

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of The Council

Date: Wednesday, 17th April, 2019

Place: Council Chamber - Civic Suite

Present: Councillor D Jarvis (Chair)
Councillors A Holland (Deputy Chair), B Arscott, S Aylen, B Ayling, M Borton, H Boyd, A Bright, K Buck, S Buckley, L Burton, D Burzotta, T Byford, J Courtenay, T Cox, M Davidson, A Dear, M Dent, F Evans, M Flewitt, N Folkard, D Garne, D Garston, J Garston, George, I Gilbert, S Habermel, R Hadley, T Harp, A Jones, J Lamb, D McGlone, J McMahon, A Moring, C Mulroney, D Nelson, C Nevin, D Norman MBE, G Phillips, K Robinson, L Salter, M Stafford, M Terry, P Van Looy, P Wexham and R Woodley

Start/End Time: 6.30 - 9.50 pm

868 Apologies for Absence

Apologies for absence were received from Councillors Chalk, McDonald, Walker, Ward and Willis.

869 Declarations of Interest

- **Councillor Arscott**

Development Control Committee – 6th March 2019

Minute 755 (18/02211/FUL – Park Road Methodist Church) – Non-pecuniary interest: Surveyor mentioned in report is known to him.

People Scrutiny Committee – 9th April 2019

Minute 849 (Safeguarding Report); Minute 850 (Annual Education Report); Minute 852 (Schools Progress report) – non-pecuniary – Governor at Our Lady of Lourdes Catholic Primary School (Assisi Trust);

- **Councillor Borton**

Development Control Committee – 6th March 2019

Minute 757 (18/01122/FUL – Mariner House, 157 High Street) – Non-pecuniary interest: Resident of Mariner House is known to her.

People Scrutiny Committee – 9th April 2019

Minute 851 (Revenue & Capital Monitoring) – non-pecuniary – works for DWP, dealing with Universal Credit claimants;
Minute 853 (Scrutiny Committee updates – section 3 of report – EPUT) – daughter is a nurse at Basildon mental health unit;

Council – 17th April 2019

Item 9: Petition – Footpath across central reservation in Prittlewell Chase – non-pecuniary interest – lives in one of the roads mentioned but has not signed the petition;

- **Councillor Boyd**

People Scrutiny Committee – 9th April 2019

Interest in 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 852 (Schools Progress Report) - disqualifying non-pecuniary interest; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;

- **Councillor Bright**

Place Scrutiny Committee – 8th April 2019

Minute 841 (In-depth Scrutiny Project - Re-imagining the Town Centre in the context of the vision for Southend 2050 - Draft Final Report) – Non-pecuniary interest: Lives in High Street, Southend;

Council – 17th April 2019

Item 8 – Petition: High Street 2 hours free parking – non-pecuniary interest – has a business in the High Street;

- **Councillor Buckley**

Cabinet Committee – 7th March 2019

Minute 764 (Objections to traffic regulation orders – Wells Avenue) – non-pecuniary interest – lobbied for parking controls in the road;

- **Councillor Burton**

People Scrutiny Committee – 9th April 2019

Minutes 849 (Safeguarding Report); Minute 850 (Annual Education Report); Minute 852 (Schools Progress report) – non-pecuniary – Director of English and Maths at USP (formally SEEVIC) College and Southend schools are feeder schools;

- **Councillor Burzotta**

Place Scrutiny Committee – 8th April 2019

Minute 841 (In-depth Scrutiny Project - Re-imagining the Town Centre in the context of the vision for Southend 2050 - Draft Final Report) – Non-pecuniary interest: Family business interest in the Borough;

Policy & Resources Scrutiny Committee – 10th April 2019

Minute 865 (In-depth Scrutiny Project) – non-pecuniary interest – family business within the borough;

- **Councillor Courtenay**

Policy & Resources Scrutiny Committee – 10th April 2019

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

- **Councillor Cox**

Cabinet Committee – 7th March 2019

Minute 764 (Objections to Traffic Regulation Orders – Wells Avenue) – Non-pecuniary interest: Works for Redbridge Council which was mentioned during the debate;

People Scrutiny Committee – 9th April 2019

Interest in 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 Dent**

Place Scrutiny Committee – 8th April 2019

Minute 840 (Southend Energy Partnership) – Pecuniary interest: Customer of Southend Energy Company (withdrew);

- **Councillor Evans**

Development Control Committee – 3rd April 2019

Minute 817 (19/00032/FULH – 18 Vardon Drive). Non-pecuniary interest: Lives close by.

- **Councillor Flewitt**

Development Control Committee – 6th March 2019

Minute 755 (18/02211/FUL – Park Road Methodist Church) – non-pecuniary interest – knows the objector but played no part in the decision;

Minute 760 (18/00185/UNAU_B – 53 Westcliff Park Drive) – non-pecuniary interest – had some complaints about the issue but played no part in the decision;

Cabinet Committee – 7th March 2019

Minute 764 (Objections to Traffic Regulation Orders – Wells Avenue) – non-pecuniary interest – lobbied and discussed with residents for a relevant parking scheme;

Cabinet – 12th March 2019

Minute 772 (South Essex Homes Housing Management Partnership Agreement) – Non-pecuniary interest – friends and family are tenants of South Essex Homes;

Development Control – 3rd April 2019

Minute 813 (19/00401/BC3 – land at Corner of Pitmans Close and Tylers Avenue) – non-pecuniary interest – consulted as Cabinet Member for Public Protection as to abuse and correction for this site but took no part in Development Control decision.

- **Councillor J Garston**

Development Control Committee – 6th March 2019

Minute 755 (18/02211/FUL – Park Road Methodist Church) – Non-pecuniary interest: Surveyor mentioned in report is known to him.

- **Councillor D Garston**

Development Control Committee – 6th March 2019

Minute 755 (18/02211/FUL – Park Road Methodist Church) – Non-pecuniary interest: Surveyor mentioned in report is known to him.

Development Control Committee – 3rd April 2019

Minute 823 (19/00297/FULH – 11 Leigh Park Road, Leigh-on-Sea). Non-pecuniary interest: Applicant is known to him.

- **Councillor George**

People Scrutiny Committee – 9th April 2019

Minute 853 (Scrutiny Committee Updates) – non-pecuniary – relative works for EPUT;

- **Councillor Habermel**

Development Control Committee – 3rd April 2019

Minute 821 (1800839/FUL – Land rear of 106 to 112 Highstreet, Shoeburyness) – Disqualifying non-pecuniary interest: His Brother's property backs on to the development (withdrew)

- **Councillor Harp**

People Scrutiny Committee – 9th April 2019

Minute 853 (Scrutiny Committee updates (Appendix 2) - non-pecuniary – patient at St Luke's Health Centre, Chair of St Luke's PPG and member of PPG Forum;

- **Councillor Holland**

People Scrutiny Committee – 9th April 2019

Minute 853 (Scrutiny Committee updates) – non-pecuniary – President Southend Stroke Club;

- **Councillor Jones**

Council – 17th April 2019

Item 4 - Public Question 1 regarding parking permits – non-pecuniary interest – affected by the scheme;

Item 5 – Councillor Question 7 regarding parking permits – non-pecuniary interest – affected by the scheme;

- **Councillor McMahon**

People Scrutiny Committee – 9th April 2019

Minute 849 (Safeguarding Report) – non-pecuniary – support parents in court cases of children who may feature in report;

Minute 852 (Schools Progress report) – non-pecuniary – Charitable association with Southend YMCA including school – former governor on Board YMCA.

Minute 853 (Scrutiny Committee Updates) – non-pecuniary interest – works/supports people with mental health;

- **Councillor Moring**

People Scrutiny Committee – 9th April 2019

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

Policy & Resources Scrutiny Committee – 10th April 2019

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

Minutes 863 and 866 (Transport Procurement) – non pecuniary interest – reference to the transport service in 2008 – son was using the transport service at the time;

- **Councillor Mulroney**

Development Control Committee – 3rd April 2019

Minute 812 (18/01820/FULM – Car Wash 120 Broadway, Leigh-on-Sea), Minute 815 (TPO 3/2018 – Tree Preservation Order, 27 Leigh Park Road), Minute 816 (19/00019/FULH – 41 Western Road, Leigh-on-Sea), Minute 817 (19/00032/FULH – 18 Vardon Drive), Minute 820 (19/00089/FUL – 1333 London Road, Leigh-on-Sea), Minute 824 (19/00284/FUL – 135 Marine Parade, Leigh-on-Sea) and Minute 823 (19/00297/FULH – 11 Leigh Park Road, Leigh-on-Sea) - Non-pecuniary interest - Member of Leigh Town Council in a non-planning capacity.

Place Scrutiny Committee – 8th April 2019

Minute 840 (Southend Energy Partnership) – pecuniary interest – customer of Southend Energy (withdrew);

- **Councillor Nelson**

Council – 17th April 2019

Item 4 – Public Questions 3 and 4 relating to powers for recycling facilities to be included in planning developments – non-pecuniary – reference to Parliament – employer is an MP;

Policy & Resources Scrutiny Committee – 10th April 2019

Minutes 862 and 866 (Transport Procurement) – non-pecuniary interest – wife works at the hospital which was referred to during the debate;

Development Control Committee – 3rd April 2019

Minute 820 (1333 London Road) – non-pecuniary interest – relative lives in the vicinity of the application;

- **Councillor Nevin**

People Scrutiny Committee – 9th April 2019

Minute 851 (Revenue & Capital Monitoring) – non-pecuniary – Southchurch School highlighted in report – niece is teacher at the school;
Minute 853 (Scrutiny Committee updates – mid and south Essex STP) – non-pecuniary – Previous association at Southend & MEHT Hospitals; sons work at MEHT; sister works Basildon Hospital; work at NHS Trust outside this area;

Development Control Committee – 3rd April 2019

Minute 820 (1333 London Road) – non-pecuniary interest – knows the objector (withdrew);

Place Scrutiny Committee – 8th April 2019

Minute 840 (Southend Energy Partnership) – non-pecuniary interest – customer of OVO;

- **Councillor D Norman**

Development Control Committee – 3rd April 2019

Minute 816 (19/00019/FULH – 41 Western Road, Leigh-on-Sea). Non-pecuniary Interest: The property overlooks his property on Vernon Road.
Minute 823 (19/00297/FULH – 11 Leigh Park Road). Non-pecuniary interest: The developer is a family friend.

- **Councillor Robinson**

People Scrutiny Committee – 9th April 2019

Minute 853 (Scrutiny Committee updates) – disclosable interest – employee of EPUT mentioned in the report and workplace and mentioned in Appendix 2 – withdrew;

- **Councillor Salter**

Health & Wellbeing Board – 20th March 2019

Minute 788 (CCG Annual Report) – non-pecuniary interest – husband is Consultant Surgeon at Southend Hospital; daughter is acting Consultant and Doctor at Basildon Hospital; son-in-law is a GP in the Borough and Diabetes Lead on Southend CCG;

People Scrutiny Committee – 9th April 2019

Interest in 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 853 (Scrutiny Committee – updates) – non-pecuniary - husband is consultant Surgeon at Southend Hospital; son-in-law is GP in the Borough; daughter is a doctor at Basildon Hospital (was not present for agenda item however);

- **Councillor Terry**

Place Scrutiny Committee – 8th April 2019

Minute 840 (Southend Energy Partnership) – Non-pecuniary interest: Son works for an energy broker;

People Scrutiny Committee – 9th April 2019

Minutes 848 and 855 (Transport Procurement) – non-pecuniary interest – knows a person who works for incumbent contractor;

- **Councillor Van Looy**

Cabinet Committee – 7th March 2019

Minute 764 (Objections to Traffic Regulation Orders – Wick Chase) – Non-pecuniary interest: Lives near the road;

Minute 765 (Requests for Waiting Restrictions – Sutton Road and Gunners Road) – Non-pecuniary interest: Daughter lives in Sutton Road and resident in Gunners Road is known to him.

- **Councillor Ward**

Development Control Committee – 6th March 2019

Minute 759 (18/00185/UNUA_B – 53 Westcliff Park Drive) – Non-pecuniary interest: The Company he works for has scaffolded the building.

Development Control Committee – 3rd April 2019

Minute 820 (19/00089/FUL – 1333 London Road, Leigh-on-Sea). Non-pecuniary interest: Air BnB mentioned, he owns a guesthouse.

870 Communications

Councillor George

The Council welcomed Councillor Stephen George, newly elected Member for the Milton Ward.

871 Questions from Members of the Public

The relevant Cabinet Members responded to written questions received from the public.

872 Questions from Members of the Council

The relevant Cabinet Members responded to written questions received from Councillors Aylen, Wexham, Burton, Borton, Dent and Bright.

873 Minutes of the Council meeting held on Thursday 21st February 2019

Resolved:-

That the Minutes of the Meeting held on Thursday 21st February 2019, be confirmed as a correct record and signed.

874 Petition - Against New Parking Charges

Councillor Ayling presented a petition on behalf of local residents against the introduction of the new parking charges of £2.90 for a minimum of two hours.

Resolved:

That in accordance with Standing Order 15.7 the petition be referred to the Cabinet.

875 Petition - High Street 2 hours free parking

Councillor Ayling presented a petition on behalf of local residents requesting the implementation of two hours free parking in the High Street.

Resolved:

That in accordance with Standing Order 15.7 the petition be referred to the Cabinet.

876 Petition - Footpath across central reservation in Prittlewell Chase

Councillor Davidson presented a petition on behalf of local residents requesting the installation of a footpath across the grassed central reservation in Prittlewell Chase.

Resolved:

That in accordance with Standing Order 15.7 the petition be referred to the Cabinet Committee.

877 Minutes of the meeting of Licensing Sub-Committee A held on Friday, 1 March 2019

Resolved:

That the minutes of this meeting be noted.

878 Minutes of the meeting of Development Control Committee held on Wednesday, 6 March 2019

Resolved:

That the minutes of this meeting be noted.

879 Minutes of the meeting of Cabinet Committee held on Thursday, 7 March 2019

Resolved:

That the minutes of this meeting be noted.

880 Minutes of the meeting of Cabinet held on Tuesday, 12 March 2019

Resolved:

That the minutes of this meeting be noted and the Recommendations contained in Minute 770(6) and Minute 771(5), be approved.

881 Minutes of the meeting of the Health and Wellbeing Board held on Wednesday, 20 March 2019

Resolved:

That the minutes of this meeting be noted.

882 Minutes of the meeting of Audit Committee held on Wednesday, 27 March 2019

Resolved:

That the minutes of this meeting be noted.

883 Minutes of the meeting of Licensing Sub-Committee B held on Friday, 29 March 2019

Resolved:

That the minutes of this meeting be noted.

884 Minutes of the meeting of Development Control Committee held on Wednesday 3rd April 2019

Resolved:

That the minutes of this meeting be noted.

885 Minutes of the meeting of Appeals Committee B held on Friday 5th April 2019

Resolved:

That the minutes of this meeting be noted.

886 Minutes of the meeting of Place Scrutiny Committee held on Monday 8th April 2019

Resolved:

That the minutes of this meeting be noted.

887 Minutes of the meeting of People Scrutiny Committee held on Tuesday 9th April 2019

Resolved:

That the minutes of this meeting be noted and the recommendation in Minute 848(6), be approved.

888 Minutes of the meeting of Policy and Resources Scrutiny Committee held on Wednesday 10th April 2019

During consideration of Minutes 862 and 866 (Transport Procurement) a requisition for a named vote having been made in accordance with Council Procedure Rule 12 to refer the matter back to Cabinet, the voting was as follows:

For reference back:

Cllrs Ayles, Ayling, Borton, Burton, Byford, Dent, George, Gilbert, Harp, Jones, Mulroney, Nevin, Norman, Robinson, Stafford, Terry, Van Looy, Wexham and Woodley (19)

Against reference back:

Cllrs Arscott, Boyd, Bright, Buck, Buckley, Burzotta, Courtenay, Cox, Davidson, Dear, Evans, Flewitt, Folkard, Garne, D Garston, J Garston, Habermel, Hadley, Holland, Lamb, McGlone, McMahon, Moring, Nelson, Phillips and Salter (26)

Abstentions: Cllr Jarvis (1)

Absent: Cllrs Chalk, McDonald, Walker, Ward and Willis (5)

The motion for reference back was not carried.

During consideration of Minute 863(5) (Commissioning Framework) a requisition for a named vote having been made in accordance with Council Procedure Rule 12 to refer the matter back to Cabinet, the voting was as follows:

For reference back:

Cllrs Ayles, Ayling, Borton, Burton, Byford, Dent, George, Gilbert, Harp, Jones, Mulroney, Nevin, Norman, Robinson, Stafford, Terry, Van Looy, Wexham and Woodley (19)

Against reference back:

Cllrs Arscott, Boyd, Bright, Buck, Buckley, Burzotta, Courtenay, Cox, Davidson, Dear, Evans, Flewitt, Folkard, Garne, D Garston, J Garston, Habermel, Hadley, Holland, Lamb, McGlone, McMahon, Moring, Nelson, Phillips and Salter (26)

Abstentions: Cllr Jarvis (1)

Absent: Cllrs Chalk, McDonald, Walker, Ward and Willis (5)

The motion for reference back was not carried.

Resolved:

That the minutes of this meeting be noted and the recommendations contained in Minutes 862 and 866 (Transport Procurement) and Minute 863(5), be approved.

889 Retiring Councillors

The Worshipful the Mayor extended his thanks and appreciation on behalf of the Council to Councillors Holland and Norman MBE who were not standing for re-election on 2nd May 2019 and to those Councillors who were standing but may not be returned.

890 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.

891 Transport Procurement - Confidential Matters

During consideration of Minutes 862 and 866 (Transport Procurement) of the Policy & Resources Scrutiny Committee held on 10th April 2019 concerning the commercial aspects the Council moved into Part 2 so that the confidential matters could be discussed. The Council moved back into Part 1 for the decision.

Chairman: _____