive Speeding along Wells Avenue,
Southend on sea ,Essex .**

This page is intentionally left blank

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of The Council

Date: Thursday, 20th October, 2016

Place: Council Chamber - Civic Suite

8

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

Start/End Time: 6.30 pm - 0.50 am

382 Apologies for Absence

Apologies for absence were received from Councillors Davies and Kenyon.

383 Declarations of Interest

- **Councillor Arcscott**

Development Control Committee – 3rd August 2016

Minute 211 (16/00744/FUL and 16/00745/LBC) – Herschell House, 87 Leigh Hill, Leigh on Sea – Non-pecuniary interest: Attends the same church as the applicant;

Development Control Committee – 14th September 2016

Minute 232 – Application 16/00662/FUL: Sandy Lodge, 1a Southchurch Avenue – Non-pecuniary interest: A friend lives in the neighbouring property;

Development Control Committee – 5th October 2016

Minute 309 - (16/00662/FUL- Sandy Lodge, 1a Southchurch Avenue) – Disqualifying non-pecuniary interest: Friends own neighbouring land and properties (withdrew);

Minute 310 - (16/01160/FULH - 11 Leigh Park Road, Leigh on Sea) – Non-pecuniary interest: Lobbied and met by applicant and objectors;

Minute 313 - (16/00075/UNAU_B - 115 Tattersall Gardens, Leigh on Sea) – Non-pecuniary interest: Lobbied and met by applicant and objectors;

People Scrutiny Committee – 11th October 2016

Minute 358 - Schools Progress report – non pecuniary – Governor at Our lady of Lourdes Catholic Primary School;

Minute 353 - Capital redevelopment of Delaware, Priory & Viking – non-pecuniary – friends wife is a resident of Priory;

- **Councillor Assenheim**

Development Control – 14th September 2016

Minute 226 – Application 16/01249/FUL: Southend Bowling Club, 7 Tunbridge Road – Non-pecuniary interest: Acquainted with the Applicant;

Minute 231– Application 16/00504/FUL: 143 Green Lane, Eastwood, Leigh on Sea – Non-pecuniary interest: Applicant is his GP;

Development Control Committee – 5th October 2016

Minute 308 - (16/00504/FUL - 143 Green Lane, Eastwood, Essex, SS9 5QL) – Disqualifying non-pecuniary interest: Applicant is Applicant is his GP and has had conversations with him (withdrew);

Place Scrutiny Committee – 10th October 2016

Minute 333 - Carriage and Wagon Shed Options – Non-pecuniary interest: Member of the Shoeburyness Coastal Communities Committee;

People Scrutiny Committee – 11th October 2016

Minute 353 - Capital redevelopment of Delaware, Priory & Viking – non-pecuniary – sister in sheltered housing;

- **Councillor Ayling**

Development Control Committee – 10th October 2016

Minute 321 – (16/01243/FULM – Shoeburyness High School, Caulfield Road, Shoeburyness, Southend-on-Sea, Essex SS3 9LL) – Non-pecuniary interest: Son undertakes work at the school;

- **Councillor Borton**

People Scrutiny Committee – 11th October 2016

Minute 346 - MPR - non-pecuniary – daughter is a nurse at Rochford Hospital / employer is SEPT;

Minute 354 - Local Account of ASC – non-pecuniary – JcP mentioned in report – employer;

- **Councillor Boyd**

People Scrutiny Committee – 11th October 2016

Minute 358 - 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 Bright**

Place Scrutiny Committee – 10th October 2016

Minute 335 - Members Requests List (Request Ref No. 16/08 - Propose waiting restrictions in Thorpe Hall Close to protect driveway) – Non-pecuniary interest: Within his ward;

Minute 336 - Petition Requesting Permit Parking Controls Southend East) – Non-pecuniary interest: Partly within his ward;

- **Councillor Buckley**

Cabinet Committee – 19th September 2016

Minute 251 (Members Request List – 16/01 and 16/02) – Non-pecuniary interest – spoke on both matters at the Committee;

Development Control Committee – 5th October 2016

Minute 319 (16/01520/FULH) – Non-pecuniary interest – lives in the vicinity and representing an objector at the Committee;

- **Councillor Burzotta**

Policy & Resources Scrutiny Committee – 13th October 2016

Minute 364 – Notice of Motion: Estate Agent Fees and Practices – Non-pecuniary interest – private landlord;

- **Councillor Butler**

Development Control Committee – 3rd August 2016

Minute 212 (16/00302/FUL) – 84 Queens Road, Southend on Sea – Disqualifying non-pecuniary interest: Member of the Licensing Sub Committee that considered the application for premises licence for this premises (withdrew);

- **Councillor Courtenay**

People Scrutiny Committee – 11th October 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**

Cabinet – 20th September 2016

Minute 279 - Carriage and Wagon Shed Options – Member of Shoeburyness Coastal Community Team – Non-pecuniary interest.

Place Scrutiny Committee – 10th October 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;
Minute 333 - Carriage and Wagon Shed Options – Non-pecuniary interest: Member of the Shoeburyness Coastal Communities Team;

Place Scrutiny Committee – 10th October 2016

Minute 333 - Carriage and Wagon Shed Options – Non-pecuniary interest: Member of the Leigh Coastal Communities Team;

- **Councillor Davidson**

Health & Wellbeing Board – 1st August 2016

Minute 200 (Localities Approach for Southend) – non-pecuniary interest – Council appointed Governor at Southend Hospital;

Audit Committee – 21st September 2016

All minutes containing matters in relation to South Essex Homes – Member of South Essex Homes Board – Non-pecuniary interest.

- **Councillor Evans**

Development Control – 14th September 2016

Minute 243 – Application 16/01343/FULH: 6 Vardon Drive, Leigh on Sea – Non-pecuniary interest: Lives in the general area of the application site;

Development Control Committee – 5th October 2016

Minute 311 - (16/01343/FULH - 6 Vardon Drive, Leigh on Sea) – Non-pecuniary interest: Lives in the general area of the application site;

Minute 312 - (16/01418/FULH - 71 Marine Parade, Leigh on Sea) – Disqualifying non-pecuniary interest (withdrew);

- **Councillor Flewitt**

Development Control Committee – 14th September 2016

Minute 231 (16/00504) – Non-pecuniary interest – called it into Development Control Committee and knows the applicant;

Development Control Committee – 5th October 2016

Minute 308 (16/00504) – Non-pecuniary interest – called it into Development Control Committee and knows the applicant;

Minute 319 (16/01520/FULH) – Non-pecuniary interest – lives in the vicinity;

Policy & Resources Scrutiny Committee – 13th October 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 371 – In Depth Scrutiny Report – Non-pecuniary interest – previous Chairman of Policy & Resources Scrutiny Committee;

Place Scrutiny Committee – 10th October 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 Folkard**

Development Control Committee – 3rd August 2016

Minute 212 (16/00302/FUL) – 84 Queens Road, Southend on Sea – Non-pecuniary interest: The owner of a business in the vicinity is a fellow Councillor and is well known to him;

Minute 213 (15/00258/UCOU_B) – 49 Milton Road, Westcliff on Sea – Non-pecuniary interest: The owner of a nearby business is known to him;

- **Councillor D Garston**

Development Control Committee – 3rd August 2016

Minute 212 (16/00302/FUL) – 84 Queens Road, Southend on Sea – Non-pecuniary interest: The owner of a business in the vicinity is a fellow Councillor and is well known to him;

Development Control Committee – 14th September 2016

Minute 237 – Application 16/01160/FULH: 11 Leigh Park Road, Leigh on Sea – Disqualifying non-pecuniary interest: Consultant is well known to him (withdrew);

Development Control Committee – 5th October 2016

Minute 310 - (16/01160/FULH - 11 Leigh Park Road, Leigh on Sea) – Disqualifying non-pecuniary interest: Architect is very well known to him;

Minute 313 - (16/00075/UNAU_B - 115 Tattersall Gardens, Leigh on Sea) – Non-pecuniary interest: Applicant has approached him;

Minute 318 (16/01182/FUL - 181 West Road, Westcliff on Sea) – Non-pecuniary interest: Applicant has approached him;

Policy & Resources Scrutiny Committee – 13th October 2016

Minute 364 – Notice of Motion: Estate Agent Fees and Practices – Non-pecuniary interest – private landlord;

- **Councillor J Garston**

Development Control Committee – 3rd August 2016

Minute 212 (16/00302/FUL) – 84 Queens Road, Southend on Sea – Non-pecuniary interest: The owner of a business in the vicinity is a fellow Councillor and is well known to him;

Cabinet Committee – 19th September 2016

Minute 250: Objections to Traffic Regulation Orders – Various Locations – Non-pecuniary interest: Family lives in vicinity;

Minute 251: Member's Requests (Ref No. 16/10 Salisbury Road, Western Road area propose 1 hour restriction to prevent commuter parking – Non-pecuniary: Family lives in the vicinity;

Place Scrutiny Committee – 10th October 2016

Minute 329 - SCAAP – Non-pecuniary interest: Lives in the central area of the town;

Policy & Resources Scrutiny Committee – 13th October 2016

Minute 364 – Notice of Motion: Estate Agent Fees and Practices – Non-pecuniary interest – private landlord;

- **Councillor Gilbert**

Place Scrutiny Committee – 10th October 2016

Minute 329 – SCAAP – Non-pecuniary interest – place of employment within the SCAAP area;

- **Councillor Hadley**

Policy & Resources Scrutiny Committee – 13th October 2016

Minute 364 – Notice of Motion: Estate Agent Fees and Practices – Non-pecuniary interest – private landlord;

- **Councillor Holland**

Place Scrutiny Committee – 10th October 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;

Minute 328 - Interim Affordable Housing Policy – Non-pecuniary interest: Son has worked on this item;

Policy & Resources Scrutiny Committee – 13th October 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);

Cabinet – 20th September 2016

Minute 274 - Interim Affordable Housing Policy - Son had input into paper – Non-pecuniary interest;

- **Councillor Jarvis**

Place Scrutiny Committee – 10th October 2016

Minute 333 - Carriage and Wagon Shed Options – Non-pecuniary interest: Member of the Shoeburyness Coastal Communities Team;

- **Councillor Jones**

Development Control Committee – 14th September 2016

Minute 228 – Applications 16/01387/BC3 & 16/01287/LBC: Palace Theatre, 430 London Road – Non-pecuniary interests: Two friends live to the rear of the application of the property;

Minute 245 – Application 16/00075/UNAU_B: 115 Tattersall Gardens, Leigh on Sea – Non-pecuniary interest: Father's property is in vicinity of the application site;

People Scrutiny Committee – 11th October 2016

Minute 355 - organisation data supplement – non-pecuniary – member of parental engagement group of SHIP;

- **Councillor Kenyon**

Place Scrutiny Committee – 10th October 2016

Minute 335 (Members Requests List (Request Ref No. 16/08 - Propose waiting restrictions in Thorpe Hall Close to protect driveway) – Non-pecuniary interest: Within his ward;

- **Councillor Lamb**

Cabinet – 20th September 2016

Minute 278 - Joint Development Brief for land at Fossets Way – Hospital Governor-Non-pecuniary interest.

Place Scrutiny Committee – 10th October 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 – 11th October 2016

Minute 345 – Success Regime – Non-pecuniary interest – Governor at Southend Hospital;

Policy & Resources Scrutiny Committee – 13th October 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 338 - Skills Development – Non-pecuniary interest: Governor at the Southend Adult Community College;

- **Councillor McDonald**

Place Scrutiny Committee – 10th October 2016

Minute 336 - Petition Requesting Permit Parking Controls Southend East – Non-pecuniary interest: Partly within her ward;

- **Councillor Moyies**

Health & Wellbeing Board – 1st August 2016

Minute 200 (Localities Approach for Southend) – non-pecuniary interest – member of the task and finish group for Shoeburyness;

- **Councillor Mulroney**

Cabinet Committee – 19th September 2016

Minute 250: Objections to Traffic Regulation Orders – Various Locations – Non-pecuniary interest: Lives in the section of Southsea Avenue not affected by the proposal;

Licensing Sub Committee A – 25th July 2016

Minute 186 – La Petite Patenque Grant of Premises Licence – Non-pecuniary interest – sister lives within the vicinity of the premises but has had no dealings with the application;

Development Control Committee – 3rd August 2016

Minute 211 - 16/00744/FUL & 16/00745/LBC – Non-pecuniary interest – member of Leigh Town Council and Leigh Society who are consultees;

Development Control – 14th September 2016

Minute 230 (16/00954/FUL); Minute 233 (16/01136/FUL); Minute 234 (16/001126/FUL); Minute 236 (16/01237/FUL); Minute 237 (Minute 243 (16/01343/FUL); Minute 244 (16/01418/FUL) – Non-pecuniary interest – member of Leigh Town Council and Leigh Society who are consultees;

Cabinet Committee – 19th September 2016

Minute 250 (TRO Southsea Avenue, Leigh) – non-pecuniary interest – resident of Southsea Avenue but not affected by the TRO;

Development Control Committee – 5th October 2016

Minute 310 (16/0134/FULH), Minute 311 (16/01343/FULH), Minute 312 (16/01418/FULH), Minute 313 (16/00075/UNAU_B), Minute 317 (16/01136/FUL) – Non-pecuniary interest – member of Leigh Town Council and Leigh Society who are consultees;

- **Councillor Nevin**

People Scrutiny Committee – 11th October 2016

Minute 352 - Prevention Strategy – non-pecuniary interest – niece works for Public Health England;

Minute 345 - Success Regime and Minute 356 - Scrutiny update (Essex Community dental services) - non-pecuniary interest – NHS employee outside area; previous employee at Southend Hospital; NHS Employee at Barts who supply dentists in Southend Community dental services currently; 2 children work at MEHT and sister works for Basildon Hospital;

- **Councillor Norman**

Development Control Committee – 14th September 2016

Minute 234 – Application 16/01126/FUL: 50 Vernon Road, Leigh on Sea – Pecuniary interest: Lives opposite this application site (withdrew);

- **Councillor Phillips**

Council – 20th October 2016

Agenda Item 27 – Opposition Business: Adult Social Care – non-pecuniary interest – mother is in a Southend care home;

- **Councillor Salter**

Health & Wellbeing Board – 7th September 2016

Minute 219 (CQC Outcomes) and Minute 220 (Essex Success Regime Briefing) – Non-pecuniary interest - husband is Business Unit Director at Southend Hospital for surgical services including oral surgery – urology.

Cabinet – 20th September 2016

Minute 260 - Notice of Motion – Estate Agent Fees and Practices - Landlord in the borough - Non-pecuniary interest;

People Scrutiny Committee – 11th October 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 345 - Success Regime – 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 Van Looy**

Development Control Committee – 14th September 2016

Minute 237 – Application 16/01160/FULH: 11 Leigh Park Road, Leigh on Sea – Non-pecuniary interest: Owner of the property is known to him (This interest was declared during the course of the meeting after the matter had been dealt with);

- **Councillor Walker**

Development Control Committee – 14th September 2016

Minute 231 – Application 16/00504/FUL: 143 Green Lane, Eastwood, Leigh on Sea – Non-pecuniary interest: Attends Police Community meetings with the resident of 137 Green Lane;

Development Control Committee – 5th October 2016

Minute 308 – (16/00504/FUL: 143 Green Lane, Eastwood, Leigh on Sea) – Non-pecuniary interest: Knows a neighbour to the site;

- **Councillor Ward**

Development Control – 3rd August 2016

Minute 211 (6/00744/FUL and 16/00745/LBC) – Herschell House, 87 Leigh Hill, Leigh on Sea – Non-pecuniary interest: The applicant is known to him.

- **Councillor Wexham**

Development Control Committee – 14th September 2016

Minute 234 – Application 16/01126/FUL: 50 Vernon Road, Leigh on Sea – Disqualifying non-pecuniary interest: Friend objected to the application (withdrew);

Cabinet Committee – 19th September 2016

Minute 250: Objections to Traffic Regulation Orders – Various Locations – Non-pecuniary interest: Knows a resident in one of the roads.

Place Scrutiny Committee – 10th October 2016

Minute 333 - Carriage and Wagon Shed Options – Non-pecuniary interest: Member of the Leigh Coastal Communities Team;

People Scrutiny Committee – 11th October 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 Willis**

Place Scrutiny Committee – 10th October 2016

Minute 339 - In-depth scrutiny report - 20mph speed restrictions in residential streets) – Non-pecuniary interest: Member for Westborough Ward;

- **Councillor Woodley**

Place Scrutiny Committee – 10th October 2016

Minute 329 - SCAAP – Non-pecuniary interest: Member of BERA who have commented on the document;

Minute 330 - Air Quality Management Area – Non-pecuniary interest: Daughter is a pilot and flying instructor and uses Southend Airport.

384 Youth Mayor and Deputy Youth Mayor

The Worshipful the Mayor presented the chain of office to this year's Youth Mayor, Mr John Jenkins, and the Chain of Office to this year's Deputy Youth Mayor, Mr Edward Feddon.

385 Communications

(a) Lifesaving Employee Recognition

The Worshipful the Mayor presented Certificates of Recognition to Mr Dave Webb and Mrs Kerrie Blewitt for their prompt actions on 17th August 2016 which saved the life of a work colleague who was suffering a severe stroke.

The Worshipful the Mayor, on behalf of the Council, thanked Mr Webb and Mrs Blewitt for their actions.

(b) RSPCA Awards

The Worshipful the Mayor informed Members that two Council employees recently received national recognition for their work in promoting animal welfare in the borough.

Ms Val Howells, Animal Warden, won a Gold Award at the RSPCA Community Animal Welfare Footprint awards, in recognition of her work with stray dogs.

Ms Frances Banks, Enforcement Officer, collected a Bronze Animal Establishment Licensing Award which was the highest accolade attainable for a new entrant to the awards.

The Worshipful the Mayor, on behalf of the Council, congratulated the two officers on their awards.

386 Minutes of the meeting of Council held Thursday 21st July 2016

Resolved:-

That the Minutes of the Meeting held on 21st July 2016 be confirmed as a correct record and signed.

387 Questions from Members of the Public

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

388 Questions from Members of the Council

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

389 Petition - Residents Permit Parking: Rootshall Avenue

Councillor D Garston presented a petition on behalf of local residents requesting that Roots Hall Avenue was made a Residents Permit Parking area.

Resolved:

That, in accordance with Council Procedure Rule 15.5, the petition as it contains less than 25 signatures, be referred to the Corporate Director for Place, to respond.

390 Petition - Ashleigh Drive Pavements and Carraigeway

Councillor Arscott presented a petition on behalf of local residents requesting that the Council rectifies the abominable state of the pavements and carriageway in Ashleigh Drive.

Resolved:

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

391 Petition - Westcliff Parade - One Way Street

Councillor Ware-Lane presented a petition on behalf of local residents requesting that Westcliff Parade be made a one-way street.

Resolved:

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

392 Petition - Against Yellow Lines in Centurion Close

Councillor Assenheim presented a petition on behalf of local residents requesting that reconsideration be given to the double yellow parking restrictions recently installed in Centurion Close.

Resolved:

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

393 Minutes of the meeting of Licensing Sub Committee A held Monday 25th July 2016

Resolved:

That the minutes of this meeting be noted.

394 Minutes of the meeting of Appeals Committee B held Tuesday 26th July 2016

Resolved:

That the minutes of this meeting be noted.

395 Minutes of the meeting of Health & Wellbeing Board held Monday 1st August 2016

Resolved:

That the minutes of this meeting be noted.

396 Minutes of the Meeting of Development Control held Wednesday 3rd August 2016

Resolved:

That the minutes of this meeting be noted.

397 Minutes of the meeting of the Health & Wellbeing Board held Wednesday 7th September 2016

Resolved:

That the minutes of this meeting be noted.

398 Minutes of the meeting of Development Control Committee held Wednesday 14th September 2016

Resolved:

That the minutes of this meeting be noted.

399 Minutes of the meeting of Cabinet Committee held Monday 19th September 2016

Resolved:

That the minutes of this meeting be noted, subject to an amendment to Minute 251 (Members Request List), Resolution 9 with the following correction:

'9. That with regard to request reference 16/03, the Corporate Director for Place be authorised to advertise the necessary traffic regulation order to introduce limited waiting in Rayleigh Road, Eastwood between Eastwood High School and Brooklyn's Avenue to encourage parking turnover for local shops and businesses.'

400 Minutes of the meeting of Cabinet held Tuesday 20th September 2016

Resolved:

That the minutes of this meeting be noted.

(The recommendations in Minutes 262, 274, 275, 278 and 281 were adopted under the minutes of the relevant Scrutiny Committees).

401 Minutes of the meeting of Audit Committee held Wednesday 21st September 2016

Resolved:

That the minutes of this meeting be noted and the recommendation contained in Minute 295, be adopted.

402 Minutes of the meeting of Appeals Committee A held Monday 26th September 2016

Resolved:

That the minutes of this meeting be noted.

403 Minutes of the meeting of Development Control Committee held Wednesday 5th October 2016

Resolved:

That the minutes of this meeting be noted.

404 Minutes of the meeting of Place Scrutiny Committee held Monday 10th October 2016

During consideration of Minute 329 (SCAAP) a requisition for a named vote was made in accordance with Council Procedure Rule 12.1 to refer the matter back to Cabinet for further consideration. The voting was as follows:-

For reference back:-

Cllrs Assenheim, Ayling, Borton, Callaghan, Endersby, Gilbert, Jones, McDonald, Moyies, Mulroney, Nevin, Norman, Robinson, Stafford, Terry, Van Looy, Ward, Ware-Lane, Wexham and Willis (20)

Against reference back:-

Cllrs Arscott, Aylen, Bright, Boyd, Buckley, Burzotta, Butler, Byford, Courtenay, Cox, Davidson, Evans, Flewitt, Folkard, D Garston, J Garston, Habermel, Hadley, Holland, Jarvis, Lamb, McGlone, Moring, Phillips, Salter, Walker, Waterworth and Woodley (28)

Abstentions:

Cllr McMahon (1)

Absent:

Cllrs Davies and Kenyon (2)

Accordingly the motion to refer the matter back to Cabinet was lost.

*In accordance with Council Procedure Rule 40.2 the following Members had their names recorded against the adoption of the recommendations contained in Minute 329: Cllrs Assenheim, Ayling, Borton, Callaghan, Endersby, Gilbert, Jones, McDonald, Moyies, Mulroney, Nevin, Norman, Robinson, Stafford, Terry, Van Looy, Ward, Ware-Lane, Wexham and Willis

Resolved:

That the minutes of this meeting be noted and the recommendations contained in Minutes 328, 329 and 332, be adopted.

405 Minutes of the meeting of People Scrutiny Committee held Tuesday 11th October 2016

Resolved:

That the minutes of this meeting be noted.

406 Minutes of the meeting of Policy & Resources Scrutiny Committee held Thursday 13th October 2016

Resolved:

That the minutes of this meeting be noted and the recommendations contained in Minutes 366 and 369, be adopted.

407 Notice of Motion - Children in Calais

Resolved:

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

‘Unaccompanied Children in Calais

This Council recognises:

The government committed to helping unaccompanied children in the Calais camp, many of whom have family in the UK and, with school terms starting in days, now is the time to act.

Britain should be following Germany's lead of accepting more than one million refugees last year and distributing them across hundreds of cities and villages in the country.

This government's claims to be socially just can only be viewed as a failure of leadership while these minors suffer squalor, desperation and destitution.

This Council resolves:

- To write to the Secretary of State at the Home Office urging the government to urgently send officials to the Calais camp to process legitimate asylum claims that will allow unaccompanied children access to Britain and safety.'

Proposed: Cllr Cheryl Nevin

Seconded: Cllr Julian Ware-Lane

408 Opposition Business - Adult Social Care

The Worshipful the Mayor advised that under Council Procedure Rule 19, a minority group may request an item to be placed on the Council agenda for discussion and be treated as opposition business. The Independent Group had activated this Procedure and Adult Social Care issues in general were debated.

During the debate a requisition for a named voted was made in accordance with Council Procedure Rule 12.1 to request that the Cabinet proceeds with the original plans regarding Delaware, Priory and Viking which had previously been agreed by the Council. The voting was as follows:-

For:

Cllrs Assenheim, Aylen, Ayling, Borton, Callaghan, Endersby, Gilbert, Jones, McDonald, Moyies, Mulroney, Nevin, Robinson, Stafford, Terry, Van Looy, Willis and Woodley (18).

Against:

None

Abstentions:

Cllrs Arscott, Bright, Boyd, Buckley, Burzotta, Butler, Byford, Courtenay, Cox, Evans, Flewitt, Folkard, D Garston , J Garston, Habermel, Holland, Jarvis, Lamb, McGlone, Moring, Phillips, Salter, Waterworth and McMahon (24).

Absent for the vote:

Cllrs Davidson, Davies, Hadley, Kenyon, Norman, Walker, Ward, Ware-Lane, Wexham (9)

Accordingly it was:-

Resolved:

That the Cabinet be urged to proceed with the original plans for Delaware, Priory and Viking, which had previously been agreed by the Council.

409 Council Procedure Rule 1.7

Prior to consideration of Minute 345 (Success Regime and Sustainability Transformation Plans) of People Scrutiny Committee held 11th October 2016, the hour of 11.00pm having been reached, the Council:

Resolved:

That the remaining business on the agenda be proceeded with.

Chairman: _____

This page is intentionally left blank

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee A

Date: Tuesday, 18th October, 2016
Place: Committee Room 1 - Civic Suite

9

Present: Councillor R Hadley (Chairman)
Councillors N Folkard and G Phillips

In Attendance: P Tremayne, T Row, P Tremayne, M Newton and A Penn

Start/End Time: 10.00 am - 12.00 pm

379 Apologies for Absence

There were no apologies for absence.

380 Declarations of Interest

All the Members of the sub-committee declared a non-pecuniary interest in the application under consideration on the basis that both objectors were known to them as fellow Councillors.

381 Shell Sovereign, 96-118 Prince Avenue, Southend-on-Sea, SS2 6NN - Application for the Variation of Premises Licence

The sub-committee received a report of the Corporate Director for Place concerning an application made by Shell UK Oil Products Limited for the variation of a premises licence in respect of Shell Sovereign 96-118 Prince Avenue, Southend-on-Sea, Essex SS1 6PL.

The application was presented by Professor R Light (Applicant's Advocate). Mr M Chaudhry was in attendance at the meeting to support the application.

The sub-committee noted that no objections to the application had been received from any of the Responsible Authorities although conditions had been agreed with the Licensing Authority should the application be granted which addressed their concerns.

Representations had however, been received from two other persons, one of whom, namely Councillor Davidson, attended the hearing and gave evidence. The objectors' concerns primarily related to potential contravention of two of the licensing objectives, namely the prevention of public nuisance and public safety.

The sub-committee considered all the evidence and submissions that had been made at the meeting and the written documentation that had been presented prior to the hearing. The sub-committee also had regard to the National Guidelines and the Borough Council's Statement of Licensing Policy and 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, as they related to this application.

On the basis of the evidence presented to it, the sub-committee considered that the licensing objectives and the objectors' concerns would be adequately addressed by the conditions imposed on the licence. The sub-committee therefore:

Resolved:

That the application be granted subject to:

(i) The mandatory conditions set out in Appendix 1 to the report of the Corporate Director for Place;

(ii) The proposed amended/revised conditions (following consultation with the Licensing Authority) set out in Appendix 2 to the report of the Corporate Director for Place;

(iii) The following additional condition:

- Signage shall be placed in a prominent position adjacent to the serving hatch outside requesting that patrons leave quietly.

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee B

Date: Friday, 14th October, 2016
Place: Committee Room 1 - Civic Suite

10

Present: Councillor R Hadley (Chairman)
Councillors D McGlone (Vice-Chair) and D Jarvis

In Attendance: Councillor Mulroney
Mr R Harris, Mr P Tremayne and Mr M Newton and Mr R Layzell

Start/End Time: 9.30 am - 1.30 pm

376 Apologies for Absence

There were no apologies for absence at this meeting.

377 Declarations of Interest

There were no declarations of interest at this meeting.

378 The Vine 149 Leigh Road, Leigh-on-Sea, SS9 1JF - Application for the Variation of Premises Licence

The Sub Committee received a report by the Corporate Director for Place regarding an application by Mr Andreas Artemi for the grant of a variation of a Premises Licence in respect of The Vine, 149 Leigh Road, Leigh-on-Sea, Essex, SS9 1JF.

The application was presented by Mr P West, the Applicant's Licensing Consultant. The Applicant, Mr A Artemi, also attended the meeting. At the outset Mr West challenged the admission of a number of the representations which had been made in so far as they related to the planning application for these premises.

The Sub Committee, after due consideration, decided that the representations should be admitted to the extent that they related to the licensing objectives and were submitted to the Licensing Authority. The Committee was also mindful of clause 9.9 of the Guidance where borderline cases the benefit of doubt about any aspect of a representation should be given to the person making that representation.

The applicant offered an additional condition that the external refuse and bottle bins would not be emptied between the hours of 22.00 to 07.00.

The Sub-Committee noted that no objections to the application had been received from any of the Responsible Authorities. However, a number of revised conditions have been proposed in consultation with Essex Police and the Licensing Authority, attached at Appendix 2 to the report of the Corporate Director for Place.

Objections had however, been received from 9 residents. 2 of the objectors attending the hearing and made their representations. The objections generally related to two of the licensing objectives, namely the prevention of public nuisance and the prevention of crime and disorder.

The Sub Committee considered all the evidence and submissions that had been made at the meeting and the written documentation that had been presented prior to the meeting. The Sub Committee also had regard to the National Guidelines and the Borough Council's Statement of Licensing Policy and 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, as they related to this application.

After consideration of the objections and on the basis of the evidence presented to them, the sub-committee did not consider the promotion of the licensing objectives would be undermined by the granting of this application.

The Sub Committee therefore:

Resolved:

That the application be granted subject to:

1. The mandatory conditions set out in Appendix 1 to the report of the Corporate Director for Place;

2. The revised conditions set out in Appendix 2 to the report of the Corporate Director for Place, subject to the following amendment to Condition 15 to read:

'A notice shall be prominently displayed advising departing customers to leave the premises quietly and to close their car doors quietly.'

3. The following additional conditions:

(a) The premises licence holder shall ensure that no external bottle and refuse bins will be emptied between the hours of 21.00 to 09.00 hours daily;

(b) Seating for a minimum of 50 persons to be set out in the ground floor 'bar' area at all times;

(c) The tables and chairs to be removed from the external area by 22.30 hours daily until the commencement of licensing hours the following day;

(d) All amplified music shall be played through a sound limiting device set at a level so as not to cause disturbance to nearby residents, the level to be determined by an acoustic consultant or suitably qualified sound engineer in consultation with the Council's Environmental Protection Team.

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee B

Date: Tuesday, 25th October, 2016
Place: Committee Room 1 - Civic Suite

11

Present: Councillor R Hadley (Chairman)
Councillors D McGlone (Vice-Chair) and H McDonald

In Attendance: A Smith (External Legal Advisor), T Row and A Penn

Start/End Time: 10.05 - 11.05 am

410 Apologies for Absence

There were no apologies for absence.

411 Declarations of Interest

No interests were declared at the meeting.

412 African Taste, 420 London Road, Westcliff-on-Sea, Essex, SS0 9LA - Application for the Grant of Premises Licence

The sub-committee received a report of the Corporate Director for Place concerning an application by African Taste Restaurant Limited for the grant of a premises licence in respect of African Taste, 420 London Road, Westcliff on-Sea, SS0 9LA.

The application was presented by Mr P West (Licensing Consultant). The applicant was not in attendance at the meeting.

The sub-committee noted that no objections to the application had been received from any of the Responsible Authorities, although conditions had been agreed with Essex Police should the application be granted which addressed their concerns.

Representations had however, been received from a local resident, namely Ms Taylor. The objector did not attend the hearing.

The objector's concerns primarily related to potential contravention of the licensing objective - the prevention of public nuisance.

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 considered that the licensing objectives and the objector's concerns would be adequately addressed by the conditions imposed on the licence. The sub-committee therefore:

Resolved:

That the application be granted subject to:

(i) The mandatory conditions set out in Appendix 1 to the report of the Corporate Director for Place;

(ii) The conditions drawn from the operating schedule set out in Appendix 2 to the report of the Corporate Director for Place;

(iii) The conditions agreed between Essex Police and the applicant set out in Appendix 3 to the report of the Corporate Director for Place;

(iv) The following additional conditions:

- External bottle bins and external rubbish bins shall not be used or emptied between 21:00 hrs to 09:00 hrs the following day.
- The smoking area shall be located on the forecourt in Valkyrie Road only.
- A public notice, visible from the highway, shall be displayed giving the telephone number of a responsible person on the premises who shall be available should a member of the public wish to discuss any matter relating to the premises.

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Appointments and Disciplinary Committee

Date: Tuesday, 25th October, 2016
Place: Executive Boardroom - Civic Suite

12

Present: Councillor Lamb (Chair)
Councillors Holland (Vice-Chair), Folkard, Gilbert, Salter, Ware-Lane and *Woodley

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: R Tinlin, A Lewis and J Ruffle

Start/End Time: 9.30am/2.30pm

413 Apologies for Absence

Apologies for absence were received from Councillor Assenheim (substitute: Cllr Woodley).

414 Declarations of Interest

There were no declarations of interest at this meeting.

415 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.

416 Interviews for the post of Director of Regeneration and Business Development

The Committee interviewed short-listed candidates for the post of Director of Regeneration and Business Development.

Resolved:

1. That, subject to the provisions of the Local Authorities Standing Orders (England) Regulations 2001 as incorporated in paragraph 5 of the Council's Officer Employment Procedure Rules, the post of Director of Regeneration and Business Development be offered to Emma Cooney.

2. That the Chief Executive & Town Clerk be authorised to offer the post outlined in 1 above to the candidate upon confirmation by the Leader that neither he nor any Member of the Cabinet has any objection to the making of such an offer.

Chairman: _____

This page is intentionally left blank

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet Committee

Date: Thursday, 3rd November, 2016
Place: Committee Room 1 - Civic Suite

13

Present: Councillor T Cox (Chair)
Councillors T Byford (Vice-Chair) and L Salter*
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors M Assenheim, S Aylen, B Ayling, M Borton, T Callaghan, J Garston, C Mulroney and J Ware-Lane
P Geraghty, Z Ali, C Hindle-Terry and T Row

Start/End Time: 6.00 - 7.40 pm

417 Apologies for Absence

Apologies for absence were received from Councillor Flewitt (Substitute: Councillor Salter).

418 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Ayling – Agenda Item No. 4 (Objections to Traffic Regulation Orders – Station Avenue) – Non-pecuniary interest: Has spoken with residents in East Street;

(b) Councillor Ayling – Agenda Item No. 5 (North Avenue, South Avenue and Central Avenue) – Non-pecuniary interest: Has spoken with residents in the roads.

419 Minutes of the Meeting held on Monday, 19th September 2016

Resolved:

That, subject to the following amendment to Resolution 9 of Minute 251 (Members Request List), the Minutes of the meeting held on Monday 19th September 2016 be received, confirmed as a correct record and signed:

‘9. That with regard to request reference 16/03, the Corporate Director for Place be authorised to advertise the necessary traffic regulation order to introduce limited waiting in Rayleigh Road, Eastwood between Eastwood High School and Brooklyn’s Avenue to encourage parking turnover for local shops and businesses.’

420 Objections to Traffic Regulation Orders – Various Locations

The Cabinet Committee received a report of the Deputy Chief Executive (Place) that appraised Members of the representations that had been received in response to the statutory consultation for proposed Traffic Regulation Orders in

respect of various proposals within the Borough. The report also sought the Cabinet Committee's approval on the way forward, after having considered the views of the Traffic & Parking Working Party the Traffic & Parking Working Party following consideration of all the representations that had been received in writing and at the meeting.

The Cabinet Committee was informed that, in accordance with Minute 39 of its meeting held on 16th June 2016 and Minute 703 of its meeting held on 10th March 2016 respectively, the traffic regulation orders for the introduction of a residents' permit parking places scheme in Greenways and the extension of the Cliffs Area residents' permit parking place scheme to include Westcliff Avenue had been confirmed as advertised, on the basis that no objections had been received in response to the statutory advertisement.

The Cabinet Committee noted the recommendation of the Traffic & Parking Working Party regarding the proposed introduction of a permit parking scheme and waiting restrictions in Station Avenue to proceed as advertised. It also noted that the postal address of Priory Mews was registered in Station Avenue and that the property provided one off-street parking space per apartment with no availability for visitor parking or to accommodate additional vehicles. The Cabinet Committee therefore concluded that, on the basis that there was currently no policy in place to exclude existing premises from purchasing resident permits or visitor vouchers where off-street parking was available to them, it could not justify the Working Party's recommendation. Consideration should be given to consulting the residents of Priory Mews on its inclusion in the proposed scheme and their eligibility to purchase permits. Re-advertisement would also enable the residents of East Street to be consulted to ensure that the scheme addressed all the parking issues in the area.

Resolved:

1. That the report be noted.
2. That the recommendation of the Traffic & Parking Working Party regarding the introduction of a permit parking scheme and waiting restrictions in Station Avenue be noted but not progressed and the Deputy Chief Executive (Place) be authorised to advertise the necessary traffic regulation order for the introduction of a permit parking scheme and waiting restrictions in Station Avenue to include the residents of Priory Mews and East Street.
3. That the traffic regulation order for the extension of the existing junction protection waiting restrictions in Belfairs Park Drive not be confirmed and the officers be requested to review the parking restrictions and prepare proposals to address the problem of inconsiderate parking in the area for consideration at the next meeting of the Traffic & Parking Working Party and Cabinet Committee.
4. That the Deputy Chief Executive (Place) be authorised to confirm the traffic regulation order for the provision of a loading bay in Western Esplanade as advertised.

Reason for Decision

The proposals aim to improve the operation of the existing parking controls to contribute to highway safety and to reduce congestion.

Other Options

Do nothing - highway safety could be compromised and congestion could increase.

Note:- This is an Executive Function

Eligible for call-in to Place Scrutiny Committee:

Executive Councillor: Councillor Cox

421 North Avenue, South Avenue and Central Avenue

Pursuant to Minute 514 of its meeting held on 4th January 2016, the Cabinet Committee received a report of the Deputy Chief Executive (Place) concerning the outcome of the investigation into the possible amendment of traffic priorities in North Avenue, South Avenue and Central Avenue, Southend on Sea. Having considered the views of the Traffic & Parking Working Party it was:

Resolved:

1. That no further action be taken in respect of the amendment to traffic flows in North Avenue, South Avenue and Central Avenue.
2. That the Deputy Chief Executive (Place) be requested to investigate the possible installation of mobile flashing speed limit signs in these roads to reduce traffic speeds.
3. That a briefing by the Safer Essex Roads Partnership and Community Speed Watch be arranged to which all Members of the Council be invited.

Reason for Decision

To ensure the safe flow of traffic and aim to reduce traffic speeds.

Other Options

Amend the traffic priority of the roads as requested - Traffic schemes are generally considered where the scheme will provide a benefit to road users by reducing speeds or accidents. Where no benefit is likely to be gained, no further action is considered.

Note:- This is an Executive Function

Eligible for call-in to Place Scrutiny Committee:

Executive Councillor: Councillor Cox

422 Petition Requesting Zebra Crossing Station Road, Thorpe Bay

The Cabinet Committee received a report of the Deputy Chief Executive (Place) which appraised Members of the receipt of a petition signed by 95 residents of Station Road requesting the provision of a pedestrian crossing facility in the road. Having considered the views of the Traffic & Parking Working Party it was:-

Resolved:

1. That the petition be noted and the residents be thanked for taking the time to compile the petition.

2. That the location be assessed and, in the event the request meets the agreed criteria, the Deputy Chief Executive (Place) be authorised to publish the relevant statutory notices/traffic regulation order to provide a pedestrian crossing facility and, subject to there being no objections received, to confirm the order. In the event the request does not meet the agreed criteria, no further action be taken.

3. That any unresolved objections to an advertised proposal be referred back to the Traffic & Parking Working Party and Cabinet Committee for consideration.

Reason for Decision

To reflect the request from residents and in accordance with the agreed protocol.

Other Options

The recommendation is in accordance with the protocol agreed by Members of the Traffic & Parking Working Party in January 2016

Note:- This is an Executive Function

Eligible for call-in to Place Scrutiny Committee:

Executive Councillor: Councillor Cox

423 Requests for New or Amended Traffic Regulation Orders

The Cabinet Committee received a report of the Deputy Chief Executive (Place) that sought Members' approval to authorise the advertisement of the amendments and/or new waiting restrictions at the locations indicated in Appendix 1 to the report, in accordance with the statutory processes and, subject to there being no objections received following statutory advertisement, to arrange for the relevant orders to be sealed and implement the proposals.

The Cabinet Committee was informed that the request by the Roslin Hotel related to the waiting restrictions in Walton Road and Clieveden Road, not Lynton Road. This request related to the removal of the seasonal waiting restrictions at these locations and was identical to the previously advertised traffic regulation order earlier in the year, the objections to which had not been considered.

Having considered the views of the Traffic & Parking Working Party it was:-

Resolved:

1. That, in respect of the request by the Roslin Hotel, the previously advertised traffic order in respect of the amendment of the waiting restrictions at this location, namely The Southend-on-Sea Borough Council ((Various Roads) (Consolidation of Waiting Restrictions) Order 2006) (as amended) (Amendment No. 2) Order 2016, be considered at the next meeting of the Traffic & Parking Working Party and Cabinet Committee together with objections received in response to the statutory notice.

2. That the request by Ward Member to amend the traffic flow in Cliffsea Grove to southbound only be approved and that the Deputy Chief Executive (Place) be authorised to advertise the necessary traffic regulation orders as appropriate and, subject to there being no objections received following statutory advertisement, to arrange for the orders to be sealed and the proposals implemented.

Reason for Decision

Where recommended the objective is to mitigate for likelihood of traffic flows being impeded, to improve safety or increase parking availability.

Other Options

Each request needs to be considered on its individual merits and their impact on public safety, traffic flows or parking and wider impact on the surrounding network. Members may consider taking no further action if they feel it is appropriate

Note:- This is an Executive Function

Eligible for call-in to Place Scrutiny Committee:

Executive Councillor: Councillor Cox

Chairman: _____

This page is intentionally left blank

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 8th November, 2016
Place: Committee Room 1 - Civic Suite

14

Present: Councillor J Lamb (Chair)
Councillors A Holland (Vice-Chair), A Moring, M Flewitt, T Cox,
J Courtenay and T Byford

In Attendance: Councillors C Mulroney and M Butler
R Tinlin, J Williams, J Chesterton, J Ruffle, A Lewis, A Atherton, C
Gamble, T, Row, D Patel, F Abbott, S Houlden, J O'Loughlin and
A Keating

Start/End Time: 2.00 - 3.40 pm

434 Apologies for Absence

Apologies for absence were received from Councillor Salter.

435 Declarations of Interest

There were no declarations of interest.

436 Minutes of the Meeting held on 20th September 2016

Resolved:-

That the Minutes of the Meeting held on Tuesday, 20th September 2016 be confirmed as a correct record and signed.

437 Pre-Cabinet Scrutiny Item

The Local Account of Adult Social Care Services had previously been subject to pre-Cabinet Scrutiny (Minute 450 refers).

438 Notice of Motion - Unaccompanied Children in Calais

At the meeting of Council held on 20th October 2016, Members received a notice of motion requesting the Council to write to the Secretary of State at the Home Office urging the government to urgently send officials to the Calais camp to process legitimate asylum claims that will allow unaccompanied children access to Britain and safety. The motion was proposed by Councillor Nevin and seconded by Councillor Ware-Lane (this had been referred to Cabinet in accordance with Standing Order 8.4).

Resolved:-

1. That the actions of the Government in respect of the unaccompanied refugee Children be noted and that senior officers from this Council are working

across the region with the Home Office and the Department for Education to offer a proportionate level of support.

2. That it be noted that in recognition of the need to ensure this support is given when it is most needed, officers, in consultation with the Executive Councillor for Children and Learning/the Leader of the Council, will take action as is necessary for this Council to help the unaccompanied refugee children whilst ensuring it obtains the best financial support possible from the Government to mitigate the impact on the Council's finances.

3. That a report be prepared for submission to the next meeting of the People Scrutiny Committee on progress.

Reason for Decision

To respond to the Notice of Motion

Note:-This is an Executive function
This item is eligible for call in to People Scrutiny Committee
Executive Councillor:- Courtenay

439 Monthly Performance Report

Resolved:-

That the submitted report be noted.

Note:- This is an Executive function
Referred direct to all three Scrutiny Committees
Executive Councillor:- As appropriate to the item
***Referred direct by Cabinet to all three Scrutiny Committees**

440 In-depth Scrutiny report - 'Control of personal debt and the advantages of employment'

The Cabinet considered a report of the Chief Executive presenting the final report of the in-depth scrutiny project 'Control of personal debt and the advantages of employment'.

Resolved:-

That the report and outcomes from the review from the in depth scrutiny project, attached at Appendix 1 to the submitted report, be approved.

Reason for Decision

To raise awareness about the issue of personal debt.

Other Options

None

Note:-This is an Executive function
This item is eligible for call in to Policy and Resources Scrutiny Committee
Executive Councillor:- Moring
***Called-in to Policy & Resources Scrutiny Committee**

441 In-depth Scrutiny report - 20mph speed restrictions in residential streets

The Cabinet considered a report of the Chief Executive presenting the in-depth scrutiny project – '20mph Speed Restrictions in Residential Streets'.

On consideration of the report, it was noted that the proposals were consistent with the existing practice with regard to the introduction of 20mph speed restriction schemes in the Borough.

Resolved:-

That the report be received and noted.

Reason for Decision

To receive the scrutiny project report.

Other Options

None

Note:-This is an Executive function
This item is eligible for call in to Place Scrutiny Committee
Executive Councillor:- Cox
***Called-in to Place Scrutiny Committee**

442 Capital Redevelopment of Delaware, Priory and Viking - Reference back from People Scrutiny Committee 11th October 2016

The Cabinet considered a report of the Deputy Chief Executive (People) which had been prepared in response to the decision of People Scrutiny Committee on 11th October 2016, to refer back Minute 285 (Capital redevelopment of Priory, Delaware and Viking) for further consideration, and the decision of Council on 20th October to urge Cabinet to proceed with the original plans previously agreed by the Council.

Resolved:-

1. That the Cabinet decision of 20th September 2016 be reaffirmed, namely:
2. That it be noted that the Strategic Outline Case (SOC), set out at Appendix 1 to the submitted report, has found that the preferred option is the re-development of the Viking Learning Disability Day Centre and the New Build of a 60 bed dual registered dementia care home, on a single site (Priory).

3. That the preferred option(s) identified above should be subjected to a fully costed Outline Business Case (OBC) to be presented to Cabinet in February 2017.

4. That it be noted that the Scheme will be financed by the Council and the Local Authority Trading Company, Southend Care, will operate any new facility under a long term commercial lease from the Council.

Reason for Decision

To respond to the decision of People Scrutiny Committee (11th October 2016) and Council (20th October 2016).

Other Options

None

Note:-This is an Executive function

Not eligible for call-in as the matter has already been the subject of the call-in procedure.

Executive Councillor:- Salter

443 Capital Monitoring for 2016/17 and Revised Capital Programme 2016/17 to 2019/20

The Cabinet considered a report of the Chief Executive setting out the capital expenditure as at 30 September 2016 and recommending in-year amendments to the approved Capital Programme for 2016/17 to 2019/20.

Recommended:-

1. That the actual capital expenditure position as at 30 September 2016 of £22.014 million as shown in Section 4 and Appendix 1 of the submitted report, be noted.
2. That the financing position of the Capital programme as at 30 September 2016, as set out in Section 5 of the report, be noted.
3. That the proposed changes to the Capital Programme as set out in Appendix 6 to the report, be approved.
4. That the revised Capital Programme for 2016/17 to 2019/20 that results from these changes, as set out in Appendix 7 to the report, be approved.

Reason for Decision

To approve proposed changes to the Capital Programme since the last Cabinet meeting on 28 June 2016.

Other Options

The proposed Capital Programme is made up from a number of individual projects, any of which can be agreed or rejected independently of the other projects.

Note:-This is a Council function

This item is eligible for call in to Policy and Resources Scrutiny Committee

Executive Councillor:- Moring

444 Mid-Year Treasury Management Report - 2016/17

The Cabinet considered a report of the Chief Executive detailing the treasury management activity for both quarter two and the period from April to September 2016.

Recommended:-

1. That the Mid-Year Treasury Management Report for 2016/17, be approved.
2. That the revisions to the Treasury Management Policy for 2016/17, as set out in Section 13 and in Appendix 3 to the submitted report, be approved.
3. That it be noted that treasury management activities were carried out in accordance with the CIPFA (The Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management in the Public Sector during the period from April to September 2016.
4. That it be noted that the loan and investment portfolios were actively managed to minimise cost and maximise interest earned, whilst maintaining a low level of risk.
5. That it be noted that an average of £49.9m of investments were managed in-house. These earned £0.15m of interest during this six month period at an average rate of 0.62%. This is 0.34% over the average 7 day LIBID (London Interbank Bid Rate) and 0.20% over the average bank base rate.
6. That it be noted that an average of £19.7m of investments were managed by our former external fund manager. These earned £0.14m of interest during this six month period at an average rate of 1.37%. This is 1.09% over the average 7 day LIBID and 0.95% over the average bank base rate.
7. That it be noted that during September 2016 £22.7m was recalled from the Council's former external fund manager and £15m was invested equally across two short dated bond funds and £5m was invested into an enhanced cash fund.
8. That it be noted that an average of £14.5m was managed by two property fund managers. This reduced in value by £79k during this six month period from a combination of a decrease in the value of the units partially offset by income distribution, giving a combined return of -1.09%.
9. That it be noted 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) remained at the same level of £227.8m (Housing

Revenue Account (HRA): £77.0m, General Fund: £150.8m) during the period from April to September 2016.

10. That it be noted that the level of financing for 'invest to save' schemes increased from £3.21m to £5.94m during the period from April to September 2016.

Reason for Decision

The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2016/17 set out that reports would be submitted to Cabinet quarterly on the activities of the treasury management operation.

Other Options

There are many options available for the operation of the Treasury Management function, with varying degrees of risk associated with them. The Treasury Management Policy aims to effectively control risk to within a prudent level, whilst providing optimum performance consistent with that level of risk.

Note:-This is a Council function

This item is eligible for call in to Policy and Resources Scrutiny Committee

Executive Councillor:- Moring

445 Office of Surveillance Commissioners - Inspection Report

The Cabinet considered a report of the Chief Executive on the result of a recent inspection carried out by the Office of Surveillance Commissioners (OSC) of the arrangements made by the Council to ensure compliance with the statutory provisions which govern the use of covert surveillance, particularly the Regulation of Investigatory Powers Act 2000.

Resolved:-

1. That the report of the Assistant Surveillance Commissioner dated 8th August 2016, attached at Appendix 1 to the submitted report, be noted.

2. That it be noted that the recommendations in the report will be implemented.

3. That the amendments to the Council's "Policy and Procedures for undertaking Directed Covert Surveillance and the use of Covert Human Intelligence Sources" as recommended by the Assistant Surveillance Commissioner and highlighted in Appendix 2 to the report, be approved.

Reason for Decision

To respond to the recommendations of the OSC inspection.

Other Options

None

Note:-This is an Executive function
This item is eligible for call in to Policy and Resources Scrutiny Committee
Executive Councillor:- Moring

446 Local Code of Governance: Review

The Cabinet considered a report of the Chief Executive presenting the Council's revised Local Code of Governance.

Recommended:-

1. That the revised Local Code of Governance, set out at Appendix 1 to the submitted report, be approved.
2. That the Council's Constitution be updated with the revised Local Code of Governance.

Reason for Decision

To comply with the relevant statutory requirements.

Other Options

Not adopting a revised code that incorporates or reflects the CIPFA/Solace Good Governance Framework for local government would mean the Council's governance framework was not as robust as it could be, leaving the Council more vulnerable to poor management practice and possible legal challenge.

Note:-This is a Council function
This item is eligible for call in to Policy and Resources Scrutiny Committee
Executive Councillor:- Lamb

447 Procurement of Remote Processing for Housing Benefits

The Cabinet considered a report of the Chief Executive proposing the use of a tender process for the appointment of a third party provider to provide assistance during the transition to universal credit for a 3 year period (with an option to extend for a further year).

Resolved:-

That a tender process be used for the appointment of a provider of third party remote processing to support the Housing Benefit Team during the transition to Universal Credit.

Reason for Decision

To assist the service in ensuring a maximum subsidy claim each year in the most reliable and cost effective manner. It will allow a reduction in resource year on year, in line with Universal Credit roll out, through the life of the contract.

Other Options

1. Recruit staff on temporary contracts. It would be difficult to recruit trained staff and it takes up to a year to train a new starter.
2. Try and cover the work using overtime. This will not be sufficient and will lead to significant delays in processing which will result in subsidy qualifications and increased overpayments.
3. Recruit specialist agency staff direct. This would be more expensive than the recommended option and does not deliver the flexibility required.

Note:-This is an Executive function

This item is eligible for call in to Policy and Resources Scrutiny Committee

Executive Councillor:- Moring

***Called-in to Policy & Resources Scrutiny Committee**

448 Financial Pressures Facing the HRA

The Cabinet considered a report of the Deputy Chief Executive (People) updating Members on various financial pressures facing the Housing Revenue Account (HRA) as a result of recent changes in Government policy.

Resolved:-

That the submitted report be noted.

Reason for Decision

To inform Members of the financial pressures facing the HRA account.

Other Options

None

Note:-This is an Executive function

This item is eligible for call in to Policy and Resources Scrutiny Committee

Executive Councillor:- Flewitt

***Called-in to Policy & Resources Scrutiny Committee**

449 Success for All Children Annual Report

The Cabinet considered a report of the Deputy Chief Executive (People) presenting a draft of the Success for All Children Group's Annual Report April 2015 – March 2016.

Resolved:-

That the submitted report be noted.

Reason for Decision

To inform Members of the progress made in delivering the overarching objectives for children's services.

Other Options

None

Note:-This is an Executive function

This item is eligible for call in to People Scrutiny Committee

Executive Councillor:- Courtenay

***Called-in to People Scrutiny Committee**

450 A Local Account of Adult Social Care Services in Southend 2015-16

The Cabinet considered a report of the Deputy Chief Executive (People) presenting the draft Local Account of Adult Social Care services in 2015-16, including priorities and plans for 2016-17.

Resolved:-

That the draft Local Account be noted as the Council's self-assessment for these services.

Reason for Decision

The publication of the Local Account of adult social care services for 2015-16 ensures the continuity of information for the public about the performance of this service.

Other Options

None

Note:-This is an Executive function

This item is eligible for call in to People Scrutiny Committee

Executive Councillor:- Salter

This item had previously been the subject of Pre-Cabinet scrutiny.

***Called-in to People Scrutiny Committee**

451 Sheltered Housing Review

The Cabinet considered a report of the Deputy Chief Executive (People) on the outcome of the review of housing need of older people in the Borough which had been undertaken by Peter Fletcher Associates (PFA).

Resolved:-

1. That the contents of the submitted report and the accompanying PFA Report, be noted.

2. That a series of workshops and working groups be convened for the purpose of exploring in detail the main themes of the report, namely:

- Physical structure of the schemes – including accessibility within Schemes and the size of individual accommodation units.
- Community & Locality – location of Schemes in relation to local facilities (i.e. accessibility to local amenities and transport links) and encouraging community access to Scheme facilities as part of a wider Locality approach to services.
- Meeting Housing, Care and Support needs of older people – how Schemes enable tenants to stay in their homes as they become frailer, developing a criteria for sheltered housing based on need, and developing use of Telecare, Telehealth, and assistive technology options.

3. That the workshops and working groups be convened and facilitated by officers from the strategic housing service, South Essex Homes, and adult social care services, and be supported and attended by elected Members as key stakeholders and decision makers.

4. That the outcome of these workshops and working groups be presented as a follow up Cabinet report in the spring of 2017 with recommended options for developing a model of sheltered housing provision in order to meet the housing need of older people in Southend.

Reason for Decision

The provision of good quality housing for older people is an important issue that is crucial to the successful delivery of the Council's strategic objectives in relation to health and wellbeing, safety, prosperity, and value for money.

Other Options

None

Note:-This is an Executive function

This item is eligible for call in to People Scrutiny Committee and Policy and Resources Scrutiny Committee

Executive Councillor:- Flewitt and Salter

***Called-in to People Scrutiny Committee and Policy & Resources Scrutiny Committee**

452 Gambling Policy Review

The Cabinet considered a report of the Deputy Chief Executive (Place) setting out the draft revised statement of Gambling Licensing Policy as the basis for formal consultation.

Resolved:-

That the draft revised Policy document be endorsed for the purposes of consultation.

Reason for Decision

To comply with the Council's statutory duty under Section 349 of The Gambling Act 2005

Other Options

None.

Note:-This is an Executive function

This item is eligible for call in to Place Scrutiny Committee

Executive Councillor:- Flewitt

***Called-in to Place Scrutiny Committee**

453 PVX Policy

The Cabinet considered a report of the Deputy Chief Executive (Place) proposing amendments to the existing Permanent Vehicular Crossing (PVX) Policy in light of the outcome of the review.

Resolved:-

1. That the issues identified in Section 5 of the submitted report relating to the PVX Policy, process and procedures, be noted.
2. That the amendments to the PVX Policy set out in paragraphs 5.2(a)-(d) of the report, be approved.
3. That the matters that are not considered to amount to exceptional circumstances, set out in paragraph 5.5 of the report, be approved.
4. That the approach to refusing applications set out in paragraph 5.6 of the report, be approved.
5. That the approach to exceptional circumstances set out in paragraph 5.8 of the report, be approved (acknowledging that each application is different and each exceptional circumstances case will be considered on its own merits).
6. That the recommendations in Paragraph 5.9 of the report be approved (i.e. no changes to remaining policy or criteria).
7. That the approach to fees set out in paragraph 5.11 of the report, be approved.

Recommended:-

8. That the exceptional circumstances PVX applications be included as part of the terms of reference of both the Traffic and Parking Working Party and Cabinet Committee, so as not to preclude the democratic process, with the Cabinet Committee having full delegated powers to determine the applications and that the call-in process shall not apply to the decisions of the Committee to ensure that the applications are dealt with in a timely manner.

9. That, accordingly, the following amendments be made to the Constitution:

(a) Part 3 Schedule 2 – Terms of Reference of Traffic and Parking Working Party. Add the following to the terms of reference of the working party under paragraph 3.6.3: (c) To consider exceptional circumstances PVX applications and make appropriate recommendations to the Cabinet Committee.

(b) Part 3 Schedule 2 – Terms of Reference of Cabinet Committee. Add the following at the end of the terms of reference to the Cabinet Committee under paragraph 2 (b): The Cabinet Committee will consider the recommendations from the Traffic and Parking Working Party in respect of exceptional circumstances PVX applications and determine such applications. The decisions will not be available for call-in.

(c) Part 4(e) – Call-in. Add the following to the list of exceptions to the call-in process under paragraph 15(e): (iv) in respect of exceptional circumstances PVX applications determined by the Cabinet Committee.

Reason for Decision

The changes proposed are in response to feedback from Members and customers.

Other Options

To continue with the system that currently exists.

Note:-The decisions in 1-7 above constitute an Executive function. The decisions in 8 and 9 above constitute a Council function.

This item is eligible for call in to Place Scrutiny Committee

Executive Councillor:- Cox

***Called-in to Place Scrutiny Committee**

454 Celebrating 125 years of the Borough of Southend-on-Sea

The Cabinet considered a report of the Deputy Chief Executive (Place) proposing a programme of events in 2017 celebrating both the 125th anniversary of the Borough Charter for Southend-on-Sea and the centenary of Priory Park.

Recommended:-

1. That the proposed series of celebrations to mark the 125th anniversary of the signing of the Borough Charter and the centenary of Priory Park, be approved.

2. That the nationally significant award of Poppies: Wave exhibition to Shoeburyness which will form part of the year's celebrations, be noted.

3. That one-off financial support of the collective activity up to £580k and funded from the Business Transformation Reserve across 2016/17 and 2017/18, be approved.

Reason for Decision

To mark the anniversary and for the occasion to be used as an opportunity for community cohesion and for the residents of the Borough to be aware of their own local history and create a sense of Civic Pride.

Other Options

As set out in the submitted report.

Note:-This is a Council function

This item is eligible for call in to Place Scrutiny Committee

Executive Councillor:- Holland

***Called-in to Place Scrutiny Committee**

455 Minutes of the London Southend Airport Monitoring Working Party held 20th September 2016

Resolved:-

That the Minutes of the meeting of the London Southend Airport Monitoring Working Party held on 20th September 2016 be noted.

Note:- This is an Executive Function

Eligible for call-in to Place Scrutiny Committee

Executive Councillor:- Cox

456 Standing Order 46 Procedure

Resolved:-

That the submitted report be noted.

Note:- This is an Executive Function.

Eligible to call-in to the relevant Scrutiny Committees as appropriate to the item

Executive Councillor:- As appropriate to item

***Called-in to Place Scrutiny Committee (Pier Entrance (West) and 21 Pier Arches only)**

457 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 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.

458 Waste Management PFI

The Cabinet considered the report of the Deputy Chief Executive (Place) on the above.

Resolved:-

That the recommendations in the submitted report be approved.

Reason for Decision

As set out in the submitted report.

Other Options

As set out in the submitted report.

Note:-This is an Executive Function

This item is eligible for call-in to Place Scrutiny Committee

Executive Councillor:- Cox

***Called-in to Place Scrutiny Committee**

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Appeals Committee B

Date: Monday, 7th November, 2016
Place: Committee Room 2 - Civic Suite

15

Present: Councillor Phillips (Chair)
Councillors Folkard (Vice-Chair), *Arscott, Kenyon and Nevin

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Mr R Harris

Start/End Time: 4.00 - 4.30 pm

424 Apologies for Absence

Apologies for absence were received from Councillors D Garston (substitute: Cllr Arscott) and Councillor Borton (no substitute).

425 Declarations of Interest

There were no declarations of interest at this meeting.

426 Minutes of the Meeting held on 26th July 2016

Resolved:-

That the Minutes of the Meeting held on 26th July 2016 be confirmed as a correct record and signed.

427 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.

428 Primary School Transport Appeal - Pupil HH

The Committee considered a report of the Corporate Director for People, together with supporting correspondence from the parent of pupil HH, in connection with an application for home to school transport assistance.

Resolved:

That there being no circumstances reported which would justify a departure from the Council's policy, the appeal be dismissed.

429 Secondary School Transport Appeal - Pupil JN

The Committee considered a report of the Corporate Director for People, together with supporting correspondence from the parent of pupil JN, in connection with an application for home to school transport assistance.

Resolved:

That there being no circumstances reported which would justify a departure from the Council's policy, the appeal be dismissed.

430 Secondary School Transport Appeal - Pupil KN

The Committee considered a report of the Corporate Director for People, together with supporting correspondence from the parent of pupil KN, in connection with an application for home to school transport assistance.

Resolved:

That there being no circumstances reported which would justify a departure from the Council's policy, the appeal be dismissed.

431 Post 16 School Transport Appeal - Pupil AR

The Committee considered a report of the Corporate Director for People, together with supporting correspondence from the parent of pupil AR, in connection with an application for home to school transport assistance.

Resolved:

That there being no circumstances reported which would justify a departure from the Council's policy, the appeal be dismissed.

432 Post 16 School Transport Appeal - Pupil BH

The Committee considered a report of the Corporate Director for People, together with supporting correspondence from the parent of pupil BH, in connection with an application for home to school transport assistance.

Resolved:

That there being no circumstances reported which would justify a departure from the Council's policy, the appeal be dismissed.

433 Post 16 School Transport Appeal - Pupil KS

The Committee considered a report of the Corporate Director for People, together with supporting correspondence from the parent of pupil IB, in connection with an application for home to school transport assistance.

Resolved:

That there being no circumstances reported which would justify a departure from the Council's policy, the appeal be dismissed.

Chairman: _____

This page is intentionally left blank

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 9th November, 2016

Place: Committee Room 1 - Civic Suite

16

Present: Councillor F Waterworth (Chairman)
Councillors D Garston (Vice-Chairman), B Arscott, M Assenheim,
B Ayling, M Borton, M Butler, T Callaghan, F Evans, N Folkard,
J Garston, R Hadley, C Mulroney, D Norman MBE, P Van Looy and
C Walker

In Attendance: Councillors S Buckley and T Byford
J K Williams, P Geraghty, D Hermitage, I Harrison, M Warren and
T Row

Start/End Time: 2.00 - 4.05 pm

459 Apologies for Absence

Apologies for absence were received from Councillor Jones.

460 Declarations of Interest

The following interests were declared at the meeting:

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

(b) Councillor D Garston – 16/01246/FUL - The Shore, 22 - 23 The Leas, Westcliff-on-Sea, Essex – Non-pecuniary interest: Objectors are known to him;

(c) Councillor Mulroney – 7-9 Lansdowne Avenue, Leigh-on-Sea, SS9 1LJ – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(d) Councillor Mulroney – 16/01558/FUL – 88 Undercliff Gardens, Leigh-on-Sea, Essex, SS9 1ED – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(e) Councillor Mulroney – 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);

(f) Councillor Mulroney – 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);

(g) Councillor Mulroney – 16/01730/AMDT – 12 Marine Close, Leigh-on-Sea, Essex, SS9 2RD – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(h) Councillor Norman MBE – 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;

(i) Councillor Walker – 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

(j) Councillor Walker – 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).

461 Minutes of the Meeting held on Wednesday 3rd August 2016

Resolved: That the Minutes of the meeting held on Wednesday, 3rd August 2016 be received, confirmed as a correct record and signed.

462 Minutes of the Meeting held on Wednesday 14th September 2016

Resolved: That the Minutes of the meeting held on Wednesday, 14th September 2016 be received, confirmed as a correct record and signed.

463 Minutes of the Meeting held on Wednesday 5th October 2016

Resolved: That the Minutes of the meeting held on Wednesday, 5th October 2016 be received, confirmed as a correct record and signed.

464 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

465 16/01520/FULH - 23 Repton Grove, Eastwood, Leigh on Sea (St Laurence Ward)

Proposal: Erect two storey rear extension and alter elevations

Applicant: Mr S. Regan

Agent: Mr D. Blacker

Planning Permission GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 2016/07/01/23RG, 2016/07/04/23RG, 2016/07/05/23RG, 2016/07/02/23RG, 2016/07/03/23RG

Reason: To ensure that the development is carried out in accordance with provisions of the Development Plan.

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 and SPD1 (Design and Townscape Guide).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informative

01 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

466 16/01246/FUL - The Shore, 22-23 The Leas, Westcliff on Sea (Chalkwell Ward)

Proposal: Layout 16 car parking spaces to rear and install replacement entrance gate.

Applicant: The Shore Limited

Agent: Daniel Watney LLP

Planning permission REFUSED for the following reasons:

01 The proposed development, by reason of the resultant traffic generation, would cause an unacceptable level of noise and disturbance to neighbouring residents contrary to National Planning Policy Framework, Policy CP4 of the Core Strategy, Development Management DPD Policy DM1 and Design and Townscape Guide.

02 The proposed development, by reason of the narrow width of the vehicular access and traffic generation as a result of the proposed development, would be to the detriment of highway safety and the efficiency of the local highway network, contrary to the NPPF, Policy CP3 of the Southend Core Strategy, policy DM15 of the Southend Development Management DPD.

03 The proposed development would result in an unacceptable loss of amenity space resulting in a poor environment for occupants thereof contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy,

policies DM1 and DM8 of the Development Management Document and advice contained within the Design and Townscape Guide SPD1.

467 16/01565/BC3 - 332 Bridgwater Drive, Westcliff on Sea (Blenheim Park Ward)

Proposal: Change of use of public highway land to provide hardstanding to be used in conjunction with 332 Bridgwater Drive and change of use of part of existing forecourt to public highway land.

Applicant: Mr C. Styles (Southend-on-Sea Borough Council)

Planning Permission GRANTED subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development shall be carried out in accordance with the approved plans: Location Plan, SBCC10699-101/SBC/KE/C/GA/0040A, SBCC10699-101/SBC/KE/C/GA/1501A, SBCC10699-101/SBC/KE/C/0102A and SBCC10699-101/SBC/KE/C/0503C.

Reason: To ensure the development is carried out in accordance with the development plan.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives

1. You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

2. Please note that the granting of planning permission does not have the effect of stopping-up the highway. Permission would be needed for the stopping-up of the highway from the Secretary of State.

3. Please note that permission is not hereby granted for the demolition or removal of the existing footbridge. For the footbridge to be removed without the need for planning permission, this must be undertaken by or on behalf of the Highway Authority, prior to the stopping-up of the highway. If it is intended to demolish/remove the footbridge after the highway is stopped up, please note that this might require prior approval or planning permission.

- 468 16/01350/FUL - 7-9 Lansdowne Avenue, Leigh on Sea (Chalkwell Ward)**
Proposal: Demolish existing buildings and erect two semi-detached dwellinghouses with hard and soft landscaping
Applicant: Mr G. Hutchinson
Agent: Mr S. Milne, The Livemore House

Planning permission REFUSED for the following reason:

01 The proposed development, by reason of lack of parking provision will result in additional on street parking to the detriment of highway safety and efficiency and is indicative of an overdevelopment of the site, contrary to National Planning Policy Framework, policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy, policy DM15 of DPD2 and guidance contained within the SPD1 (Design and Townscape Guide).

- 469 16/01558/FUL - 88 Undercliff Gardens, Leigh on Sea (Leigh Ward)**
Proposal: Demolish existing dwelling and erect replacement detached dwellinghouse with cycle and bin stores to rear.
Applicant: Mr G. Cain
Agent: A9 Architects Ltd

Mr Powell, a local resident, spoke as an objector to the application. Mr Cain, the Applicant, responded.

Planning permission REFUSED for the following reason:

01 The proposed development, by virtue of the scale, massing and design of the proposed dwelling, would create an incongruous feature and harmfully conflict with the character and appearance of the surrounding area and would have an overbearing impact on the neighbouring dwellings. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1, DM3 and DM6 and SPD1 (Design and Townscape Guidance)

- 470 16/01572/FUL - Sarah Moore Pub, 57-59 Elm Road, Leigh on Sea (Leigh Ward)**
Proposal: Erect two storey roof extension comprising of six self-contained flats with balconies, relocate extraction flue, erect refuse and cycle stores and alter elevations (Amended Proposal).
Applicant: Mr M. Thornton (Stronghold Estates)
Agent: BGA Architects

DEFERRED

- 471 16/01601/FUL - 129 Leigh Hall Road, Leigh on Sea (Leigh Ward)**
Proposal: Demolish existing bungalow and erect a pair of semi-detached dwellinghouses and lay out hardstanding (Amended Proposal)
Applicant: Mr Benjamin Surgett
Agent: BGA Architects

Planning permission GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 15-184 0-001; 15-184 0-100 B; 15-184 1-100 A; 15-184 1-101& 15-184 2-101 A

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

03 No development shall take place until samples/details of materials to be used on the external elevations including details of any boundary walls, fences, hardsurfaces, gates and windows have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

04 Prior to first occupation refuse and cycle storage shall be provided in accordance with the approved plans and thereafter retained in perpetuity thereafter.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided and to protect the environment and provide suitable storage for waste and materials for recycling in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D, E and F to those Orders.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4, DPD2 (Development Management Document) Policy DM1 and SPD1 (Design and Townscape Guide).

06 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development and implemented in full prior to the first occupation of the dwelling houses. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.

07 The dwellings hereby approved shall not be occupied until details soft and hard landscape works have been submitted to and approved by the local planning authority. The approved landscaping scheme shall be implemented within the first planting season following first occupation of the dwelling.

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the amenity of future occupants in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

08 Permeable paving shall be used for the hardstanding area unless otherwise agreed by the local planning authority. The proposed parking spaces to the front curtilages of the proposed dwellings shall be provided in accordance with the plans No's 15-184 1-100 A & 15-184 0-100 B prior to occupation of the dwellings hereby approved and shall thereafter be permanently retained solely for the benefit of the occupiers of the dwellings and their visitors and for no other purposes unless otherwise agreed in writing by the local planning authority.

Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants that the development is completed and used as agreed, and to ensure that it meets DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM15 and SPD1.

09 Details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting, shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

10 Demolition or construction works shall not take place outside 8:00 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD policies DM1.

11 The first floor bathroom windows in the north and south elevations shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the

Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

12 The roof of the building hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

13 No development hereby permitted shall commence until details of surface water attenuation for the site, based on SUDS principles, have been submitted to and approved by the Local Planning Authority. The works agreed shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory drainage of the site in accordance with policy KP2 of the Core Strategy DPD1 and DPD2 (Development Management) policy DM2.

14. Notwithstanding the details shown on the approved plans, the development shall comply with M4(2) of the Building Regulations unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the dwellings are accessible to all, in accordance with Policy DM3 and DM8 of the Southend on Sea Development Management DPD.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informative

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an

interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

- 472 16/01650/FUL - Rear Of 1 Preston Road, Westcliff on Sea (Milton Ward)**
Proposal: Demolish existing outbuildings, erect two storey detached dwellinghouse and form layout parking.
Applicant: Miss Tracey White
Agent: Stone Me!

Planning permission REFUSED for the following reasons:

01 The proposed development, by virtue of the scale, massing and design of the proposed dwelling, would harmfully conflict with the character and appearance of the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1 and DM3 and SPD1 (Design and Townscape Guidance)

02 The proposed development, by virtue of its scale and relationship with neighbouring dwellings and the amenity areas of those dwellings, would have an overbearing impact on the neighbouring dwellings. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guidance).

03 The proposal by reason of lack of information which fails to demonstrate accessibility and adaptability of the dwellinghouse in accordance with Building Regulation M4 (2) will result in poor living environment for future occupiers. This is contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 of the Development Management DPD2 and National Technical Housing Standards DCLG 2015.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informative

Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application might also be CIL liable.

- 473 16/01730/AMDT - 12 Marine Close, Leigh on Sea (West Leigh Ward)**
Proposal: Application to remove conditions 03 and 04 relating to details of materials and parking construction of Planning Permission 11/01435/FUL allowed on appeal 17/05/2012
Applicant: Mr and Mrs N Collins
Agent: Knight Gratrix Architects

DELEGATED to the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control to GRANT PLANNING PERMISSION provided that the public notification exercise raises no additional issues that would justify a different conclusion being reached and subject to the following condition:

01 The external parking spaces at the front of the application site shown on plan 031 shall be retained for the purposes of parking cars in perpetuity.

Reason: To ensure that adequate provision of car parking at the site in accordance with the National Planning Policy Framework and DPD2 (Development Management) Policy DM1.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informative

As this application has been made pursuant to Section 73 of the Town and Country Planning Act 1990, Community Infrastructure Levy (CIL) Regulation 128A applies. You are advised that in this instance there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the S73 permission.

- 474 16/01738/FULH - 20 Second Avenue, Westcliff on Sea (Chalkwell Ward)**
Proposal: Erect two storey rear extension with Juliette balcony at first floor
Applicant: Mr R. Condon
Agent: Metson Architects Ltd

Planning permission GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: TP-301-A

Reason: To ensure that the development is carried out in accordance with provisions of the Development Plan.

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 and SPD1 (Design and Townscape Guide).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informative

You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

475 16/01805/FUL - 11 Galton Road, Westcliff on Sea (Chalkwell Ward)
Proposal: Demolish existing garage and erect detached dwellinghouse with basement car parking on land adjacent 11 Galton Road, extend existing crossover and form additional crossover onto Galton Road
Applicant: Mr & Mrs Marriott
Agent: Knight Gratrix

DELEGATED to the Deputy Chief Executive (Place), Director of Planning and Transport and Group Manager for Planning and Building Control GRANT PLANNING PERMISSION provided that the public notification exercise raises no additional issues that would justify a different conclusion being reached, and subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 010, 011, 012 and 13

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

03 The development hereby approved shall only be undertaken using the materials set out within the submitted plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) policy DM1, and SPD1 (Design and Townscape Guide).

04 Prior to the commencement of the development hereby approved details shall be submitted to and approved in writing of the means of constructing the retaining walls at each side of the proposed access to the basement garage. The details shall include details of the materials that shall be used and any forms of enclosure that will be erected at ground level. Subsequently the development shall only be undertaken using in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) policy DM1, and SPD1 (Design and Townscape Guide).

05 The proposed second floor rooflights shall be a minimum of 2.7 metres above internal floor level (as shown on the plans hereby approved) unless otherwise agreed in writing by the local planning authority.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).

06 Notwithstanding the provisions of Classes A, B, C and D of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions shall be erected at the site unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard character and appearance of surrounding area in accordance with polices DM1 and DM5 of the Development Management DPD and policies KP2 and CP4 of the Core Strategy.

07 A scheme detailing how at least 10% of the total energy needs of the dwellinghouse will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwellinghouse. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (DPD1).

08 Prior to first occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

09 The dwelling hereby approved shall be built in accordance with Part M4(2) of the Building Regulations, as shown on the plans hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of dwellings that enable lifetime living, in accordance with policy DM8 of DPD2 (Development Management).

10 The dwelling hereby approved shall not be occupied until such time that the accesses shown at the application site (serving the proposed development) and on the land within the applicant's control (serving the existing dwelling of 11 Galton Road) have been installed and all hardstanding has been provided in accordance with the approved plans.

Reason: To ensure the provision of dwellings that enable lifetime living, in accordance with policy DM8 of DPD2 (Development Management).

11 Prior to the commencement of the development hereby approved, details of the means of protecting trees at and near the site during the construction process shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in full compliance with the approved scheme of tree protection.

Reason: In the interests of visual amenity and the character of the surrounding area and to ensure that the appearance of the building is suitably softened by landscaping. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) Policy DM1, and SPD1 (Design and Townscape Guide).

Informative

Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

- 476 14/00183/UNAU_B - 8 Leirim Avenue, Shoeburyness (West Shoebury Ward)**
Proposal: Without planning permission, the erection of a boundary enclosure adjacent to a highway which exceeds 1.0m in height.

Resolved: That NO FURTHER ACTION be taken in respect of this matter.

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Place Scrutiny Committee

Date: Monday, 28th November, 2016
Place: Committee Room 1 - Civic Suite

17

Present: Councillor K Robinson (Chair)
Councillors P Wexham (Vice-Chair), A Bright, D Burzotta,
T Callaghan, M Davidson, F Evans, N Folkard, J Garston,
S Habermel, D Jarvis, D Kenyon, H McDonald, D McGlone, M Terry,
C Willis and R Woodley*
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors J Lamb, A Holland, M Flewitt and T Cox (Executive Councillors)
Councillors C Mulroney and C Nevin
J K Williams, Cooney, S Dolling, P Geraghty, D Patel, Z Ali and T Row

Start/End Time: 6.30 - 9.45 pm

477 Apologies for Absence

Apologies for absence were received from Councillor Assenheim (Substitute: Councillor Woodley).

478 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillors Cox, Flewitt, Holland and Lamb (Executive Councillors) – 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.

479 Questions from Members of the Public

The Executive Councillor for Enterprise, Tourism and Economic Development and the Executive Councillor for Traffic, Waste and Cleansing responded to written questions from Mr Webb.

480 Minutes of the Meeting held on Monday 10th October 2016

Resolved:-

That the Minutes of the Meeting held on Monday 10th October 2016 be received, confirmed as a correct record and signed.

481 Monthly Performance Report

The Committee considered the Monthly Performance Report (MPR) covering the period to end September 2016, which had been circulated recently.

Resolved:-

That the report be noted.

Note:- This is an Executive Function.

Executive Councillor:- As appropriate to the item.

482 In-depth Scrutiny report - 20mph speed restrictions in residential streets

The Committee considered Minute 441 of the meeting of Cabinet held on 8th November 2016, which had been called-in for scrutiny, together with the report of the Chief Executive presenting the in-depth scrutiny project – ‘20mph Speed Restrictions in Residential Streets’.

Resolved:-

That the following decision of Cabinet be noted:

“That the report be received and noted.”

Note:-This is an Executive function

Executive Councillor :- Cox

483 Gambling Policy

The Committee considered Minute 452 of the meeting of Cabinet held on 8th November 2016 which had been called-in for scrutiny, together with the report of the Deputy Chief Executive (Place) setting out the draft revised statement of Gambling Licensing Policy as the basis for formal consultation.

Resolved:-

That the following decision of Cabinet be noted:

“That the draft revised Policy document be endorsed for the purposes of consultation.”

Note:-This is a Council function

Executive Councillor :- Flewitt

484 PVX Policy

The Committee considered Minute 453 of the meeting of Cabinet held on 8th November 2016 which had been called-in for scrutiny, together with the report of the Deputy Chief Executive (Place) proposing amendments to the existing Permanent Vehicular Crossing (PVX) Policy in light of the outcome of the review.

The Executive Councillor for Transport, Waste and Cleansing gave the following two assurances:

- (a) The new policy would be reviewed after 18 months in operation; and
- (b) During the next 18 months, consideration would be given to the possibility of a Council ground maintenance trading company undertaking PVX work.

Resolved:-

That the following decisions and recommendations of Cabinet be noted:

“1. That the issues identified in Section 5 of the submitted report relating to the PVX Policy, process and procedures, be noted.

2. That the amendments to the PVX Policy set out in paragraphs 5.2(a)-(d) of the report, be approved.

3. That the matters that are not considered to amount to exceptional circumstances, set out in paragraph 5.5 of the report, be approved.

4. That the approach to refusing applications set out in paragraph 5.6 of the report, be approved.

5. That the approach to exceptional circumstances set out in paragraph 5.8 of the report, be approved (acknowledging that each application is different and each exceptional circumstances case will be considered on its own merits).

6. That the recommendations in Paragraph 5.9 of the report be approved (i.e. no changes to remaining policy or criteria).

7. That the approach to fees set out in paragraph 5.11 of the report, be approved.

Recommended:-

8. That the exceptional circumstances PVX applications be included as part of the terms of reference of both the Traffic and Parking Working Party and Cabinet Committee, so as not to preclude the democratic process, with the Cabinet Committee having full delegated powers to determine the applications and that the call-in process shall not apply to the decisions of the Committee to ensure that the applications are dealt with in a timely manner.

9. That, accordingly, the following amendments be made to the Constitution:

(a) Part 3 Schedule 2 – Terms of Reference of Traffic and Parking Working Party. Add the following to the terms of reference of the working party under paragraph 3.6.3: (c) To consider exceptional circumstances PVX applications and make appropriate recommendations to the Cabinet Committee.

(b) Part 3 Schedule 2 – Terms of Reference of Cabinet Committee. Add the following at the end of the terms of reference to the Cabinet Committee under paragraph 2 (b): The Cabinet Committee will consider the recommendations from the Traffic and Parking Working Party in respect of exceptional circumstances PVX applications and determine such applications. The decisions will not be available for call-in.

(c) Part 4(e) – Call-in. Add the following to the list of exceptions to the call-in process under paragraph 15(e): (iv) in respect of exceptional circumstances PVX applications determined by the Cabinet Committee.”

Note:-The decisions in 1-7 above constitute an Executive function. The decisions in 8 and 9 above constitute a Council function.

Executive Councillor :- Cox

485 125th Anniversary Celebrations

The Committee considered Minute 454 of the meeting of Cabinet held on 8th November 2016 which had been called-in for scrutiny, together with the report of the Deputy Chief Executive (Place) proposing a programme of events in 2017 celebrating both the 125th anniversary of the Borough Charter for Southend-on-Sea and the centenary of Priory Park.

In response to a question regarding the funding of these celebrations in the current financial climate, the Executive Councillor for Culture, Tourism and the Economy drew the Committee’s attention to paragraph 6.2 of the report and gave her assurances that:

- (a) the Council would attempt to attract as much sponsorship as possible; and
- (b) a report will be submitted to the next meeting of the Committee back to the Committee on the progress of such sponsorship.

Resolved:-

That the following recommendations of Cabinet be noted:

“1. That the proposed series of celebrations to mark the 125th anniversary of the signing of the Borough Charter and the centenary of Priory Park, be approved.

2. That the nationally significant award of Poppies: Wave exhibition to Shoeburyness which will form part of the year’s celebrations, be noted.

3. That one-off financial support of the collective activity up to £580k and funded from the Business Transformation Reserve across 2016/17 and 2017/18, be approved.”

Note:-This is a Council function

Executive Councillor :- Holland

486 Standing Order 46

The Committee considered Minute 456 of the meeting of the meeting of Cabinet held on 8th November 2016 which had been called-in for scrutiny. This concerned item 1.1 regarding the Pier Entrance and 21 Pier Arches only.

Resolved:-

That the submitted report be noted.

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

487 Growth Strategy

(This is a pre-Cabinet Scrutiny item.)

The Committee received a report by the Deputy Chief Executive (Place) and presentation by the Director of Regeneration and Business Development by way of pre-Cabinet scrutiny. This updated Members on the empirical evidence base and trends which are shaping Southend's economic growth and sought Members' views on the key principles and approaches which the new Economic Growth Strategy (2017-2022) will be predicated on.

The Director offered to provide a separate briefing for Members to interrogate the data set out in Appendix 1 to the report should it be required.

Resolved:-

1. That the evidence base and resulting findings are noted.
2. That the report be noted and endorsed for submission to Cabinet for consideration with the following comments:
 - Reflect employment opportunities and trends in neighbouring authorities which have a material effect on the Borough, such as the airport and aviation businesses, to give a more holistic picture of employment for Southend residents;
 - Explore the role of fisheries in Southend's economy to better understand its economic impact and opportunity
 - Reflect, where possible within the limitations of the data available, that retirement age is increasing and therefore working age population is generally now exceeding 64.

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

488 In-depth Scrutiny Project - 'To investigate the case for additional enforcement resources for Southend'

The Committee received an oral update on the progress that had been made in respect of the agreed joint in-depth scrutiny project for 2016/17 entitled 'To investigate the case for additional enforcement resources for Southend'.

Resolved:-

That the progress be noted.

Note:- This is a Scrutiny Function.

489 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.

490 Waste Management PFI

The Committee considered Minute 458 of the meeting of Cabinet held on 8th November 2016 which had been called-in for scrutiny, together with the report of the Deputy Chief Executive (Place) on the above.

Resolved:-

That the following decision of Cabinet be noted:

“That the recommendations in the submitted report, be approved.”

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

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of People Scrutiny Committee

Date: Tuesday, 29th November, 2016

Place: Committee Room 1 - Civic Suite

18

Present: Councillor Moyies (Chair)
Councillor Nevin (Vice-Chair), Councillors Arscott, Assenheim, Borton, Boyd, Buckley, Butler, Endersby, D Garston, Folkard*, Jones, Mulrone*, Phillips, Walker and Woodley*
E Lusty, A Semmence and L Crabb (co-opted members)
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors Courtenay, Salter and Flewitt (Executive Councillors)
F Abbott, S Leftley, D Simon, A Atherton, Brin Martin, S Houlden, J K Williams, J O'Loughlin, J Lansley and H Johnston
Mr M Ambrose and T Dixon for Minute 498
E Feddon – Youth Council observer

Start/End Time: 6.30 - 9.20 pm

491 Apologies for Absence

Apologies for absence were received from Councillor Stafford (substitute Cllr Woodley), Councillor Habermel (substitute Cllr Folkard), Councillor Wexham (substitute Cllr Mulrone*) and J Jenkins (Youth Council observer).

492 Declarations of Interest

The following interests were declared at the meeting:-

- (a) Councillors Salter, Courtenay and Flewitt - 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;
- (b) Councillor Salter – agenda item relating to 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;
- (c) Councillor Nevin - agenda item relating to - 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;
- (d) Councillor Boyd - agenda item relating to School Progress report – non-pecuniary – Governor at Westcliff High School for Girls and South East Essex Academy Trust, south east Essex Teaching School Alliance;
- (e) Councillor Arscott - agenda item relating to Schools Progress report – non-pecuniary – Governor at Our Lady of Lourdes Catholic Primary School;
- (f) Councillor Borton – agenda items relating to – MPR; Mental Health Strategy - non-pecuniary – daughter mental health nurse at Rochford Hospital;
- (g) Councillor Assenheim – agenda item relating to Sheltered Housing review – non-pecuniary - sister lives in sheltered housing;
- (h) Councillor Jones – agenda item relating to – Mental Health Strategy – non-pecuniary – involved in parenting programme, mentioned;
- (i) Councillor Jones – agenda item relating to Schools Progress report – non-pecuniary – parent of child attending St Bernard's;

- (j) Councillor Walker – agenda item relating to Schools Progress report – non-pecuniary – wife teaches at West Leigh primary school;
- (k) Councillor Flewitt – agenda item relating to Sheltered Housing Review – non-pecuniary – parent lives in retirement home;
- (l) E Lusty- agenda item relating to – Schools Progress report – non-pecuniary – teacher at SHSB; children attend West Leigh primary school; son attends SHSB;
- (m) E Lusty – agenda item relating to Scrutiny update – non-pecuniary – husband is orthopaedic Consultant Surgeon at Southend Hospital / Wellesley Hospital.

493 Questions from Members of the Public

Councillor Courtenay, the Executive Councillor for Children & Learning responded to a written question from Mr Webb and Councillor Salter, the Executive Councillor for Health and Adult Social Care responded to a written question from Mr Webb.

494 Minutes of the Meeting held on Tuesday, 11th October 2016

Resolved:-

That the Minutes of the Meeting held on Tuesday, 11th October, 2016 be confirmed as a correct record and signed.

495 Monthly Performance Report

The Committee considered Minute 439 of Cabinet held on 8th November 2016 together with the Monthly Performance Report (MPR) covering the period to end September 2016, which had been circulated recently.

Resolved:-

That the report be noted.

Note:- This is an Executive Function.

Executive Councillor:- As appropriate to the item.

496 Success for All Children Annual Report

The Committee considered Minute 449 of Cabinet held on 8th November, 2016, which had been called in to scrutiny, together with a report of the Deputy Chief Executive (People) which presented a draft of the Success for All Children Group's Annual Report April 2015 – March 2016.

In response to questions, the Executive Councillor said that he would look into how best to raise the profile and celebrate successes from use of the Pupil premium funding; and also how best to flag pressures and challenges in the next Annual Report.

Resolved:-

That the following decision of Cabinet be noted:-

“That the submitted report be noted.”

Note:-This is an Executive Function

Executive Councillor:- Courtenay

497 A Local Account of adult Social Care Services in Southend 2015-2016

The Committee considered Minute 450 of Cabinet held on 8th November, 2016, which had been called in to scrutiny, together with a report of the Deputy Chief Executive (People) which presented the draft Local Account of Adult Social Care services in 2015-16, including priorities and plans for 2016-17.

In response to questions, the Executive Councillor and Director of Adult Social Care & Housing agreed to:-

- Requests for support (page 11) – clarify figures and also include figures on where services were provided / not provided;
- Pre and post diagnostic dementia support (page 15) – circulate list of activities and groups on offer;
- PREVENT (page 30) – circulate information on criteria on vulnerable young people, vulnerable adults and progression.

Resolved:-

That the following decision of Cabinet be noted:-

“That the draft Local Account be noted as the Council’s self-assessment for these services”.

Note:-This is an Executive Function

Executive Councillor:- Salter

This item had previously been the subject of Pre-Cabinet scrutiny.

498 Sheltered Housing Review

The Committee considered Minute 451 of Cabinet held on 8th November, 2016, which had been called in to the People and Policy & Resources Scrutiny Committees, together with a report of the Deputy Chief Executive (People) on the outcome of the review of housing need of older people in the Borough which had been undertaken by Peter Fletcher Associates (PFA).

In response to questions, the Executive Councillor agreed to:-

- With regard to sheltered housing supply (refer to pages 21, 23, 25, 46 /47 of PFA report) – will re look at figures, as it is essential that all sheltered housing in the Borough is identified, and the report is a starting point for discussions at the proposed workshops;
- Provide definition of ‘sheltered housing’ for Councillors.

Resolved:-

That the following decisions of Cabinet be noted:-

“1. That the contents of the submitted report and the accompanying PFA Report, be noted.

2. That a series of workshops and working groups be convened for the purpose of exploring in detail the main themes of the report, namely:

- Physical structure of the schemes – including accessibility within Schemes and the size of individual accommodation units.
- Community & Locality – location of Schemes in relation to local facilities (i.e. accessibility to local amenities and transport links) and encouraging community access to Scheme facilities as part of a wider Locality approach to services.
- Meeting Housing, Care and Support needs of older people – how Schemes enable tenants to stay in their homes as they become frailer, developing a criteria for sheltered housing based on need, and developing use of Telecare, Telehealth, and assistive technology options.

3. That the workshops and working groups be convened and facilitated by officers from the strategic housing service, South Essex Homes, and adult social care services, and be supported and attended by elected Members as key stakeholders and decision makers.

4. That the outcome of these workshops and working groups be presented as a follow up Cabinet report in the spring of 2017 with recommended options for developing a model of sheltered housing provision in order to meet the housing need of older people in Southend”.

Note:-This is an Executive Function
Executive Councillor:- Flewitt and Salter

499 Mental Health Strategy

(This is a pre-Cabinet scrutiny item).

The Committee considered a report by the Deputy Chief Executive (People) by way of pre-Cabinet scrutiny. This presented the draft Southend, Essex and Thurrock multi partner strategy for mental health and wellbeing for comment prior to it being considered at the Southend Health & Wellbeing Board on 7th December 2016 and Cabinet in January 2017. The Strategy outlines the strategic direction of travel for the mental health system over the next 5 years. The Southend Implementation Plan is now being worked on.

Committee members made the following observations on the Strategy:-

- Need voluntary sector to be involved in the implementation plan work;
- Seems to be an overreliance on public health grant (page 10 Figure 1);
- Comments by clinicians (‘lack of resourcing’) (page 18) – what measures being put in place to address;
- With regard to early identification of mental health issues, it was suggested that the train the trainer model would be a good one to use and should utilise educators and youth leaders;
- The Youth Council representative mentioned that the Youth Council is undertaking some work around mental health ;
- Reference was made to the Essex CC HOSC Task & Finish group looking into mental health and young people;
- Offenders with complex and additional needs service (page 63) – useful to have further details on this work shared;
- Workforce issues in the medical profession.

The Committee discussed the report in detail and there was general consensus and support for this draft strategy and about the content of the report.

Resolved:-

That the draft report be noted and endorsed for submission to Cabinet for consideration at its meeting in January 2017 with the inclusion of the following:

- Mental health matters (page 4 first paragraph, final sentence) – need to separate out the 2 distinct points being made;
- Focussing on recovery (page 51) – change use of word ‘someone’ to ‘patient’ as is more recovery focussed.

Note:- This is an Executive Function.

Executive Councillor:- Salter

500 Unaccompanied Children in Calais

Further to Minute 438 of Cabinet held on 8th November 2016 the Committee considered a report by the Deputy Chief Executive (People). This updated Members on Southend’s response to the National Transfer Scheme for Unaccompanied Asylum Seeking Children (UASC).

Resolved:

That the updated report be noted.

Note:-This is an Executive Function

Executive Councillor :- Courtenay

501 Scrutiny Committee - updates

The Committee received a report of the Corporate Director for Corporate Services which updated members on a number of health scrutiny matters, Joint Committee work, Success Regime and the in depth scrutiny project.

Resolved:-

1. That the report and actions taken be noted.
2. To noted that a special meeting of the Committee has been arranged for Tuesday 20th December at 6 pm.

Noted: This is a Scrutiny Function.

502 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.

503 Schools Progress Report

The Committee considered a report by the Corporate Director for People which informed Members of the current position with regard to schools causing concern, including Academy developments.

Resolved:-

That the report be noted.

Note:- This is an Executive Function.
Executive Councillor:- Courtenay

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Policy and Resources Scrutiny Committee

Date: Thursday, 1st December, 2016
Place: Committee Room 1 - Civic Suite

19

Present: Councillor B Ayling (Chair)
Councillors Kenyon (Vice-Chair), Arscott, Burzotta, Butler, Davies, Gilbert, D Garston, Hadley, McGlone, Mulroney, Norman MBE, Walker, Ware-Lane, *J Garston, *Woodley and *Habermel

*Substitutes in accordance with Council Procedure Rule 31.

In Attendance: Councillors J Lamb, A Moring, L Salter and Flewitt (Executive Councillors)
Councillors Assenheim, McDonald and Willis
J K Williams, R Harris, J Chesterton, D Patel, J Ruffle and S Houlden

Start/End Time: 6.30 - 8.20 pm

504 Apologies for Absence

Apologies for absence were received from Councillor Stafford (substitute Cllr Woodley), Councillor Folkard (substitute Cllr Habermel) and Councillor Phillips (substitute: Cllr J Garston).

505 Declarations of Interest

The following interests were declared at the meeting:-

- (a) Councillors Lamb, Flewitt and Moring and Salter - 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;
- (b) Councillor Flewitt – agenda item relating to Sheltered Housing Review – non-pecuniary – parent lives in retirement home and agenda items relating to recent events in York Road / In-depth Scrutiny Project – To investigate the case for additional enforcement resources for Southend – non-pecuniary – GP for East London Magistrate;
- (c) Councillor Assenheim – agenda item relating to Sheltered Housing – non-pecuniary – sister lives in sheltered housing accommodation;
- (d) Councillor Willis – agenda item relating to 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;
- (e) Councillor Woodley – agenda item relating to Financial pressures facing the HRA – non-pecuniary – member of the LGA;
- (f) Councillor Davies – agenda item relating to Response to issues in York Road – non-pecuniary – lives in York Road;

506 Questions from Members of the Public

Councillor Moring, the Executive Councillor for Corporate & Community Support Services responded to 2 written questions from Mr Webb.

507 Minutes of the Meeting held on Thursday, 13th October 2016

Resolved:-

That the Minutes of the Meeting held on Thursday, 13th October, 2016 be confirmed as a correct record and signed.

508 Monthly Performance Report

The Committee considered Minute 439 of Cabinet held on 8th November 2016 together with the Monthly Performance Report (MPR) covering the period to end September 2016, which had been circulated recently.

Resolved:-

That the report be noted.

Note:- This is an Executive Function.

Executive Councillor:- As appropriate to the item.

509 In-depth Scrutiny report - 'Control of personal debt and the advantages of employment'

The Committee considered Minute 440 of Cabinet held on 8th November 2016, which had been called in to scrutiny, together with a report of the Chief Executive presenting the final report of the in-depth scrutiny project 'Control of personal debt and the advantages of employment'.

Resolved:-

1. That the following decision of Cabinet be noted:-

"That the report and outcomes from the review from the in depth scrutiny project, attached at Appendix 1 to the submitted report, be approved."

2. That the recommendations be monitored in the same way as other recent projects and as part of the annual monitoring report.

Note:-This is an Executive function

Executive Councillor :- Moring

510 Procurement of Remote Processing of Housing Benefits

The Committee considered Minute 447 of Cabinet held on 8th November 2016, which had been called in to scrutiny, together with a report of the Chief Executive. This proposed the use of a tender process for the appointment of a third party provider to provide assistance during the transition to universal credit for a 3 year period (with an option to extend for a further year).

Resolved:-

That the following decision of Cabinet be noted:-

"That a tender process be used for the appointment of a provider of third party remote processing to support the Housing Benefit Team during the transition to Universal Credit."

Note:-This is an Executive function

Executive Councillor :- Moring

511 Financial Pressures Facing HRA

The Committee considered Minute 448 of Cabinet held on 8th November 2016, which had been called in to scrutiny, together with a report of the Deputy Chief Executive (People). This updated Members on various financial pressures facing the Housing Revenue Account (HRA) as a result of recent changes in Government policy.

In response to questions the Executive Councillor for Housing, Planning and Public Protection Services provided assurances that the Administration intended to continue with the social housing building programme.

Resolved:-

That the following decision of Cabinet be noted:-

“That the submitted report be noted.”

Note:-This is an Executive function
Executive Councillor:- Flewitt

512 Sheltered Housing Review

The Committee considered Minute 451 of Cabinet held on 8th November, 2016, which had been called in to the People and Policy & Resources Scrutiny Committees, together with a report of the Deputy Chief Executive (People) on the outcome of the review of housing need of older people in the Borough which had been undertaken by Peter Fletcher Associates (PFA).

Resolved:-

That the following decisions of Cabinet be noted:-

“1. That the contents of the submitted report and the accompanying PFA Report, be noted.

2. That a series of workshops and working groups be convened for the purpose of exploring in detail the main themes of the report, namely:

- Physical structure of the schemes – including accessibility within Schemes and the size of individual accommodation units.
- Community & Locality – location of Schemes in relation to local facilities (i.e. accessibility to local amenities and transport links) and encouraging community access to Scheme facilities as part of a wider Locality approach to services.
- Meeting Housing, Care and Support needs of older people – how Schemes enable tenants to stay in their homes as they become frailer, developing a criteria for sheltered housing based on need, and developing use of Telecare, Telehealth, and assistive technology options.

3. That the workshops and working groups be convened and facilitated by officers from the strategic housing service, South Essex Homes, and adult social care services, and be supported and attended by elected Members as key stakeholders and decision makers.

4. That the outcome of these workshops and working groups be presented as a follow up Cabinet report in the spring of 2017 with recommended options for developing a model of sheltered housing provision in order to meet the housing need of older people in Southend”.

Note:-This is an Executive Function
Executive Councillor:- Flewitt and Salter

513 Response to recent events in York Road

This item was placed on the agenda pursuant to Scrutiny Procedure Rule 13(a). This enabled Committee Members to put questions to the relevant Executive Councillor and for him to give an account about the recent events in York Road.

Resolved:

That the Executive Councillors response, be noted.

Note:-

This is a Scrutiny Function

514 In-depth Scrutiny Project - 'To investigate the case for additional enforcement resources for Southend'

The Committee received an oral update on the progress that had been made in respect of the agreed joint in-depth scrutiny project for 2016/17 entitled 'To investigate the case for additional enforcement resources for Southend'.

Resolved:-

That the report be noted.

Note:- This is a Scrutiny Function.

Chairman: _____

Notice of Motion: York Road

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.

21

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
Supported by the Independent Group

This page is intentionally left blank

Notice of Motion

MAKE FAIR TRANSITIONAL STATE PENSION ARRANGEMENTS FOR 1960'S WOMEN

22

“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.”

Proposer: Councillor Julian Ware-Lane

This page is intentionally left blank

Notice of Motion - Affordable Housing and Viability Issues

23

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.

Proposer - Cllr Carole Mulroney

Seconded by Cllr Peter Wexham

27 November 2016

This page is intentionally left blank

Southend-on-Sea Borough Council

Report of Chief Executive

To
Council
on

15 December 2016

Report prepared by: Veronica Dewsbury
Group Manager Benefits

Agenda
Item No.

24

Local Council Tax Support Scheme 2017/18

Policy & Resources Scrutiny Committee
Executive Councillor: Councillor Moring

1. Purpose of Report

To adopt the Local Council Tax Support Scheme for 2017/18.

2. Recommendations;

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

3. Background

- 3.1 For each financial year, each billing authority must consider whether to revise its Local Council Tax Support Scheme (LCTSS) or to replace it with another scheme. The design of the LCTSS must be finalised by 31 January each year at the very latest. Failure to provide a scheme by this date would trigger the imposition of the Governments default scheme. The Government default scheme would require the Council to revert back to the level of support that would have been provided under the national Council Tax Benefit arrangements: This would mean that the Council would have to find in the region of circa £1.5 million from elsewhere in its annual budget.
- 3.2 The Council designed a scheme for 2013/14 which passed the reduction in funding received onto working age claimants, making it a cost neutral scheme.
- 3.3 The scheme has been re-adopted each year since. It has proved to be a robust scheme with no legal challenges and good rates of recovery.

3.4 As the scheme impacts on the Council Tax base, a key component in estimating the resources available to the Council, it is deemed prudent to confirm the scheme in December allowing Cabinet to agree a Council Tax base in January 2017.

4. Current Scheme

4.1 Local Council Tax Support replaced Council Tax Benefit with effect from 1 April 2013. People of pension age continue to be protected from adverse changes by the Government but for people of working age, the Council has adopted a scheme which has the following key elements:

- The calculation of support is based on 75% of the Council Tax liability rather than 100%;
- The calculation of support is based on a maximum of a band D property. This means that anyone of working age that lives in a property with a Council Tax band of E, F, G or H, has their support calculated as if their property was a band D;
- The capital limit is £6,000 so those with capital exceeding £6,000 are required to make full payment of their Council Tax liability;
- The introduction of an exceptional hardship scheme which is intended to help people whose individual circumstances mean that the increased Council Tax bill is causing them exceptional hardship.

4.2 As Members will be aware people with disabilities that have had their property adapted can apply for a reduction in their Council Tax liability. Within the Council Tax Support Scheme disability benefits are disregarded when calculating the amount of support given and additional allowances for living expenses are applied.

4.3 The scheme was designed to take into account the ability to pay and the collectability of the resultant Council Tax liability. A total of 76% of Council Tax due from working age recipients of LCTSS was collected in year for 2014/15 and 77.8% for in year for 2015/16. For the current year by the end of October 2016, 52.8% of Council Tax due from working age recipients of LCTSS has been collected, compared to 61.4% of all Council Tax due.

4.4 Although pensioners only account for 41% of the caseload, they account for 50.6% of the total cost. This is a consequence of the Government's requirement that the LCTSS must leave pensioners entitlement to assistance unaltered from the previous Council Tax Benefit arrangements, with any reduction in entitlements only affecting those of working age.

4.5 There have been no complaints about the scheme and the majority of people affected have accepted that they need to pay something. Council Tax officers continue to offer flexible payment arrangements to those on differential incomes and they can use the exceptional hardship fund for those who absolutely cannot pay.

5. Current developments

5.1 The Government has announced changes they are going to make to the pensioner Local Council Tax Support Scheme which mirror changes they have introduced for Housing Benefits. The proposal is to amend the working age scheme of the LCTSS to match these Government changes. These are minor changes which will not impact on the cost of the scheme but it is essential to keep these elements in both pensioner and working age schemes aligned due to software limitations. The changes are:

- Removal of the family premium
- Withdrawal of housing benefit where a person leaves the UK for 4 weeks or more. This is currently 13 weeks.
- A restriction to 2 children on living allowances used in the calculation of support
- Removal of the work related component within employment support allowance

5.2 The legislation to confirm the last 2 changes has not yet been laid but is expected in January 2017. Should for any reason they not be laid they will not be included in the working age scheme.

5.3 The roll out of universal credit remains at minimal levels with only a very slight reduction in housing benefit cases. We therefore are still processing LCTSS cases alongside housing benefit with one assessment covering both.

5.4 Consideration has been given to adapting the scheme but with continuing changes to welfare reform and the delays to the roll out of universal credit adopting major changes to the scheme would be risky and add confusion for vulnerable residents, and cause additional work.

5.5 Other changes considered across the Essex Group:

- The introduction of a minimum income floor for self employed people, this applies to the equivalent of the minimum wage. Whilst we do not have large numbers of self employed claimants, roughly 350, there is currently no mechanism to assume a minimum income. Often claimants declare extremely low profits year on year and claim the maximum LCTSS. Applying this rule would enable the Council to reduce the award after the first year of trading. The financial saving would be minimal and application of this rule could lead to legal challenge.
- The introduction of a whole household income scheme which takes into account the income of every member of the household. Whilst this would ensure that all members of the household would contribute to the council tax liability enforcing collection of the information would be problematic as only the claimant has a duty to declare income. Assuming incomes for other members of the household who do not willingly declare could be open to legal challenge.

- The introduction of a banded scheme awarding set discounts based on the actual income of the claimant and partner. Whilst this does simplify the calculation process until the housing benefit caseload significantly reduces it will be an additional task. As we process housing benefit and LCTSS as one process a change to a banded scheme would create additional workload with unclear or possibly minimal savings to the cost of the scheme.
- A further reduction to the maximum discount of 75%. This could be reduced to 70% or lower which would deliver savings to the cost of the scheme. However the savings would only be delivered if the additional liability was fully recovered. Last year we collected 77.8% of the in year debt for working age claimants who are on low incomes and there is a risk that making the initial bill larger could deter attempts to make regular payments and the overall collection could go down.
- Implement a further band restriction, currently at band D. This would represent some savings to the scheme, but carries the same risk of reduced recovery therefore increasing the overall cost.

6. Reasons for Recommendations

- 6.1 There have been no administrative issues with the existing scheme and residents have responded positively with very few complaints. Retaining the existing scheme, with the minor technical changes, will give residents consistency in this continuing period of welfare reform and uncertainties to the universal credit timeline.
- 6.2 The implementation of the changes proposed by government for the pensioner scheme will give consistency across the two schemes and negate the requirement for costly software development or manual intervention on cases.
- 6.3 The LCTSS scheme must be approved by full Council by the 31 January 2017 at the very latest; failure to adhere to this will mean the Council will have to operate a default scheme which would be an added financial pressure that has not been allowed for.

7. Corporate implications

7.1 Contribution to Council's Vision & Corporate Priorities

The maintenance of a cost neutral LCTSS will assist with maintaining a robust budget. It will also provide work incentives to residents who have been long term unemployed. The scheme will protect pensioners to ensure a decent living standard and it also confirms the disregard of disability benefits.

7.2 Financial Implications

The current scheme proposed for re-adoption for 2017/18 is designed to remain cost neutral scheme for the Council.

Were the Council to revert to the default scheme, the financial impact would be in the region of £1.5million.

7.3 Legal Implications

The Local Government Finance Act 2012 provided for the introduction of the localisation of Council Tax support by making changes to the Local Government Finance Act 1992. These require that:

- For each financial year, each billing authority must consider whether to revise its scheme or replace it with another scheme
- The authority must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect

A detailed exceptional hardship discount policy has been written under section 13a of the Council Tax legislation.

7.4 People Implications

Residents affected by the changes in their liability to pay Council Tax are actively engaged by Housing Benefit and Council Tax staff to assist them in meeting their Council Tax liabilities.

7.5 Property Implications

There are no specific property implications.

7.6 Consultation

Before final approval of local schemes, Councils are required to consult:

- Major precepting authorities (Police and Fire)
- The public
- Relevant stakeholder groups e.g. Citizens Advice Bureau, voluntary bodies

Full consultation was undertaken with these groups in 2012 prior to proposing the current scheme. As there have been no changes to the scheme no further consultation was undertaken up to 2015.

This year we have consulted with the precepting authorities through the Essex Group of which they are a part. We have also consulted with the public on the scheme and potential changes. The results of the consultation across Essex and Southend-on-Sea indicated to remain with the current scheme.

7.7 Equalities and Diversity Implications

An equality impact assessment was undertaken as part of the original adoption of the scheme and can be found attached to the full Council minute 580.

7.8 Risk Assessment

A full risk assessment was carried out as part of the original LCTS scheme. The risks remain unaltered.

7.9 Value for Money

The recommendations in this report will pass the Government funding reductions onto benefit claimants and not contribute to an increase in Council Tax generally.

7.10 Community Safety Implications

There are no specific community safety issues identified.

7.11 Environmental Impact

There are no specific environmental impacts identified.

8 Background Papers

None

9 Appendices

None

Southend-on-Sea Borough Council

Report of Chief Executive
to
Council
on
15 December 2016

Report prepared by: Joe Chesterton
Director of Finance & Resources

Agenda
Item No.

25

National Scheme of Auditor Appointments

Policy & Resources Committee – Executive Councillor: Councillor John Lamb

A Part 1 Public Agenda item

1. Purpose of Report

To consider and approve the new external appointments process from 2018/19 introduced by Public Sector Audit Appointments (PSAA), following the closure of the Audit Commission.

2. Recommendation

- 2.1 That Council approves 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 April 2018.

3. Background

- 3.1 The Local Audit and Accountability Act 2014 (the Act) brought to a close the Audit Commission and established transitional arrangements for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England. On 5 October 2015 the Secretary of State Communities and Local Government (CLG) determined that the transitional arrangements for local government bodies would be extended by one year to also include the audit of the accounts for 2017/18.
- 3.2 The Act also set out the arrangements for the appointment of auditors for subsequent years, with the opportunity for authorities to make their own decisions about how and by whom their auditors are appointed. Regulations made under the Act allow authorities to 'opt in' for their auditor to be appointed by an 'appointing person'.

- 3.3 In July 2016 PSAA were specified by the Secretary of State as an appointing person under regulation 3 of the Local Audit (Appointing Person) Regulations 2015. The appointing person is sometimes referred to as the sector led body and PSAA has wide support across local government. PSAA was originally established to operate the transitional arrangements following the closure of the Audit Commission under powers delegated by the Secretary of State. PSAA is an independent, not-for-profit company limited by guarantee and established by the LGA.
- 3.4 PSAA is inviting the Council to opt in, along with all other authorities, so that PSAA can enter into a number of contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's external auditor from 2018/19.

The principal benefits from such an approach are as follows:

- PSAA will ensure the appointment of a suitably qualified and registered auditor and expects to be able to manage the appointments to allow for appropriate groupings and clusters of audits where bodies work together;
- PSAA will monitor contract delivery and ensure compliance with contractual, audit quality and independence requirements;
- Any auditor conflicts at individual authorities would be managed by PSAA who would have a number of contracted firms to call upon;
- It is expected that the large-scale contracts procured through PSAA will bring economies of scale and attract keener prices from the market than a smaller scale competition;
- The overall procurement costs would be lower than an individual smaller scale local procurement;
- The overhead costs for managing the contracts will be minimised through a smaller number of large contracts across the sector;
- There will be no need for the Council/Authority to establish alternative appointment processes locally, including the need to set up and manage an 'auditor panel', see below;
- The new regime provides both the perception and reality of independent auditor appointment through a collective approach; and
- A sustainable market for audit provision in the sector will be easier to ensure for the future.

- 3.5 The Council's current external auditor is BDO, this appointment having been made under a contract let by the Audit Commission. Following closure of the Audit Commission the contract was novated to PSAA, and since this date PSAA has demonstrated its capability in terms of auditor appointment, contract management, and monitoring audit quality. Over recent years authorities have benefited from a reduction in fees in the order of 55% compared with fees in 2012. This has been the result of a combination of factors including new contracts negotiated nationally with the audit firms and savings from closure of the Audit Commission.
- 3.6 The proposed fees for the subsequent years cannot be known until the procurement process has been completed, as the costs will depend on proposals from the audit firms. However, it is anticipated that the new fees will be in line with the current annual fees charged.
- 3.7 The scope of the audit will still be specified nationally, the National Audit Office (NAO) is responsible for writing the Code of Audit Practice which all firms appointed to carry out the Council's audit must follow. Not all audit firms will be eligible to compete for the work, they will need to demonstrate that they have the required skills and experience and be registered with a Registered Supervising Body approved by the Financial Reporting Council.
- 3.8 Currently, there are only nine providers that are eligible to audit local authorities and other relevant bodies; all of these being firms with a national presence. This means that a local procurement exercise, as described immediately below, would seek tenders from these same firms, subject to the need to manage any local independence issues. Local firms could not be invited to bid.

4. The Way Forward

- 4.1 PSAA has now formally invited this Council/Authority to "opt in".

In summary the national opt-in scheme provides the following:

- The appointment of a suitably qualified audit firm for each of the five financial years commencing 1 April 2018;
- Appointing the same auditor to other opted in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints;
- Managing the procurement process to ensure both quality and price criteria are satisfied. PSAA will seek views from the sector to help inform its detailed procurement strategy;
- Ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise;
- Minimising the scheme management costs and returning any surpluses to scheme members;
- Consulting with authorities on auditor appointments, giving the Council/Authority the opportunity to influence which auditor is appointed;

- Consulting with authorities on the scale of audit fees and ensuring these reflect scale, complexity and audit risk; and
- On-going contract and performance management of the contracts once these have been let.

4.2 A sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Council than any procurement undertaken locally. More specifically:

- The audit costs are likely to be lower than if the Council sought to appoint locally, as national large-scale contracts are expected to drive keener prices from the audit firms;
- Without the national appointment, the Council would need to establish a separate independent auditor panel, which could be difficult, costly and time-consuming;
- PSAA can ensure the appointed auditor meets and maintains the required quality standards and can manage any potential conflicts of interest much more easily than the Council/Authority;
- Supporting the sector-led body will help to ensure there is a vibrant public audit market for the benefit of the whole sector and this Council going forward into the medium and long term.

4.3 If the Council is to take advantage of the national scheme for appointing auditors to be operated by PSAA for the subsequent years, it needs to take the decision at this meeting to enable it accept the invitation by early March 2017.

4.4 Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by a meeting of the Council (meeting as a whole). The Council then needs to formally respond to PSAA's invitation in the form specified by PSAA by early March 2017

4.5 PSAA will commence the formal procurement process after this date. It expects to award contracts in summer 2017 and consult with authorities on the appointment of auditors so that it can make an appointment by the statutory deadline of December 2017.

5. Other Options

5.1 If the Council did not opt in there would be a need to establish an independent auditor panel. In order to make a stand-alone appointment the auditor panel would need to be set up by the Council itself. The members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, this excludes current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing which audit firm to award a contract for the Council's external audit.

- 5.2 Alternatively the Act enables the Council to join with other authorities to establish a joint auditor panel. Again this will need to be constituted of wholly or a majority of independent appointees (members). Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.
- 5.3 Neither of these options are recommended. Both these options would be more resource-intensive processes to implement and without the bulk buying power of the sector led procurement, would be likely to result in a more costly service. It would also be more difficult to manage quality and independence requirements through a local appointment process.

6. Reasons for Recommendation

The Council needs to be in a position for an appointment of an external auditor for 2018/19. The PSAA “opt in” arrangement requires full Council approval by March 2017.

7. Corporate Implications

7.1 Contribution to Council’s Vision & Corporate Priorities

The appointment of an external auditor will assist in supporting the Council with its Corporate Priorities.

7.2 Financial Implications

There is a risk that current external fees levels could increase when the current contracts end in 2018.

Opting-in to a national scheme provides maximum opportunity to ensure fees are as low as possible, whilst ensuring the quality of audit is maintained by entering in to a large scale collective procurement arrangement.

If the national scheme is not used some additional resource may be needed to establish an auditor panel and conduct a local procurement. Until a procurement exercise is completed it is not possible to state what, if any, additional resource may be required for audit fees for 2018/19.

7.3 Legal Implications

Section 7 of the Local Audit and Accountability Act 2014 requires a relevant Council to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year. Section 8 governs the procedure for appointment including that the Council must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 provides that where a relevant Council is a local Council operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the Council under those arrangements;

Section 12 makes provision for the failure to appoint a local auditor: the Council must immediately inform the Secretary of State, who may direct the Council to appoint the auditor named in the direction or appoint a local auditor on behalf of the Council.

Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a Sector Led Body to become the appointing person. In July 2016 the Secretary of State specified PSAA as the appointing person.

7.4 People Implications

There are no specific implications.

7.5 Property Implications

There are no specific implications.

7.6 Consultation

There are no specific implications.

7.7 Equalities and Diversity Implications

There are no specific implications.

7.8 Risk Assessment

The principal risks are that the Council fails to appoint an auditor in accordance with the new frameworks or does not achieve value for money in the appointment process. These risks are considered best mitigated by opting in to the sector led approach through PSAA.

7.9 Value for Money

The process recommended is best placed to deliver value for Money for the Council in the appointment of its external auditors.

7.10 Community Safety Implications

There are no specific implications

7.11 Environmental Impact

There are no specific implications

8. Background Papers

PSAA invitation to “opt in”

9. Appendices

None

This page is intentionally left blank

Southend-on-Sea Borough Council

Agenda
Item No.

26

Report of Chief Executive & Town Clerk

to
Council

on

15 December 2016

Report prepared by: John Williams,
Director of Legal & Democratic Services

Changes to the Constitution

Part 1 Public Agenda Item

1. Purpose of Report

To recommend changes to the Constitution to reflect the new senior management and departmental arrangements.

2. Recommendations

2.1 That the Scheme of Delegation to Officers in Part 3 Schedule 3 of the Constitution be amended as set out in Appendix 1.

2.2 That the Management Structure of the Council in Part 7 of the Constitution be amended as set out in Appendix 2.

2.3 That references throughout the Constitution to Chief Officers and Departments be amended to reflect the new titles agreed by Council on the 20th October 2016 when it endorsed changes to Senior Management and Departmental arrangements.

3. Background

- 3.1 On 20 September 2016 the Cabinet considered a report of the Chief Executive and recommended to Council that changes be made to Senior Management and Departmental arrangements, and also that appropriate amendments be made to the Constitution to reflect the new management structure once implemented (minute 281 refers). The Council endorsed the Cabinet's recommendations at its meeting on 20 October 2016.

3.2 The main changes required to the Constitution as a consequence of the decisions referred to in 3.1 are:

(a) That the Scheme of Delegation to Officers in Part 3 Schedule 3 of the Constitution be amended as set out in **Appendix 1**. The opportunity has also been taken to make some minor changes mainly to reflect legislative change or to improve clarity.

Words which have been deleted are struck through and words added are underlined.

(b) That the Management Structure of the Council in Part 7 of the Constitution be amended as set out in **Appendix 2**. Again words which have been deleted are struck through and words added are underlined.

3.3 It is also necessary to make changes throughout the Constitution to reflect the new titles of Chief Officers and Departments as a consequence of the agreed changes to Senior Management and Departmental arrangements. Authority is sought to make these changes.

3.4 There has necessarily been the need for Chief Officers with new titles to make decisions over recent weeks, pursuant to the Scheme of Delegation to Officers in Part 3 Schedule 3 of the Constitution or in accordance with delegations set out in minutes of Cabinet or a Committee.

Paragraphs 1.1(d), 1.3.5, 1.3.6 and 1.3.7 of the Scheme of Delegation to Officers provide authority for decisions taken in these circumstances.

4. Corporate Implications

4.1 Contribution to Council's Vision & Corporate Priorities

Becoming an excellent and high performing organisation.

4.2 Financial Implications

None

4.3 Legal Implications

Amending the Constitution is a function reserved to the Council. The changes are required for the efficient administration of the Council and to reflect the agreed changes to Senior Management and Departmental arrangements.

4.4 People Implications

None

4.5 Property Implications

None

4.6 Consultation

Internal consultation

4.7 Equalities and Diversity Implications

None

4.8 Risk Assessment

N/A

4.9 Value for Money

N/A

4.10 Community Safety Implications

None

4.11 Environmental Impact

None

5. Background Papers

None

6. Appendices

Appendix 1 – Proposed amendments to the Scheme of Delegation to Officers in Part 3 Schedule 3 of the Constitution

Appendix 2 - Proposed amendments to the Management Structure of the Council in Part 7 of the Constitution

This page is intentionally left blank

Part 3 Schedule 3 – Delegations to Officers

Contents

	Page
1. Delegation to Officers	
Definitions.....	1
Forms of Delegation.....	1
Principles to be observed when exercising delegated powers under this Scheme of Delegation.....	2
2. The Statutory & Proper Officers	
Statutory Officers.....	4
Proper Officers.....	4
3. General Delegations to Chief Officers & Other Officers	10
Human Resources.....	11
Contracts.....	11
4. Specific Delegations to Chief Officers	
The Chief Executive & Town Clerk <u>and Directors within the Department</u>	12
The Corporate Director for Corporate Services.....	12
The Corporate Director for People <u>Deputy Chief Executive (People) and Directors within the Department</u>	14
The Corporate Director for Place <u>Deputy Chief Executive (Place) and Directors within the Department</u>	17
The Director of Public Health.....	18
5. Special Schemes of Delegation	
Regulation of Investigatory Powers Act 2000.....	19
Cemeteries & Crematorium.....	19
Estate Management Service.....	19
Private Sector Housing.....	19
Building Control.....	20
Public Protection (including Regulatory Services and Waste Management).....	20
Planning.....	20
Children Statutory Social Services Complaints.....	24
Adult Statutory Social Services Complaints.....	24
Assets of Community Value.....	24

Part 3 Schedule 3 – Delegation to Officers

1. Introduction

1.1 Definitions

In this Scheme of Delegation:

- (a) **“Chief Officers”** means the Chief Executive & Town Clerk, the Deputy Chief Executive (People), the Deputy Chief Executive (Place), Corporate Directors (including the Deputy Director of Public Health (Improvement)) and Heads of Service and the holders of any other post which may be designated for this purpose.
- (b) **“Other Officer”** means an officer below Head of Service Director.
- (c) **“Member Body”** means the Cabinet, any Cabinet committee, Council, any committee, and any sub-committee.
- (d) Should the title or responsibilities of a Chief Officer be altered then references to that particular officer should be taken to refer to the Chief Officer responsible for the function in question.
- (e) Any reference to a specific statute includes any statutory extension or modification or re-enactment of the statute and any regulation, orders or byelaws made under it.

1.2 Forms of Delegation

This part of the Constitution sets out the extent to which executive and non-executive functions are delegated to Chief Officers or Other Officers, by any Member Body. Delegation does not prevent the Member Body from discharging the same function. Delegation may take the form of:

- (a) Appointment of Statutory and Proper Officers in Section 2 of this Scheme of Delegation.
- (b) General Delegation to Chief Officers and Other Officers under Section 3 of this Scheme of Delegation.
- (c) Without detracting from the General Delegation, Specific Delegation to Chief Officers under Section 4 of this Scheme of Delegation.
- (d) Special Schemes of Delegation to Chief Officers and Other Officers as set out in Section 5 of this Scheme of Delegation, with regard to the following matters:
 - 5.1 RIPA
 - 5.2 Cemeteries & Crematorium
 - 5.3 Estate Management Services
 - 5.4 Private Sector Housing
 - 5.5 Building Control
 - 5.6 Public Protection (including Regulatory Services & Waste Management)
 - 5.7 Planning
 - 5.8 Children Statutory Social Services Complaints
 - 5.9 Adult Statutory Social Services Complaints
- (e) A decision to delegate a particular matter made by a Member Body.

1.3 Principles to be observed when exercising delegated powers under this Scheme of Delegation

1.3.1 In exercising General, Specific and Special delegated powers, Chief Officers and Other Officers must:

- (a)** Comply with the law and the Constitution, including in particular the Rules set out in Part 4, having regard to any legal advice from the **Head Director** of Legal & Democratic Services, any financial advice from the **Head Director** of Finance & Resources and any Human Resources advice from the **Head of People & Policy Director of Transformation**.
- (b)** Act in accordance with any instructions given by the Chief Executive & Town Clerk.
- (c)** Consult the relevant Executive Councillor or the Chairman of the relevant Member Body in such circumstances as are considered appropriate and in any case where a Special Scheme of Delegation so requires.
- (d)** Keep an adequate record of the decision, authorisation etc.
- (e)** Report the decision in accordance with the requirements of any relevant Member Body.

1.3.2 In exercising General, Specific and Special delegated powers, Chief Officers and Other Officers must not:

- (a)** Take a decision that is specifically reserved to any Member Body (unless Standing Order 46 applies);
- (b)** Take a decision or action which:
 - involves the approval of statutory Plans and other Policies;
 - conflicts with Council Policy;
 - involves the approval of Capital and Revenue budgets; or
 - incurs expenditure for which there is no budget.

1.3.3 Chief Officers who have General, Specific or Special delegated powers may (so far as the law permits) arrange for other members of staff, or contractors for whom they are responsible, to take decisions or actions in their name, but they will remain accountable for them.

Note: S.101 of the Local Government Act 1972 prohibits onward delegation from one officer to another. However the law permits administrative decisions to be taken by an officer in a Chief Officer's name, but not fundamental "threshold decisions".

1.3.4 In the event of the Chief Officer not being available for whatever reason then the next most senior officer of the Department shall be authorised to implement these delegated powers.

1.3.5 To the extent that the law permits, decisions and actions taken by Chief Officers and Other Officers under delegated powers shall be valid notwithstanding any failure to comply with the requirements of this Scheme of Delegation, and may in addition be ratified by a decision of the relevant Member Body.

1.3.6 Should the title of any Chief Officer or Other Officer change from that referred to in this Scheme of Delegation, the approved delegated arrangements shall be exercisable by the appropriate Chief Officer or Other Officer as the case may be, responsible for the function in question.

- 1.3.7** Where any new power is given to the Council which does not fall within this Scheme of Delegation, the exercise of that power shall be undertaken by the relevant Chief Officer until such time as the Council has allocated responsibility.
- 1.3.8** A Chief Officer or Other Officer may elect not to exercise their delegated powers in which case it shall be referred to the appropriate Member Body or Chief Officer as the case may be.

2. The Statutory & Proper Officers

2.1 Statutory Officers

By law, the Council must employ the persons set out below:

Legislation	Function	Post
S.4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive & Town Clerk
S.5 Local Government and Housing Act 1989	Monitoring Officer	Head <u>Director</u> of Legal & Democratic Services
S.151 LGA 1972	Chief Finance Officer	Head <u>Director</u> of Finance & Resources
S.35 Representation of the People Act 1983	Returning Officer for the Borough Council & Parish Council Elections	Chief Executive & Town Clerk
S.8 Representation of the People Act 1983	Electoral Registration Officer	Chief Executive & Town Clerk
S.6 (A1) Local Authority Social Services Act 1970	Director of Adult Social Services	Corporate Director <u>Deputy Chief Executive (People)</u>
S.18 Children Act 2004	Director of Children's Services	Corporate Director <u>Deputy Chief Executive (People)</u>
S.72 (1) (a) Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Regulatory Services Officer – Trading Standards
S.17 Traffic Management Act 2004	Traffic Manager	Head <u>Director</u> of Planning & Transport
S.31 Local Democracy, Economic Development & Construction Act 2009	Scrutiny Officer	Principal Committee Officer (Health Scrutiny Lead)
S.73A National Health Service Act 2006, as amended by the Health & Social Care Act 2012	Director of Public Health	Director of Public Health

2.2 Proper Officers

The Council employs the following Proper Officers:

Legislation	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive & Town Clerk and Head <u>Director</u> of Legal & Democratic Services
S.84(1)	Receipt of notice of resignation of elected Member	Chief Executive & Town Clerk
S.88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chair	Chief Executive & Town Clerk
S.89(1)	Notice of casual vacancy	Chief Executive & Town Clerk

Legislation	Function	Proper Officer
S.100 (except 100(D))	Admission of public (including press) to meetings	Chief Executive & Town Clerk and Head Director of Legal & Democratic Services
S.100(D)	Compile list of background papers for reports and make copies available for public inspection	All Chief Officers
S.115(2)	Receipt of money due from officers	Head Director of Finance & Resources
S.146(1)(a) & (b)	Declarations and certificates with regard to transfer of securities	Head Director of Finance & Resources
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Chief Executive & Town Clerk
S.225	Deposit of Documents	Chief Executive & Town Clerk
S.228(3)	Accounts for inspection by any member of the Council	Head Director of Finance & Resources
S.229(5)	Certification of photographic copies of documents	Head Director of Legal & Democratic Services and 2 Principal Solicitors
S.234	Authentication of documents	Head Director of Legal & Democratic Services and 2 Principal Solicitors
S.238	Certification of byelaws	Head Director of Legal & Democratic Services and 2 Principal Solicitors
S.248	Officer who will keep the Roll of Freemen	Chief Executive & Town Clerk
Schedule 12		
Para 4(2)(b)	Signing of summons to Council meetings	Chief Executive & Town Clerk
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Chief Executive & Town Clerk
Schedule 14		
Para 25	Certification of resolution concerning the Public Health Acts 1875 to 1925	Chief Executive & Town Clerk

Legislation	Function	Proper Officer
Local Government Act 1974		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive & Town Clerk
Local Government (Miscellaneous Provisions Act) 1976		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Chief Executive & Town Clerk and Head Director of Legal & Democratic Services
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Bereavement & Facilities Services Group Manager
Representations of the People Act 1983		
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive & Town Clerk
Local Elections (Principal Area) Rules 1986		
Rule 46	Retention and public inspection of documents after an election	Chief Executive & Town Clerk
Local Elections (Parishes and Communities) Rules 1986		
Rules 46, 47 and 48	Retention and public inspection of documents after an election	Chief Executive & Town Clerk
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Head of People & Policy Director of Transformation
Local Government (Committees and Political Groups) Regulations 1990		
Regulations 8 - 14	For the purposes of the composition of committees and nominations to political Groups	Chief Executive & Town Clerk
Local Authorities (Members' Interests) Regulations 1992		
Regulations 3, 4 5 and 6	Functions relating to keeping of a record of Members' interests	Head Director of Legal & Democratic Services
Local Authorities (Standing Orders) (England) Regulations 2001		
Schedule 1 Part 2	Notification of appointment or dismissal of officers	Chief Executive & Town Clerk save where post of CE&TC is involved, where it shall be Head Director of Legal & Democratic Services
The Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000		
Regulation 3	Recording of Executive decisions made at meetings of the Executive Board	Head Director of Legal & Democratic Services

Legislation	Function	Proper Officer
<i>Regulation 5</i>	Inspection of documents following Executive decisions	Head Director of Legal & Democratic Services
<i>Regulation 6</i>	Inspection of background papers	Head Director of Legal & Democratic Services
<i>Regulation 9</i>	Individual Executive decisions	Head Director of Legal & Democratic Services
<i>Regulation 11</i>	Access to agenda and connected reports	Head Director of Legal & Democratic Services
<i>Regulation 12</i>	Publicity in connection with key decisions	Head Director of Legal & Democratic Services
<i>Regulation 15</i>	General exception relating to the Forward Plan	Head Director of Legal & Democratic Services
<i>Regulation 17</i>	Members' rights of access to documents	Head Director of Legal & Democratic Services
<i>Regulation 21</i>	Confidential / exempt information and exclusion of public from meetings	Head Director of Legal & Democratic Services
<i>Housing Act 1985</i>		
S.606	Submission of reports on particular houses or areas by the Proper Officer	Corporate Director for <u>Deputy Chief Executive (People)</u>
<i>Building Act 1984</i>		
S.93	Authentication of documents	Group Manager <u>Planning and Building Control</u>
<i>Food Safety Act 1990</i>		
S.49(3)(a)	Authentication of documents	Head Director of Public Protection
<i>Public Health Act 1936</i>		
S.85(2)	To service notice requiring remedial action where there are verminous persons or articles	Head Director of Public Protection
<i>Public Health Act 1961</i>		
S.37	Control of any verminous article	Head Director of Public Protection
<i>Public Health (Control of Disease) Act 1984</i>		
S.11	Receiving and dealing with notifications about cases of notifiable diseases and food poisoning	Director of Public Health
S.18	Obtaining information about cases of notifiable disease or food poisoning	Director of Public Health
S.20	Stopping of work to prevent spread of disease	Director of Public Health

Legislation	Function	Proper Officer
S.21	Exclusion from school of a child liable to convey a notifiable disease	Director of Public Health
S.22	Requesting names and addresses of pupils attending a school or department of a school	Director of Public Health
S.31	Certification by officer of need for disinfection of premises	Director of Public Health
S.32	Certification by officer of need to remove person from infected house	Director of Public Health
S.36	Issuing certificates to obtain an order for and carrying out a medical examination of persons believed to be carrying a notifiable disease	Director of Public Health
S.40	Obtain a warrant to and carry out a medical examination of inmates of a common lodging house	Director of Public Health
S.42	Certifying a common lodging house to be free of infection	Director of Public Health
S.43	Certifying that the body of a person who dies in hospital from a notifiable disease shall not be moved except to be taken to a mortuary or immediately buried or cremated	Director of Public Health
<u>S.45 (A-T) (& regulations made thereunder)</u>	<u>Undertake activities to protect public health</u>	<u>Director of Public Protection</u>
S.48	Certifying that the retention of a body in a building would endanger health	Director of Public Health <u>Protection</u>
S.59	Authentication of documents relating got matters within his / her responsibility	Director of Public Health <u>Protection</u>
S.61-62	Power to enter Premises	<u>Director of Public Protection</u>
National Assistance Act 1948		
S.47	Removal to suitable premises of people in need of care and attention	Director of Public Health
National Assistance (Amendment) Act 1951		
S.1	Certification of the need for immediate action	Corporate Director for <u>Deputy Chief Executive (People)</u>
National Health Service Act 2006, as amended by the Health & Social Care Act 2012		
S.73A(1)(a)	The exercise by the Council of its functions under Sections 2B, 111 or 249 or Schedule 1	Director of Public Health

Legislation	Function	Proper Officer
<i>S.73A(1)(b)</i>	The exercise by the Council of its functions by virtue of Section 6C(1) or (3)	Director of Public Health
<i>S.73A(1)(c)</i>	Anything done by the Council in pursuance of arrangements under Section 7A	Director of Public Health
<i>S.73A(1)(d)</i>	The exercise by the Council of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of Public Health
<i>S.73A(1)(e)</i>	The functions of the Council under Section 325 of the Criminal Justice Act 2003	Director of Public Health
<i>S.73A(1)(f)</i>	Such other functions relating to Public Health as may be prescribed	Director of Public Health

3. General Delegations to Chief Officers & Other Officers

3.1 Subject to 1.3 Chief Officers are authorised to take decisions and to act:

- (a) To discharge the functions allocated to them or dealt with by them or their staff.
- (b) In all matters in which they have managerial or professional authority unless there is a legal or professional impediment.
- (c) Without qualification, in accordance with Standing Order 46 of the Council Procedure Rules.

3.2 Subject to 1.3 Chief Officers may exercise discretion and use whatever means they consider appropriate to discharge those functions and implement those decisions, and to exercise their General, Specific and Special Delegated Powers, including:

- (a) Incurring expenditure, collecting income and writing off debts.
- (b) Deploying land and premises and all other resources within their control.
- (c) Placing contracts and procuring other resources within or outside the Council.
- (d) Settling claims and disputes.
- (e) Making statutory determinations and orders, granting and refusing permissions, licences and consents, and issuing and serving statutory notices, licences, permits, consents and certificates of all kinds.
- (f) Signing and authenticating documents of all kinds.
- (g) To make representations in respect of applications under the Licensing Act 2003 and Gambling Act 2005.
- (h) To appoint “authorised officers / persons”, “approved officers / persons”, “inspectors “etc to carry out duties and exercise powers within that individual’s area of responsibility, including but not limited to:
 - (i) Entering and inspecting premises; and
 - (ii) Taking action under the Special Schemes of Delegation in Section 5 below.

Note: Chief Officers must keep lists of who they have authorised, for what purpose and what limitations apply. They must also issue authorisation cards as necessary.

- (i) To authorise the Head **Director** of Legal & Democratic Services to issue and pursue legal proceedings and serve notices in respect of functions delegated to them.
- (j) To serve statutory notices, issue cautions and take enforcement action (including but not limited to the issue of fixed penalty notices).
- (k) Making in-year adjustments to fees and charges where statutory figures change or where specific circumstances make this expedient subject to consultation with the relevant Executive Councillor(s) and the Head **Director** of Finance & Resources.
- (l) Submitting a planning application for development linked to their area of responsibility.

3.3 Human Resources

3.3.1 Chief Officers

Subject to 1.3 and subject to the Officer Employment Procedure Rules, the delegated powers of Chief Officers include:

- (a) Power to determine staffing arrangements and structures within approved budgets subject to:
 - (i) Agreement on grading with the ~~Head of People & Policy~~ Director of Transformation;
 - (ii) Conformance with approved Council policies and procedures; and
 - (iii) Chief Executive & Town Clerk approval for structural changes establishing or affecting more than five posts.
- (b) Power to recruit, appoint, agree conditions of service, appraise, develop, manage and reward employees subject to compliance with Council policies and procedures.
- (c) Power to deal with voluntary severance, early retirement, redundancy and redeployment issues subject to compliance with Council policies and procedures.
- (d) Power to suspend, dismiss or take other disciplinary action and to deal with grievance, capability and sickness matters in accordance with the Council's policies and procedures.

3.3.2 Other Officers

Subject to 1.3 Other Officers are authorised to deal with Human Resources matters in accordance with the provisions of the Council's various Human Resources policies.

3.4 Contracts

Chief Officers and Other Officers may enter into contracts, make payments, write off debts etc in accordance with the financial levels of authority set out in Contracts Procedure Rules in **Part4(g)** and Financial Procedure Rules in **Part 4(f)**.

4. Specific Delegation to Chief Officers

Subject to 1.3 Chief Officers are given the following delegated powers:

4.1 The Chief Executive & Town Clerk

- Generally to take action in relation to the overall corporate management and operational responsibilities of the Council.
- To exercise all the powers delegated to other Chief Officers unless there is a legal or professional impediment.
- To exercise the functions of Head of the Paid Service as set out in Article 12 of **Part 2** of the Constitution.
- To make appointments to statutory panels.
- To appoint a Deputy Electoral Registration Officer.
- In the Chief Executive & Town Clerk's role as Returning Officer to determine variations to polling places that may be necessary for a particular election.

Note: A ~~Corporate Director~~ Deputy Chief Executive may exercise the powers delegated to the Chief Executive & Town Clerk, when the Chief Executive & Town Clerk is not available for any reason.

4.2 ~~The Corporate Director for Corporate Services~~ Chief Executive and / or the ~~Head~~ Director of Legal & Democratic Services

- To deal with applications made by the Police under Part 4 of the Anti-Social Behaviour Act 2003 seeking the Council's consent to the making of Dispersal Orders
- To authorise officers of the Council to appear before the Magistrates' Court or the County Court.
- To institute, defend, conduct and settle civil or criminal legal proceedings including employment related claims.
- To sign or authenticate documents, including contracts, property transactions, statutory notices, licences, permits, consents and certificates of registration of all kinds.
- To discharge the Council's functions in relation to access to information and Freedom of Information ~~and access to information~~ (including acting as Qualified Person) ~~and acting as RIPA Monitoring Officer~~
- To authorise Members attendance on courses and seminars and payment of out of the Borough travel & subsistence allowances.
- To carry out all the powers and duties under the Local Land Charges legislation.
- To issue certificates of opinion in connection with politically restricted posts.
- To deal with Complaints against Members pursuant to the Complaints against Members Rules in **Part 4(i)** including in particular:
 - to receive complaints of failure to comply with the Members' Code of Conduct in **Part 5(a)**;
 - to decide whether a complaint requires investigation (in consultation with the Independent Person);
 - to close a case where an investigation finds no evidence of a breach of the Code;
 - to resolve complaints informally wherever possible; although where this is after an investigation there should be consultation with the Independent Person; and
 - To appoint members of the Hearing Sub-Committee and its chairman after consultation with the chairman of the Standards Committee.
- To maintain Registers of Members' Interests for all Members and co-opted members (including Leigh-on-Sea Town Councillors).
- The Director of Legal & Democratic Services shall exercise the following functions :-
 - Monitoring Officer as set out in Article 12 of Part 2 of the Constitution (Note: this role cannot be discharged by the Chief Executive)
 - Senior Responsible Officer for RIPA
 - Senior Information Risk Owner (SIRO) re Data Protection

4.3 ~~The Corporate Director for Corporate Services~~ **Chief Executive** and / or ~~Head of People & Policy~~ **Director of Transformation**

- To make, revoke or amend Human Resources Policies, in consultation with the Chief Executive & Town Clerk and after consultation with the Trade Unions if appropriate, save that where the Chief Executive & Town Clerk determines that the issues involved are significant (including but not limited to changes to disciplinary and grievance procedures), then the decision shall be for Cabinet.
- To agree gradings of new posts with the appropriate Chief Officer.
- To deal with Council communications and press releases.
- To determine applications for in-year grants in accordance with the agreed criteria, following consultation with the members of the Grants Strategy Working Party.
- To pay salaries, wages, performance related pay, honoraria and other gratuities (the ~~Head~~ **Director** of Finance & Resources also has this delegated power).
- To deal with organisational transformation, save that strategic decisions shall be a matter for Cabinet.
- To deal with all matters relating to the Customer Service Centre.
- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences and taking enforcement action) in relation to:
 - Cemeteries and crematoria
 - The Registration of Births, Deaths and Marriages, and civil ceremonies, including premises for Civil marriages
 - Transport services
- See also section 5.2 for Special Scheme of Delegation for Cemeteries and Crematorium

4.4 ~~The Corporate Director for Corporate Services~~ and / or ~~the Head of Customer Services~~

- ~~To discharge the Council's functions (including but not limited to determining all consents, permissions and licences and taking enforcement action) in relation to:~~
 - Cemeteries and crematoria
 - The Registration of Births, Deaths and Marriages, and civil ceremonies, including premises for Civil marriages
 - ICT and Data Protection
 - Transport services
- ~~See also section 5.2 for Special Scheme of Delegation for Cemeteries and Crematorium.~~

4.4 ~~The Corporate Director for Corporate Services~~ **Chief Executive** and / or the ~~Head~~ **Director** of Finance & Resources

- To take all steps that are considered appropriate for the administration of the financial affairs of the Council including:
 - To pay salaries, wages, performance related pay, honoraria and other gratuities. (The ~~Head of People & Policy~~ **Director of Transformation** also has this delegated power.)
 - To borrow and invest.
 - To trade in Landfill allowances.
 - To deal with all insurance matters, including the settlement of insurance claims.
 - To deal with all pension matters including the making of pension determinations.
 - To determine fraud and corruption policies.
- To deal with all Revenues and Benefits matters including:

- To deal with all matters and to exercise all discretions relating to the determination, administration and collection of non-domestic rates and Council Tax which are not reserved to a Member Body.
 - To take legal proceedings for the recovery of General Rate arrears, Non Domestic Rate arrears, Community Charge arrears, Community Charge penalties and Council Tax arrears, and all other outstanding debts.
 - To authorise officers to represent the Council in such proceedings and in all other proceedings connected with local tax recovery.
 - To discharge the Council's functions relating to Council Tax and Housing Benefit, including measures to combat fraud.
 - ~~To administer the Council's assisted car purchase and car leasing schemes~~
- The Director of Finance & Resources shall exercise the functions of the S.151 Chief Finance Officer as set out in Article 12 of Part 2 of the Constitution (Note: This role cannot be discharged by the Chief Executive unless he is a qualified accountant)
- To carry out the following Estate Management functions in relation to Council land or property assets including those assets held by the Council as trustee:
 - To deal with all Estate Management functions including but not limited to settling the terms of any lease renewals, rent reviews, surrender and renewals, lease extensions, supplemental leases, lease re-gearing opportunities, landlord's consents, access agreements, dilapidations, charges, variations and the service of notices, commissioning surveys, forfeiture and enforcement action.
 - To settle the terms of any new leases, or supplemental leases with an annual rent up to and including £75,000 p.a.
 - To deal with disposals, including easements or other interests in land for best consideration with a capital value or consideration up to and including £250,000.
 - To deal with acquisitions on value for money terms with a capital value or consideration up to and including £250,000.
 - To deal with any disposals at under-value where the element of undervalue has a premium value or consideration of less than £100,000.
 - To deal with any lettings at under value where the term does not exceed 7 years or the element of under value on the rent is less than £25,000 p.a.
 - To consider objections and in the case of there being less than 5 non-substantive objections, to authorise the disposal of open space in accordance with the process set out in the Corporate Asset Management Strategy.
 - To manage office accommodation in the Civic Centre
- Note:** Reference to leases includes licences, tenancies at will and any other occupational agreements.
- See also Section 5.3 and 5.10 for Special Schemes of Delegation for Estate Management Services and Assets of Community Value respectively.

4.5 The Corporate Director for Deputy Chief Executive (People) and / or, within their respective remits, the Head Director of Children's Services and the Head of Learning

- To act as the Director of Children's Services appointed under the Children Act 2004: To discharge all responsibilities and duties relating to children conferred under that Act or previously discharged by the ~~statutory Chief Education Officer~~ and Director of Social Services and to discharge all the functions of the Council as a Children's Services Authority except for:

- ~~Approval of the financial scheme of delegation and Local Management of Schools formula.~~
 - ~~Statutory notices and prior consultation relating to school closures.~~
 - ~~Fixing school term and holiday dates~~
 - ~~School admission policy.~~
 - Approval of statutory plans for any aspect of children's services.
 - Establishment and review of the statutory complaints procedure under S23A-S23B of the Children Act 1989.
- ~~To make / propose appointments to School Governing Bodies and the Southend Adult Community College and appointments of additional Governors to schools in special measure, in consultation with all members of the Appointments and Disciplinary Committee. (If any member of the said Committee objects the matter shall go to the Committee for determination.)~~
 - See also Section 5.8 for Special Scheme of Delegation for Children Statutory Social Services Complaints.

4.6 The Deputy Chief Executive (People) and / or the Director of Learning

- To discharge the Council's functions relating to education and learning (including those previously discharged by the statutory Chief Education Officer) except for:-
 - Approval of the financial scheme of delegation and Local Management of Schools formula.
 - Statutory notices and prior consultation relating to school closures.
 - Fixing school term and holiday dates
 - Approval of statutory plans for any aspects of education and learning

4.7 The Corporate Director for Deputy Chief Executive (People) and / or the Head Director of Adult Services & Housing

- To act as the Director of Adult Services and to discharge all responsibilities and duties relating to that role.
- To take all necessary action, to ensure that the Council's powers and duties are properly and effectively discharged in adult protection and adult care cases.
- To appoint Approved Mental Health Professionals under the Mental Health Act 1983.
- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences and taking enforcement action) in relation to:
 - Social care and health
 - Social services for adults
 - Mental health
 - Community development
- To act as "the Responsible Person" (on behalf of the Chief Executive and Town Clerk) pursuant to the Local Authority Social Services and NHS Complaints (England) Regulations 2009 re Adult Statutory Social Services complaints.
- To act as a Receiver under the terms of an order issued by the Court of Protection.
- See also Section 5.9 for Special Scheme of Delegation for Adult Statutory Social Services Complaints.

Housing

- To discharge the Council's housing functions (including but not limited to determining all consents, permissions and licences and taking enforcement action) in relation to:
 - The management and administration of Council dwellings, subject to the management agreement with South Essex Homes.

- Providing housing assistance, including but not limited to the provision of advice, and homelessness decisions.
 - The allocation of housing.
 - Taking any steps open to the Council in relation to privately owned dwellings, including but not limited to enforcing standards dealing with grants and dealing with energy performance certificate / notices.
- See also Section 5.4 for Special Scheme of Delegation for Private Sector Housing.

4.8 The Corporate Director for Deputy Chief Executive (People) and / or the Joint Associate Director of Strategy & Commissioning Integrated Care Commissioning

- To discharge the Council's functions relating to:-
 - ~~To manage the Council's Corporate Procurement and Commissioning Function.~~
 - ~~To manage Commissioning, Workforce Development and Performance in the Department for People.~~
 - Corporate commissioning and commissioning for Public Health
 - Joint commissioning, including with the CCG.
 - Corporate procurement.

4.9 The Deputy Chief Executive (People) and/or within their respective remits the Director of Public Health and the Deputy Director of Public Health (Improvement)

- The areas of responsibilities of the Director of Public Health shall be:
 - To discharge the Council's functions in relation to:
 - Developing and maintaining the Joint Strategic Needs Assessment for the Council.
 - Supporting and advising the Health & Well-being Board for Southend.
 - Developing and maintaining a Public Health Plan for the Council.
 - Meeting the Council's obligations for liaison with and support to the ~~Health Protection Agency.~~ Public Health England
 - Providing Public Health leadership, advice and information to the public as required by the Health Act 2006.
 - Preparing and publishing an annual report on Public Health in Southend.
 - Discharging the responsibility for co-operation and joint working in relation to public health within Southend on behalf of the Council.
 - Discharging the responsibilities for health and social care research and information in relation to public health and well being.
 - Overseeing the responsibilities of the Council for liaison with voluntary sector social care and health organisations.
 - Protecting the health of the population for infectious diseases and environmental hazards
 - Emergency preparedness
 - The Director of Public Health shall act as the statutory officer under section 73A of the National Health Service Act 2006, as amended by the Health & Social Care Act 2012, and in particular will act as Lead for the delivery of public health services within Southend. (Note: This role cannot be discharged by the Deputy Chief Executive (People) unless he meets the professional requirements specified in the Department of Health Guidance)

4.10 The Corporate Director for Deputy Chief Executive (Place) and / or the Head Director of Planning & Transport

- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to:
 - Town and Country Planning (subject to the Special Scheme of Delegation for Planning in Section 5)
 - Building control
 - Dangerous buildings
 - High hedges
 - Highways and footpaths (including adoption and closure and S.6 of the Essex Act re verges)
 - On and off street parking
 - Highways maintenance and lighting
 - Traffic management, including Emergency Traffic Regulation Orders
 - Naming and numbering of streets
- See also Section 5.7 for Special Scheme of Delegation for Planning and Building Control.

4.11 The Corporate Director for Deputy Chief Executive (Place) and / or the Head Director of Public Protection

- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to:
 - (a) Regulatory Services, which include:
 - Environmental Health, environmental protection, public health, health and safety in premises, clean neighbourhoods and public protection
 - Trading standards and consumer protection
 - Market and street trading
 - All Licensing matters not reserved to the Licensing Committee or any Licensing Sub-Committee
 - (b) Community safety and the reduction of crime and disorder (including CCTV)
 - (c) Waste management and Environmental Care which include:
 - Waste collection
 - Waste treatment / disposal
 - Street cleansing
 - Clean Neighbourhoods
 - Untidy sites (S 215 Town & Country Planning Act 1990)
 - Litter on land
 - Abandoned vehicles
 - Emergency services operational (salting and snow removal from public highways, debris / unsafe surface, oil removal from beaches)
 - (d) Maintenance and servicing of public toilets
- See also Section 5.6 for Special Scheme of Delegation for Public Protection (including Regulatory Services & Waste Management).

4.12 The Corporate Director for Deputy Chief Executive (Place) and / or the Head of Economy, Director of Regeneration & Tourism Business Development

- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to:

- Economic development
- Regeneration
- Leisure facilities and events, including indoor and outdoor venues.
- ~~The Pier and Foreshore (including functions relating to boat and boatmen's licences, cockle fishing licences, bait digging licences)~~
- Tourism
 - [The management and promotion of regeneration activity](#)
 - [Economic and Business Development](#)
 - [Town Centre management](#)

4.13 The Corporate Director for [Deputy Chief Executive \(Place\)](#) and / or the Head of Culture [Director of Culture, Tourism & Delivery](#)

- To discharge the Council's functions (including but not limited to determining all consents, permissions and licences, and taking enforcement action) in relation to:
 - Parks, gardens and open spaces
 - Dangerous trees
 - Museums, galleries and the arts
 - Sports provision and development
 - Libraries
 - [Leisure facilities and events, including indoor and outdoor venues](#)
 - [The Pier and Foreshore \(including functions relating to boat and boatmen's Licences, cockle fishing licences, bait digging licences\)](#)
 - [Tourism](#)
 - [Facilities Management \(hard and soft\)](#)

4.14 The Deputy Chief Executive (Place) and/or the Director of Digital Futures

- [To discharge the Council's functions in relation to:](#)
 - [ICT support and development for the Council](#)
 - [Digital futures for the Borough](#)

~~4.13 The Director of Public Health~~

- ~~The Director of Public Health shall act as the statutory officer under section 73A of the National Health Service Act 2006, as amended by the Health & Social Care Act 2012, and in particular will act as Lead for the delivery of public health services within Southend.~~
- ~~The areas of responsibilities of the Director of Public Health shall be:~~
 - ~~Developing and maintaining the Joint Strategic Needs Assessment for the Council.~~
 - ~~Supporting and advising the Health & Well-being Board for Southend.~~
 - ~~Developing and maintaining a Public Health Plan for the Council.~~
 - ~~Meeting the Council's obligations for liaison with and support to the Health Protection Agency.~~
 - ~~Providing Public Health leadership, advice and information to the public as required by the Health Act 2006.~~
 - ~~Preparing and publishing an annual report on Public Health in Southend.~~
 - ~~Discharging the responsibility for co-operation and joint working in relation to public health within Southend on behalf of the Council.~~
 - ~~Discharging the responsibilities for social care research and information in relation to public health and well-being.~~
 - ~~Overseeing the responsibilities of the Council for liaison with voluntary sector social care and health organisations.~~

5. Special Schemes of Delegation

5.1 Regulation of Investigatory Powers Act 2000

- 5.1.1 All Chief Officers and the following Group Managers in the Department for Place (Regulatory Services, Waste & Environmental Care and Partnership Manager, Community Safety) are Authorising Officers for directed surveillance or CHIS activity under the Regulation of Investigatory Powers Act 2000 provided they have received appropriate training and comply with the Council's RIPA Policies & Procedures.
- 5.1.2 Any Council Officer who has received appropriate training may carry out directed surveillance authorised under 5.1.1. Such Officer shall be known as an "Investigating Officer" and must comply with the Council's RIPA Policies and Procedures.
- 5.1.3 Any Council Officer trained and accredited for the role by the Home Office and appointed by his / her Chief Officer shall act as single point of contact (SPOC) for the Council to acquire Communications Data.
- 5.1.4 All Chief Officers, the Group Manager Regulatory Services (Place) and the Group Manager Investigations (~~Corporate Services~~) (Chief Executive Department) shall each act as Designated Person to serve notice and authorise applications for Communications Data, provided they have received appropriate training and comply with the Council's RIPA Policies & Procedures.

5.2 Cemeteries & Crematorium

The Bereavement & ~~Facilities~~ Services Group Manager is authorised to enforce and execute the duties and functions of the Council in respect of the following:

- (i) To grant exclusive rights of burial and rights to erect monuments and memorials.
- (ii) To enter into undertakings for the maintenance of graves.
- (iii) In appropriate circumstances, to arrange funerals at the Council's expense in accordance with Section 46 of the Public Health (Control of Disease) Act 1984.

Under the direction of the Bereavement & ~~Facilities~~ Services Group Manager; the Crematorium Manager; Office Manager and Administration Officer are appointed to authorise cremations under the Cremation Act 1902, the Cremation Regulations 1930-1979 and the Cremation (Amendment) Regulations 1988.

5.3 Estate Management Service

The Group Manager (Corporate Property & Asset Management) may exercise all the powers of the ~~Corporate Director for Corporate Services and the Head~~ Chief Executive and Director of Finance & Resources in respect of Estate Management Services as defined in ~~4.54.4~~ above subject to the limits set out in the Financial Procedure Rules.

5.4 Private Sector Housing

The following Officers may serve notices and take appropriate action (including but not limited to works in default) under Private Sector Housing legislation within their area of responsibility, subject to being authorised in that regard by their Chief Officer pursuant to 3.2(h):

- Private Sector Housing Manager
- Strategy & Planning Manager, Private Sector Housing
- Private Sector Enforcement Officers

5.5 Building Control

The Group Manager (Planning & Building Control) may exercise all the powers of the ~~Corporate Director for Place~~ and the Head Deputy Chief Executive (Place) and the Director of Planning & Transport in respect of Building Control and Dangerous Buildings.

5.6 Public Protection (including Regulatory Services, Waste Management & Environmental Care and Community Safety)

- (a) The Group Managers for Regulatory Services, Waste Management & Environmental Care and Community Safety may exercise all the powers of the ~~Corporate Director for Place~~ and the Head Deputy Chief Executive (Place) and the Director of Public Protection in respect of functions within their remit as defined in 4.10 4.11 above.
- (b) The following Officers may serve notices and take appropriate action (including but not limited to works in default) under legislation within their area of responsibility, subject to being authorised in that regard by their Chief Officer pursuant to 3.2(h):
- Regulatory Services Manager(s)
 - Regulatory Services Officer(s)
 - Service Manager, Waste Management
 - Waste and Contracts Officer(s)
 - Environmental Care Co-ordinator(s)
 - Environmental Care Officer(s)
 - Enforcement Officer(s)
 - Animal Warden
 - Sustainability Officer
 - Anti-Social Behaviour Team Leader
 - Anti-Social Case Worker(s)
 - CCTV Team Leader
 - Community Safety Officer
 - Any other duly appointed and trained contracted staff

5.7 Planning

5.7.1 Subject to the **Committee Referral Procedure** in 5.7.4 below, approval or refusal of all applications made under The Town and Country Planning Act 1990, The Planning (Listed Buildings and Conservation Areas) Act 1990 and The Planning (Hazardous Substances) Act 1990 and associated Regulations and Orders is delegated to each of the following officers (“**the Relevant Officer(s)**”):

- The ~~Corporate Director for Place~~ Deputy Chief Executive (Place);
- The Head Director of Planning and Transport; and
- The Group Manager (Planning and Building Control)

provided that:

- (a) In the case of an approval the proposals do not conflict materially with a policy of the current Development Plan;
- (b) In the case of refusals the proposals are materially in conflict with a policy of the current Development Plan;
- (c) Consultations, neighbour notification and publicity have been carried out in accordance with statutory requirements and Council Policies;
- (d) The decision would not conflict with a material planning objection in principle from a statutory consultee received within the statutory consultation period;

- (e) In all cases the Relevant Officer considers it prudent to exercise delegated authority, failing which he / she shall report the application to the Development Control Committee for decision;
- (f) Lists of delegated decisions shall be circulated to members of the Development Control Committee, provided at meetings of the Committee and made available for inspection in the Department;
- (g) All applications submitted by or on behalf of the Council, any member of the Council or any serving officer of the Council (other than applications submitted by or on behalf of the Council that do not involve “significant development” as defined at (h) below and to which there is no objection from a neighbour or statutory consultee) shall be submitted to the Development Control Committee for decision; and
- (h) In the case of applications that involve “significant development” (as defined below) the relevant officer shall consult with the Chairman of the Development Control Committee (or the Vice Chairman in the Chairman’s absence) before making a determination.

For the purposes of this paragraph “significant development” means any scheme involving:

- (i) 10 dwellings or more; or
- (ii) 1000 sq metres or more of floor space; or
- (iii) A development site with an area of over 0.5 hectares.

5.7.2 Subject to the limitations set out in 5.7.1 above the approval or refusal of the following matters is delegated to the Planning Team Leaders in the Development Control Group:

- (a) “Householder” applications (as defined for the purposes of Form PS2 in the Government’s planning statistics);
- (b) Advertising consents;
- (c) Applications for prior approval for larger home extensions;
- (d) Applications for works to trees subject to TPO’s or in conservations areas;
- (e) Non-material amendments to planning permissions; and
- (f) Details reserved by condition.

Provided also that:

- (a) In the case of an approval, not more than 5 different households have submitted material planning objections and the objections received have been taken into account in the delegated report; and
- (b) The application is not one where the case officer is the Planning Team Leader.

5.7.3 Subject to the limitations set out in 5.7.1 above, the approval or refusal of applications for “details reserved by condition” is also delegated to Senior Planners in the Development Control Group, providing the Senior Planner is not the case officer.

5.7.4 In all cases the powers delegated under 5.7.1 – 5.7.3 above are subject to the following **Committee Referral Procedure** by elected Council Members:

- (a) Each Member shall receive a Weekly List of applications registered.
- (b) If, within 21 days of the "Week Ending Date" specified at the top of the Weekly List, a letter in hard copy signed by one elected Member is received by the ~~Corporate Director for Place, or the Head~~ Deputy Chief Executive (Place) or the Director of Planning and Transport or an e-mail is received from the elected Member at planningregistrationteam@southend.gov.uk requesting the application be determined by the Development Control Committee then the application shall be referred to the Development Control Committee.

PROVIDED THAT this Committee Referral Procedure shall not apply to applications for Lawful Development Certificates or applications for prior approval where there is no planning judgement to be exercised.

5.7.5 Authority is delegated to the Relevant Officers:

- (a) To issue Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990;
- (b) To determine the selection and detailed wording of conditions, reasons for conditions and reasons for refusal on delegated decisions; the detailed wording of conditions, reasons for conditions and reasons for refusal on decisions made by the Development Control Committee; and the detailed wording of enforcement and stop notices authorised by the Development Control Committee;
- (c) To deal with minor material and non-material amendments to schemes already approved, submitted informally or by application subject to such amendments not being materially in conflict with the provisions of the current Development Plan;
- (d) To comment on proposals to carry out works to or to fell trees in conservation areas and to deal with applications to carry out works to or to fell preserved trees, including requiring replacement trees where appropriate;
- (e) To grant or refuse Certificates of Lawful Use and Development under Sections 191 and 192 of the Town and Country Planning Act 1990;
- (f) To deal with applications for determination as to the need for prior consent for demolition and agricultural development and determination of applications for prior approval of all telecommunications development including, in consultation with the Chairman of the Development Control Committee or Vice Chairman, the grant or refusal of applications for prior approval;
- (g) To settle the Council's statement of case in the event of an appeal being made to the Secretary of State. This will include stating whether the Council would be prepared to grant planning permission or Listed Building Consent as appropriate for the development or the works the subject of the appeal;
- (h) To advertise applications which, if approved, would not be in accordance with the Development Plan currently in force;
- (i) To determine whether an application for planning permission would be likely to have significant effects on the environment, such that an applicant must then submit a statement under the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations or an appropriate assessment under the Habitats Regulations, to request any further information that might be required and to determine the scope of any such statement or assessment;

- (j) Under Part 8 of the Anti-Social Behaviour Act 2003 (and associated Regulations) to consider and determine complaints relating to “High Hedges”; to set and review fees for dealing with complaints; to issue, vary and withdraw remedial notices; to deal with appeals arising from determination of complaints; and
- (k) To comment on the planning aspects of licensing applications pursuant to the Licensing Act 2003.

5.7.6 Authority is delegated to the Relevant Officers:

- (a) To give observations on minor development proposals in adjoining districts, on minor proposals by Essex County Council and on minor proposals by Crown developers;
- (b) To submit objections or other representations on planning grounds to the licensing authorities or the Traffic Commissioners, on applications for vehicle operators' licences, subject to an appropriate report subsequently being submitted to Development Control Committee;
- (c) To take all necessary action under Section 215 and 219 of the Town and Country Planning Act 1990 (the proper maintenance of land);
- (d) To issue Breach of Condition Notices under Section 187A of the Town & Country Planning Act provided that the Relevant Officer shall first consult with the Chairman (or in Chairman's absence the Vice Chairman) of the Development Control Committee;
- (e) To make Tree Preservation Orders and to confirm unopposed Tree Preservation Orders;
- (f) Under Section 171E to 171H of the Town and Country Planning Act 1990 and the Town and Country Planning (Temporary Stop Notice) (England) Regulations 2005, and in consultation with the Head of Legal & Democratic Services, to issue Temporary Stop Notices; and
- (g) With regards to the Community Infrastructure Levy (“CIL”) under powers as set out in Part 11 of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended) to:
 - Determine the extent of chargeable development and appropriate CIL charge.
 - Consider applications for exemptions from the CIL.
 - Consider adjustments for payment in kind provisions (where relevant).
 - Issue CIL liability notices and demand notices.
 - Instigate any enforcement action relating to the recovery of CIL such as, but not limited to, issuing of CIL stop notices and warning notices (including subsequent removal of any such notices).
 - Receive and consider appeals in relation to liability notices etc.
 - Make any other relevant decisions concerning CIL provided it is in accordance with the adopted CIL Governance Framework document.

5.7.7 Authority is delegated to each of the following officers to make applications for Grant Assistance to external bodies:

- ~~Corporate Director for Place~~ [Deputy Chief Executive \(Place\)](#)
- Head [Director](#) of Planning & Transport
- Group Manager Strategic Planning

5.8 Children Statutory Social Services Complaints

The Complaints Manager in the Department for People shall be designated the “Complaints Manager” to undertake the prescribed duties under the Children Act 1989 Representations Procedure (England) Regulations 2006.

5.9 Adult Statutory Social Services Complaints

The Customer Services and Complaints Manager in the Department for People shall be designated the “Complaints Manager” to undertake the prescribed duties under the Local Authority Social Services and NHS Complaints (England) Regulations 2009.

5.10 Assets of Community Value

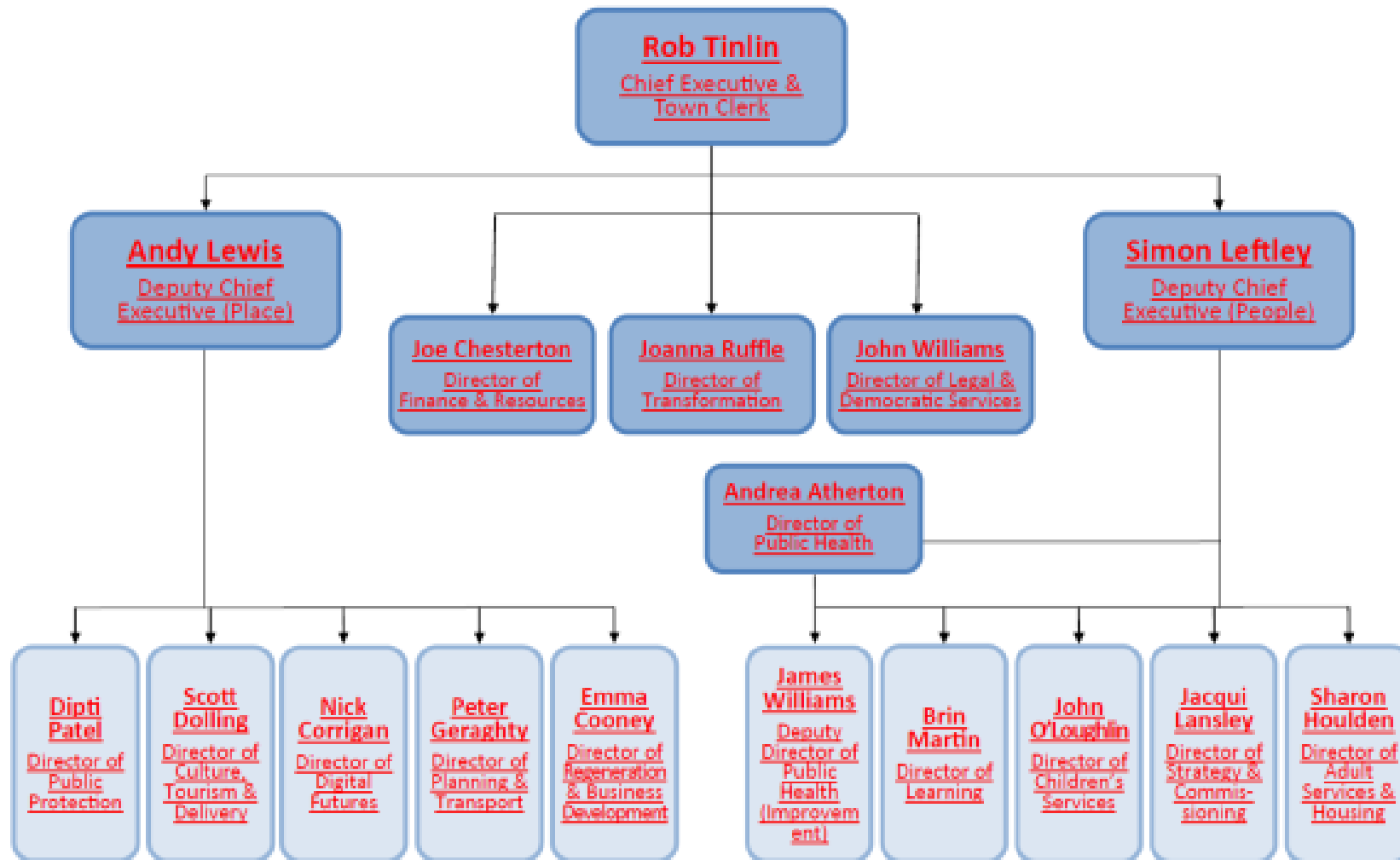
- The Head Director of Finance & Resources has delegated power to determine whether assets nominated should be included in the “List of Assets of Community Value”.
- The ~~Corporate Director for Corporate Services~~ Chief Executive has delegated power to deal with reviews requested by an owner pursuant to S.92 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.

Part 7 – Composition of the Council and Management Structure

Contents

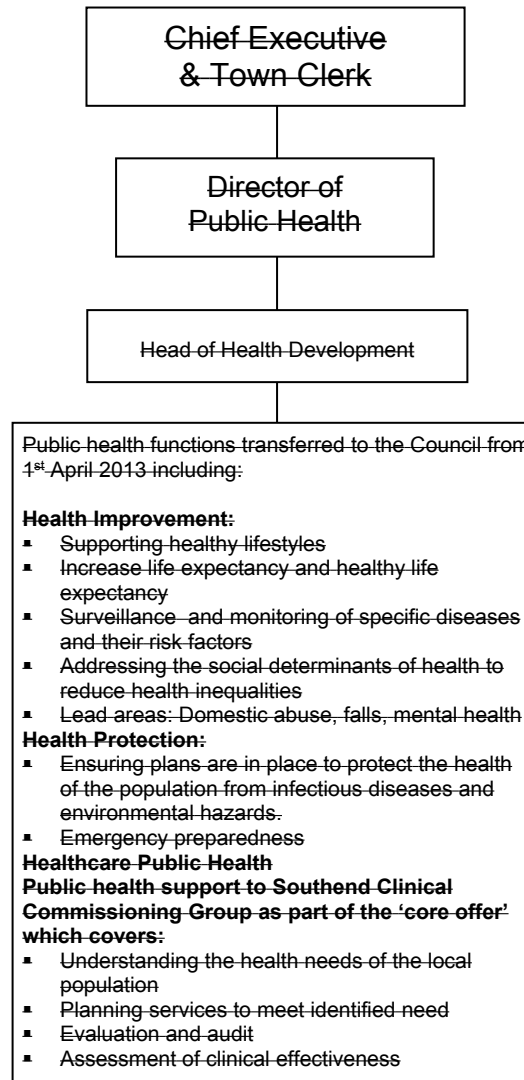
	Page
Scheme of Elections.....	1
The current Members of the Council, the Wards they represent, their Terms of Office.....	2
Cabinet and Committees.....	3
Management Structure.....	8

1. Structure – Corporate Directors & Heads of Service Deputy Chief Executives & Directors

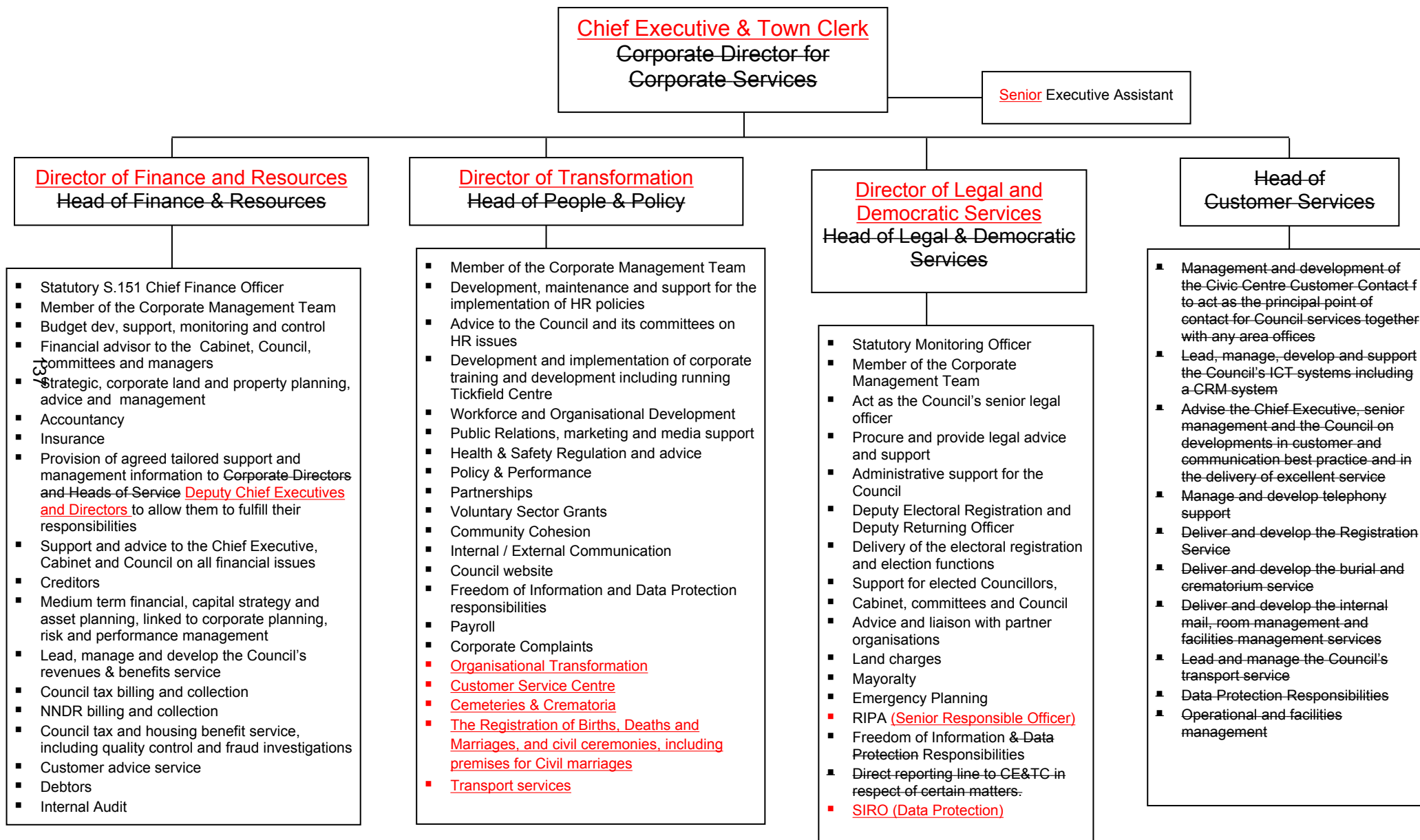


135

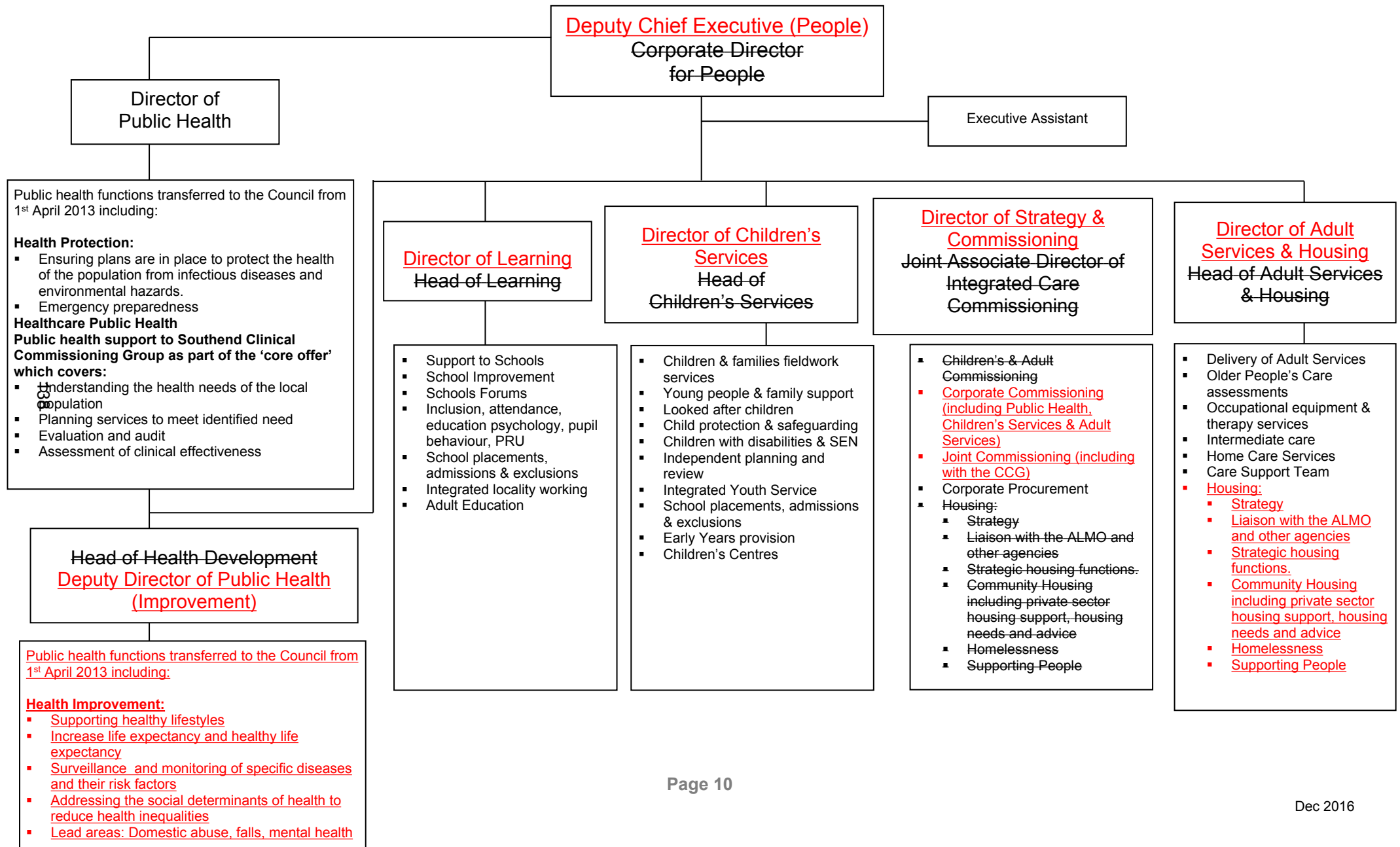
2. Structure – Public Health – Functions of Director of Public Health



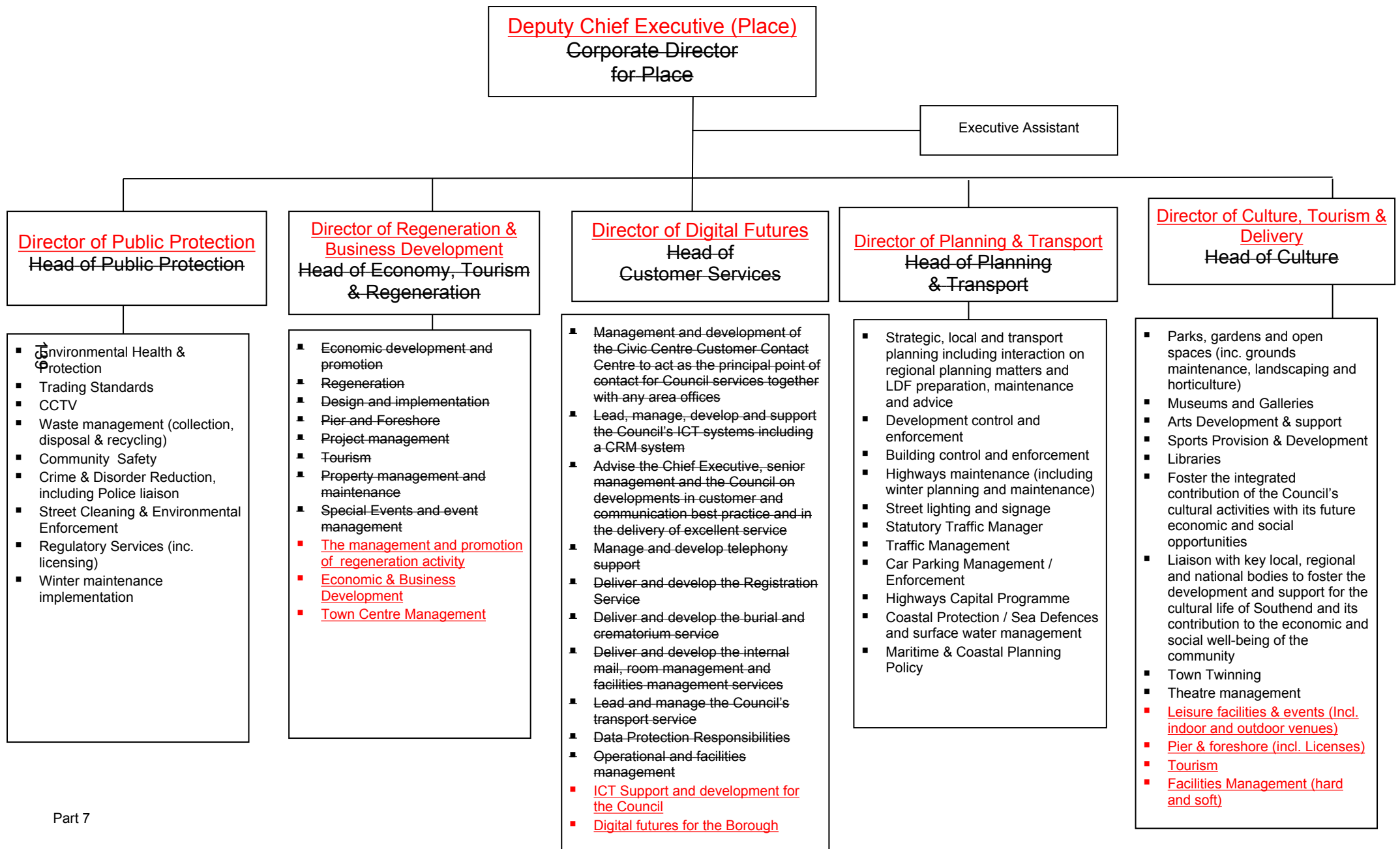
2. Structure – Corporate Services Department of the Chief Executive – Functions of Heads of Service Directors



3. Structure – People – Functions of Heads of Service Directors



4. Structure – Place – Functions of Heads of Service Directors



This page is intentionally left blank