

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of The Council

Date: Thursday, 21st April, 2016
Place: Council Chamber - Civic Suite

Present: Councillor Moring (Chair)
Councillors Velmurugan (Vice-Chair), M Assenheim, Arscott, Aylen, B Ayling, Betson, M Borton, S Buckley, M Butler, Byford, Callaghan, Courtenay, Cox, A Crystall, M Davidson, Evans, C Endersby, Flewitt, N Folkard, D Garston, J Garston, Gilbert, Habermel, Hadley, Holland, Jarvis, Jones, Kenyon, Lamb, Longley, D McGlone, McMahan, Mulrone, Moyies, C Nevin, Norman MBE, Phillips, I Robertson, K Robinson, M Stafford, Terry, Salter, Walker, Ward, Waterworth, Willis and Woodley

Start/End Time: 6.30 pm - 0.40 am

802 Apologies for Absence

Apologies were received from Councillors Davies, Van Looy and Ware-Lane.

803 Declarations of Interest

- **Councillor Assenheim**

- **Cabinet Committee – 10th March 2016**

- Minute 705 (Members Request List Ref No. 15/11 – Tyrone Road and Fermoy Road) – Non-pecuniary interest – Patient at doctor's surgery in the road affected;

- **Councillor Ayling**

- **Development Control Committee – 2nd March 2016**

- Minute 690 (15/01898/FULM) – Non-pecuniary interest – Have met with the school and residents;

- **Councillor Betson**

- **Cabinet Committee – 10th March 2016**

- Minute 703 (objections to Traffic Regulation Orders) – Non-pecuniary interest – lives in the vicinity of the junction of Neil Armstrong Way;

- **Place Scrutiny Committee – 11th April 2016**

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

- **Councillor Borton**

- **Council – 21st April 2016**

- Minute 807 – Petition (20mph Speed Limit in Rochester Drive) – Disclosable Non-Pecuniary interest – lives in Rochester Drive;

- **Councillor Buckley**
General Purposes Committee – 23rd March 2016
Minute 741 (Honorary Alderman/Alderwoman) – Non-pecuniary interest – Nominees for Alderman/Alderwoman were known to him;
- **Councillor Callaghan**
General Purposes Committee – 23rd March 2016
Minute 741 (Honorary Alderman/Alderwoman) – Non-pecuniary interest – Nominees for Alderman/Alderwoman were known to him;

Council – 21st April 2016
Minute 809 (Petition – Dual Diagnosis Worker) – Non-pecuniary interest – signed the petition;
- **Councillor Courtenay**
Cabinet – 15th March 2016
Minute 709 (Notice of Motion - C2C Timetable) – Non-pecuniary interest – attended a demonstration against the new C2C timetable;
- **Councillor Crystall**
People Scrutiny Committee – 12th April 2016

Minute 778 (Chairman’s Update) and Minute 777 (Southend Hospital report) – non-pecuniary – Governor at Southend Hospital;
- **Councillor Davidson**
People Scrutiny Committee – 12th April 2016
Minute 779 (In-depth Scrutiny project – transition arrangements from children’s to adult services) – non-pecuniary interest – member of SAFE (Supporting Aspergers Families in Essex);
- **Councillor Endersby**
General Purposes Committee – 23rd March 2016
Minute 741 (Honorary Alderman/Alderwoman) – Non-pecuniary interest – Nominees for Alderman/Alderwoman were known to him;
- **Councillor Evans**

Minute 793 (16/00154/FUL) – Non-pecuniary interest: A Governor of the school is a personal friend;
- **Councillor Folkard**
General Purposes Committee – 23rd March 2016
Minute 741 (Honorary Alderman/Alderwoman) – Non-pecuniary interest – Nominees for Alderman/Alderwoman were known to him;

People Scrutiny Committee – 12th April 2016

Minute 778 (Southend University Hospital Trust) and Minute 777 (Chairman's Update) – Non-pecuniary interest - ambassador for fundraising team at Southend Hospital; on reading panel at Southend Hospital for information leaflets and relative works at Broomfield Hospital;

- **Councillor Flewitt**

Cabinet – 15th March 2016

Minute 708 (C2C) – Non-pecuniary interest – spoken and lobbied on this and rail issues in general;

Minute 710 (HIV Motion) – Non-pecuniary interest – worked with Halve-It and THT charities;

Minute 722 – A127 Kent Elms – Non-pecuniary interest – Lobbying and commented on the consultation;

Minute 723 – PVX Policy – Non-pecuniary interest – lobbied for changes to procedures;

Minute 778 – PET CT Scanner – Non-pecuniary interest – Lobbied and commented on the need for scanner in Southend;

Council – 21st April 2016

Minute 809 (Petition: Dual Diagnosis Worker) – non-pecuniary interest – friend of lead petitioner;

Minute 826 (Southend Energy and Pre-election Purdah) – Non-pecuniary interest – OVO customer;

- **Councillor D Garston**

Development Control Committee – 2nd March 2016

Minute 690 (15/01842) – Non-pecuniary interest – son lives opposite the application site;

- **Councillor J Garston**

Development Control Committee – 2nd March 2016

Minute 690 (15/01842/FULM) – Disqualifying Non-pecuniary interest – lives opposite the application site (withdrew);

General Purposes Committee – 23rd March 2016

Minute 741 (Honorary Alderman/Alderwoman) – Non-pecuniary interest – Nominees for Alderman/Alderwoman were known to him;

- **Councillor Gilbert**

Policy & Resources Scrutiny Committee – 14th April 2016

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

- **Councillor Hadley**

- **Development Control Committee – 13th April 2016**

- Minute 793 (15/02092/FUL) – Disqualifying non-pecuniary interest: Director of the company who sold the land to the developer (withdrew);

- **Councillor Jones**

- **Development Control Committee – 2nd March 2016**

- Minute 690 (15/01898/FULM) – Disqualifying Non-pecuniary interest – Executive Councillor;

- Minute 690 (15/001842/FULM) – Non-pecuniary interest – lives in the adjacent road/street;

- **Cabinet – 15th March 2016**

- Minute 717 (Southend Children & Young People's Plan) and Minute 718 (Annual Education Report)– Non-pecuniary interest – parent of school age child;

- **People Scrutiny Committee – 12th April 2016**

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

- **Council – 21st April 2016**

- Minute 826 (Southend Energy and Pre-election Purdah) – Non-pecuniary interest – OVO customer;

- **Councillor Kenyon**

- **General Purposes Committee – 23rd March 2016**

- Minute 741 (Honorary Alderman/Alderwoman) – Non-pecuniary interest – Nominees for Alderman/Alderwoman were known to him;

- **Councillor McMahon**

- **Audit Committee – 30th March 2016**

- Minute 747 (BDO: Progress Report to those charged with Governance) – Non-pecuniary interest – member of Troubled Families Administrative Board and a close colleague works alongside the CQC and on Serious Case Reviews;

- **Councillor Moyies**

- **Place Scrutiny Committee – 11th April 2016**

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

People Scrutiny Committee – 12th April 2016

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

- **Councillor Mulroney**

Development Control Committee – 13th April 2016

Minute 792 (16/00073; 16/00028; 15/00292 & 15/01792) – Non-pecuniary interest - Member of Leigh Town Council who were consultees to the applications;

Council – 21st April 2016

Minute 826 (Southend Energy and Pre-election Purdah) – Non-pecuniary interest – OVO customer;

- **Councillor Nevin**

People Scrutiny Committee – 12th April 2016

Minute 777 (Southend University Hospital Trust) and Minute 778 (Chairman's Update) – non-pecuniary – previous employee at Southend Hospital; NHS Employee at Barts; 2 children work at MEHT and sister works for the Department of Health;

Cabinet Committee – 10th March 2016

Minute 705 – Member's Request List Reference no. 15/11 (Tyrone Road and Fermoy Road) – Disclosable Non-Pecuniary Interest – brother lives in Tyrone Road (withdrew);

Council – 21st April 2016

Minute 826 (Southend Energy and Pre-election Purdah) – Non-pecuniary interest – OVO customer;

- **Councillor D Norman MBE**

Place Scrutiny Committee – 11th April 2016

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

Policy & Resources Scrutiny Committee – 14th April 2016

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

- **Councillor I Robertson**

People Scrutiny Committee – 14th April 2016

Minute 777 (Southend University Hospital Trust) – non-pecuniary interest – daughter works in Southend Hospital;

- **Councillor Robinson**

- **General Purposes Committee – 23rd March 2016**

- Minute 741 (Honorary Alderman/Alderwoman) – Non-pecuniary interest – Nominees for Alderman/Alderwoman were known to him;

- **People Scrutiny Committee – 14th April 2016**

- Minute 779 (In-depth scrutiny project - transition arrangements from children's to adult services) – non-pecuniary interest – his employer was mentioned in the report;

- **Council – 21st April 2016**

- Minute 826 (Southend Energy and Pre-election Purdah) – Non-pecuniary interest – OVO customer;

- **Councillor Salter**

- **Health & Wellbeing Board – 7th April 2016**

- Minute 759 (Essex Success Regime Briefing) – Non-pecuniary interest – husband is a business unit Director at Southend Hospital for surgical services including oral surgery-urology;

- **People Scrutiny Committee – 12th April 2016**

- Minutes 777 (Southend University Hospital Trust) and Minute 778 (Chairman's Update report) – non-pecuniary interest – husband is Business Unit Director at Southend Hospital for surgical services and daughter works for Broomfield Hospital;

- **Councillor Terry**

- **Place Scrutiny Committee – 11th April 2016**

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

- **Councillor Van Looy**

- **Development Control Committee – 2nd March 2016**

- Minute 690 (15/01842/FULM) – Non-pecuniary interest – previously owned the restaurant next to the application site;

- Minute 690 (15/01898/FULM) – Non-pecuniary interest – Ward Councillor;

- Minute 690 (15/02053/OUTM, 15/01997/FUL & 15/02071/FUL) – Non-pecuniary interest – Knows the residents of the Garrison Site;

- Minute 690 (15/01990/FUL) – Non-pecuniary interest – Customer of the shop;

- **Cabinet Committee – 10th March 2016**

- Minute 703 (Objections to Traffic Regulation Orders) – Non-pecuniary interest – has a business in Southchurch Road;

Development Control Committee – 13th April 2016

Minute 793 (16/00073/FUL) – Non-pecuniary interest: Family live in the road;

Minute 793 (15/02084/FUL) – Non-pecuniary interest: Has used the restaurant;

Minute 793 (16/00204/FULM) – Disqualifying non-pecuniary interest: Knows the developer (withdrew);

- **Councillor Velmurugan**

Health & Wellbeing Board – 7th April 2016

Minute 759 (Essex Success Regime Briefing) – Non-pecuniary interest – practicing GP;

- **Councillor Walker**

General Purposes Committee – 23rd March 2016

Minute 741 (Honorary Alderman/Alderwoman) – Non-pecuniary interest – Nominees for Alderman/Alderwoman were known to him;

Development Control Committee – 13th April 2016

Minute 793 (16/00343/AMDT) – Non-pecuniary interest: Applicant is known to him through a mutual friend.

- **Councillor Willis**

General Purposes Committee – 23rd March 2016

Minute 741 (Honorary Alderman/Alderwoman) – Non-pecuniary interest – Nominees for Alderman/Alderwoman were known to him;

- **Councillor Woodley**

Policy & Resources Scrutiny Committee – 14th April 2016

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

Cabinet Committee – 10th March 2016

Minute 705 (Member's Request List Reference no. 15/11 (Tyrone Road and Fermoy Road) - Disclosable non-pecuniary interest – lives in Tyrone Road (withdrew)

Council – 21st April 2016

Minute 805 (Questions from Members of the Council regarding Shoebury Common Sea-Defences) – Non-pecuniary interest – residents association referred to in the questions.

- **Cllr Moring**

Council – 21st April 2016

Minute 809 (Petition – Dual Diagnosis Worker) – Non-pecuniary interest – he and his wife signed the petition;

804 Questions from Members of the Public

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

805 Questions from Members of the Council

The relevant Executive Councillors responded to written questions received from Councillors Hadley, Cox, Ayles, McGlone and Willis.

806 Minutes of the meeting held on Thursday 25th February 2016

Resolved:-

That the Minutes of the Meeting held on 25th February 2016 be confirmed as a correct record and signed.

807 Petition - 20mph Speed Limit in Rochester Drive

Councillor Betson presented a petition on behalf of local residents requesting the introduction of a 20mph speed limit in Rochester Drive.

Resolved:

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

808 Petition - Alcohol Free Zone Westcliff Library

Councillor Willis presented a petition on behalf of local residents requesting the introduction of an alcohol free zone for the area around Westcliff library.

Resolved:

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

809 Petition - Dual Diagnosis Worker

Councillor Salter presented a petition on behalf of local residents requesting the employment and funding for a dual diagnosis worker.

Resolved:

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

810 Petition - PlayFootball Licenced Hours

Councillor Courtenay presented a petition on behalf of local residents requesting reconsideration of the licensed hours of trade of PlayFootball in Prittlewell Chase.

Resolved:

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

811 Minutes of the meeting of Licensing Sub Committee A held Friday 26th February 2016

Resolved:

That the minutes of this meeting be noted.

812 Minutes of the meeting of Development Control held Wednesday 2nd March 2016

Resolved:

That the minutes of this meeting be noted.

813 Minutes of the meeting of Appeals Committee A held Monday 7th March 2016

Resolved:

That the minutes of this meeting be noted.

814 Minutes of the meeting of Cabinet Committee held Thursday 10th March 2016

Resolved:

That the minutes of this meeting be noted.

815 Minutes of the meeting of Cabinet held 15th March 2016

Resolved:

That the minutes of this meeting be noted and the recommendations contained in Minutes 713, 714 and 717, be adopted.

816 Minutes of the meeting of Appointments & Disciplinary Committee held Tuesday 15th March 2016

Resolved:

That the minutes of this meeting be noted.

817 Minutes of the meeting of General Purposes Committee held Wednesday 23rd March 2016

Minutes 741 and 742 were dealt with at the Special Council meeting held earlier this evening.

Resolved:

That the minutes of this meeting be noted.

818 Minutes of the meeting of Audit Committee held Wednesday 30th March 2016

Resolved:

That the minutes of this meeting be noted.

819 Minutes of the meeting of Health & Wellbeing Board held Thursday 7th April 2016

Resolved:

That the minutes of this meeting be noted.

820 Minutes of the meeting of Place Scrutiny Committee held Monday 11th April 2016

Resolved:

That the minutes of this meeting be noted.

821 Minutes of the meeting of People Scrutiny Committee held Tuesday 12th April 2016

Resolved:

That the minutes of this meeting be noted.

822 Minutes of the meeting of Policy & Resources Scrutiny Committee held 14th April 2016

Resolved:

That the minutes of this meeting be noted.

823 Minutes of the Development Control Committee held on Wednesday 13th April 2016

Resolved:

That the minutes of this meeting be noted.

824 Notice of Motion - Trade Union Bill

Resolved:

That in accordance with Standing Order 8.4 the following notice of motion be referred to the Cabinet:

'Trade Union Bill

This Council recognises:

- The positive contribution that trade unions and trade union members make in our workplaces. This Council values the constructive relationship that we have with our trade unions and we recognise their commitment, and the commitment of all our staff, to the delivery of good quality public services.
- This Council notes with concern the Trade Union Bill which is currently being proposed by the Government and which would affect this Council's relationship with our trade unions and our workforce as a whole. This Council rejects this Bill's attack on local democracy and the attack on our right to manage our own affairs.
- This Council is clear that facility time, negotiated and agreed by us and our trade unions to suit our own specific needs, has a valuable role to play in the creation of good quality and responsive local services. Facility time should not be determined or controlled by Government in London.
- This Council is happy with the arrangements we currently have in place for deducting trade union membership subscriptions through our payroll. We see this as an important part of our positive industrial relations and a cheap and easy to administer system that supports our staff. This system is an administrative matter for the Council and should not be interfered with by the UK Government.

This Council resolves:

- To support the campaign against the unnecessary, anti-democratic and bureaucratic Trade Union Bill.
- This Council further resolves to seek to continue its own locally agreed industrial relations strategy and will take every measure possible to maintain its autonomy with regard to facility time and the continuing use of check-off.'

Proposed: Cllr Cheryl Nevin

Seconded: Cllr Margaret Borton

825 Changes in Electoral Arrangements

The Council considered a report of the Chief Executive and Town Clerk which was deferred from Council held on 25th February 2016. The report provided background information to enable the Council to make a decision on the notice of motion on proposed changes to the Council's electoral arrangements.

In accordance with Council Procedure Rule 10.1 Councillors Lamb and Flewitt submitted 2 amendments to the proposals concerning:-

Amendment 1: In the third line of paragraph 3.1(i) of the report, delete “2018” and replace with “2020” and delete paragraph 3.1(ii)

Amendment 2: To delete paragraph 3.1(ii);

In accordance with Council Procedure Rule 12 a requisition for a named vote on each amendment was made and the voting was as follows:-

Amendment 1

For the amendment:

Cllrs Arscott, Aylen, Buckley, Byford, Courtenay, Davidson, Evans, Flewitt, Folkard, D Garston, Hadley, Kenyon, Lamb, Phillips, Robertson, Salter (17)

Against the amendment:

Cllrs Assenheim, Ayling, Betson, Borton, Butler, Callaghan, Cox, Crystall, Endersby, J Garston, Gilbert, Habermel, Jarvis, Jones, Longley, McGlone, McMahon, Moyies, Mulroney, Nevin, Norman, Robinson, Stafford, Terry, Velmurugan, Walker, Ward, Waterworth, Willis and Woodley (30)

Abstentions:

Cllr Moring (1)

Absent for the vote:

Cllrs Davies, Van Looy and Ware-Lane (3)

The amendment (1) was not carried.

Amendment 2:

For the amendment:

Cllrs Arscott, Betson, Buckley, Courtenay, Crystall, Davidson, Flewitt, Folkard, D Garston, Mulroney, Phillips, Terry (12)

Against the amendment:

Cllrs Assenheim, Aylen, Ayling, Borton, Butler, Byford, Callaghan, Cox, Endersby, Evans, J Garston, Gilbert, Habermel, Hadley, Holland, Jarvis, Jones, Kenyon, Lamb, Longley, McGlone, McMahon, Moyies, Nevin, Norman, Robertson, Robinson, Salter, Stafford, Velmurugan, Walker, Ward, Waterworth, Willis and Woodley (35)

Abstentions

Cllr Moring (1)

Absent for the vote:

Cllrs Davies, Van Looy and Ware-Lane (3)

The amendment (2) was not carried.

In accordance with Council Procedure Rule 12 a requisition for a named vote on the recommendations contained in 3.1(i) and 3.1(ii) was made and the voting was as follows:-

For the recommendations:

Cllrs Callaghan, Cox, Gilbert, Jarvis, Longley, Moyies, Stafford, Terry, Ward and Woodley (10)

Against the recommendations:

Cllrs Arscott, Assenheim, Aylen, Ayling, Betson, Borton, Buckley, Butler, Byford, Courtenay, Crystall, Davidson, Endersby, Evans, Flewitt, Folkard, D Garston, J Garston, Habermel, Hadley, Holland, Jones, Kenyon, Lamb, McGlone, McMahon, Mulrone, Nevin, Norman, Phillips, Robertson, Robinson, Salter, Velmurugan, Walker, Waterworth and Willis (37)

Abstentions:

Cllr Moring (1)

Absent for the vote:

Cllrs Davies, Van Looy and Ware-Lane.

The recommendations contained in 3.1(i) and 3.1(ii) of the submitted report were not carried.

Resolved:

That the recommendations contained in 3.1(i) and 3.1(ii) of the submitted report concerning changes to the cycle for electing Councillors and a reduction in the number of Councillors not be adopted.

826 Southend Energy and Pre-election Purdah

The Council considered a report of the Chief Executive and Town Clerk on a breach of the pre-election purdah rules.

During consideration of the report a requisition for a named vote for a 'vote of no confidence in the Leader of the Council' was made and the voting was as follows:

For vote of no confidence:

Cllrs Arscott, Buckley, Butler, Byford, Courtenay, Cox, Davidson, Evans, Flewitt, Folkard, D Garston, J Garston, Habermel, Hadley, Holland, Jarvis, Lamb, McGlone, Phillips, Robertson, Salter, Walker and Waterworth (23)

Against vote of no confidence:

Cllrs Assenheim, Ayling, Betson, Borton, Callaghan, Crystall, Endersby, Gilbert, Jones, Kenyon, Longley, McMahon, Moyies, Mulrone, Nevin, Norman, Robinson, Stafford, Terry, Velmurugan, Ward, Willis and Woodley (23)

Abstentions:

*Cllr Moring (1)

Absent for the vote:

Cllrs Davies, Van Looy and Ware-Lane (3)

*As a result of an equality of votes the Worshipful the Mayor used his casting vote and voted against the motion of no confidence in the Leader.

The motion was not carried.

Resolved:

That the circumstances which have resulted in the breach of the pre-election purdah rules, the steps which have been taken, and are proposed to be taken, to prevent it happening again, and the apology offered by the Chief Executive & Town Clerk as Head of Paid Service for the breach, be noted.

827 Retiring Councillors

The Worshipful the Mayor extended his thanks and appreciation on behalf of the Council to Councillors Crystall, Longley and Robertson who were not standing for re-election on 5th May 2016 and to those Members who were standing but may not be returned.

828 Council Procedure Rule 1.7

During consideration of Minute 825 (Changes in Electoral Arrangements) the hour of 11 p.m. having been reached, the Council:

Resolved:

That the remaining business on the agenda be proceeded with.

829 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.

830 Minute 606 of People Scrutiny Committee held Tuesday 26th January 2016

Resolved:

That minute 606 of People Scrutiny Committee held 26th January 2016 be noted.

Chairman: _____