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Southend-on-Sea Borough Council

Civic Centre
Southend-on-Sea

9 July 2020

Dear Sir or Madam,



I hereby summon you to attend the meeting of the Southend-on-Sea Borough Council to be held virtually on the Microsoft Teams platform in accordance with Part 2 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 on, **Thursday, 16th July 2020 commencing 6.30 p.m.** for the transaction of the following business.

A Griffin
Chief Executive

A G E N D A

- 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 Minutes of the Council held on Thursday 20th February 2020 (Pages 1 - 12)**
Minutes attached
- 7 Minutes of The Council held Thursday 27th February 2020 (Pages 13 - 26)**
Minutes attached
- 8 Minutes of the Council held Monday 9th March 2020 (Pages 27 - 28)**
Minutes attached
- 9 Minutes of the Special Council Meeting held on Thursday 25th June 2020 (Pages 29 - 42)**
Minutes attached

- 10 Minutes of the Cabinet Committee held Monday, 24th February 2020 (Pages 43 - 46)**
Minutes attached
- 11 Minutes of the Cabinet held Tuesday, 25th February 2020 (Pages 47 - 60)**
Minutes attached
- 12 Minutes of Appeals Committee B held Monday, 2nd March 2020 (Pages 61 - 62)**
Minutes attached
- 13 Minutes of Appeals Committee A held Tuesday, 3rd March 2020 (Pages 63 - 64)**
Minutes attached
- 14 Minutes of Development Control Committee held Wednesday, 4th March 2020 (Pages 65 - 80)**
Minutes attached
- 15 Minutes of Appointments and Disciplinary Committee held Wednesday, 11th March 2020 (Pages 81 - 82)**
Minutes attached
- 16 Minutes of Appointments and Disciplinary Committee held Thursday, 23rd April 2020 (Pages 83 - 84)**
Minutes attached
- 17 Minutes of Audit Committee held Wednesday, 29 April 2020 (Pages 85 - 88)**
Minutes attached
- 18 Minutes of Development Control Committee held Monday, 18th May 2020 (Pages 89 - 94)**
Minutes attached
- 19 Minutes of Development Control Committee held Wednesday, 27th May 2020 (Pages 95 - 114)**
Minutes attached
- 20 Minutes of Licensing Sub-Committee C held Thursday, 4 June 2020 (Pages 115 - 116)**
Minutes attached
- 21 Minutes of Health and Wellbeing Board held Wednesday, 10th June 2020 (Pages 117 - 122)**
Minutes attached
- 22 Minutes of Licensing Sub-Committee A held Friday, 12th June 2020 (Pages 123 - 124)**
Minutes attached
- 23 Minutes of Cabinet held Tuesday, 16th June 2020 (Pages 125 - 136)**

Minutes attached

- 24 Minutes of Appeals Committee A held Wednesday, 17th June 2020 (Pages 137 - 138)**
Minutes attached
- 25 Minutes of Appeals Committee B held Tuesday, 23 June 2020 (Pages 139 - 140)**
Minutes attached
- 26 Minutes of Cabinet held Tuesday, 30th June 2020 (Pages 141 - 144)**
Minutes attached
- 27 Minutes of Development Control Committee held Wednesday, 1st July 2020 (Pages 145 - 156)**
Minutes attached
- 28 Minutes of Place Scrutiny Committee held Monday, 6th July 2020**
Minutes to follow
- 29 Minutes of People Scrutiny Committee held Tuesday, 7th July 2020**
Minutes to follow
- 30 Minutes of Policy and Resources Scrutiny Committee held Thursday, 9th July 2020**
Minutes to follow
- 31 Notice of Motion - Honorary Alderman / Honorary Alderwoman Process (Pages 157 - 158)**
Notice of Motion attached
- 32 Notice of Motion - Footpath Cycling (Pages 159 - 160)**
Notice of Motion attached
- 33 Notice of Motion - No overnight camping in the Borough (Pages 161 - 162)**
Notice of Motion attached
- 34 Changes to the Constitution - Contract Procedure Rules and Financial Procedure Rules**
Report of Executive Director (Legal and Democratic Services) attached/ to follow

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of The Council

Date: Thursday, 20th February, 2020
Place: Council Chamber - Civic Suite

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Present: Councillor J Lamb (Chair)
Councillors M Flewitt (Deputy Chair), S Ayles, B Ayling, J Beck, M Borton, H Boyd, A Bright, K Buck, L Burton, D Burzotta, A Chalk, P Collins, D Cowan, T Cox, M Davidson, A Dear, M Dent, F Evans, K Evans, N Folkard, D Garne, D Garston, S George, I Gilbert, S Habermel, T Harp, B Hooper, D Jarvis, A Jones, M Kelly, D McGlone, K Mitchell, A Moring, C Mulroney, D Nelson, C Nevin, K Robinson, L Salter, I Shead, M Stafford, A Thompson, S Wakefield, N Ward, C Walker, P Wexham, C Willis and R Woodley

Start/End Time: 6.30 - 9.15 pm

801 Apologies for Absence

Apologies for absence were received from Councillors McDonald, Terry and Van Looy.

802 Declarations of Interest

- **Councillor Borton**

- **Cabinet – 16th January 2020**

- Minute 691 (Draft Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: Non-Executive Director of South Essex Homes;

- **Policy and Resources Scrutiny Committee – 30th January 2020**

- Minute 772 (Council Tax Base) and Minute 774 (Draft Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: Non-Executive Director of South Essex Homes;

- **Council – 20th February 2020**

- Agenda Item 8 (Prioritising Resources to Deliver Better Outcomes 2020/21-2024/25) – Non-pecuniary interest: Non-Executive Director of South Essex Homes;

- **Councillor Davidson**

- **Cabinet – 16th January 2020**

- Minute 691 (Draft Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: Non-Executive Director of South Essex Homes;

Policy and Resources Scrutiny Committee – 30th January 2020

Minute 772 (Council Tax Base) and Minute 774 (Draft Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: Non-Executive Director of South Essex Homes;

Council – 20th February 2020

Agenda Item 8 (Prioritising Resources to Deliver Better Outcomes 2020/21-2024/25) – Non-pecuniary interest: Non-Executive Director of South Essex Homes;

- **Councillor K Evans**

Cabinet – 16th January 2020

Minute 690 (Council Tax Base and Non Domestic Rating Base 2020/21) – Non-pecuniary interest: Member of Leigh-on-Sea Town Council;

Cabinet – 11th February 2020

Minute 800 (Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: Member of Leigh Town Council which is mentioned in the report;

- **Councillor Flewitt**

Cabinet – 16th January 2020

Minute 691 (Draft Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: friends and family are tenants of South Essex Homes Ltd (as to rent and heating increases);

Place Scrutiny Committee – 28th January 2020

Minute 742 (Draft Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: friends and family are tenants of South Essex Homes Ltd (as to rent and heating increases);

People Scrutiny Committee – 29th January 2020

Minute 725 (Draft Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: friends and family are tenants of South Essex Homes Ltd (as to rent and heating increases);

Policy and Resources Scrutiny Committee – 30th January 2020

Minute 772 (Draft Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: friends and family are tenants of South Essex Homes Ltd (as to rent and heating increases);

Cabinet – 11th February 2020

Minute 798 (Housing Revenue Account (HRA) Budget and Rent Setting 2020/21) - Non-pecuniary interest: friends and family are tenants of South Essex Homes Ltd (as to rent and heating increases);

Minute 800 (Minute 800 (Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: friends and family are tenants of South Essex Homes Ltd (as to rent and heating increases);

Council – 20th February 2020

Agenda Item 8 (Prioritising Resources to Deliver Better Outcomes 2020/21-2024/25) – Non-pecuniary interest: friends and family are tenants of South Essex Homes Ltd (as to rent and heating increases);

- **Councillor Folkard**

People Scrutiny Committee – 29th January 2020

Minute 725 (Draft Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: ambassador for the fund raising team at Southend University Hospital and on the review panel at the hospital for the information leaflets; relative works at Broomfield Hospital;

- **Councillor Gilbert**

Council – 20th February 2020

Agenda Item 8 (Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: Council appointed representative to SAVS;

- **Councillor Harp**

Council – 20th February 2020

Agenda Item 8 (Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: wife works for SAVS and family members are tenants of South Essex Homes;

- **Councillor Lamb**

Council – 20th February 2020

Agenda Item 8 (Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: Trustee of SAVS;

- **Councillor Mulroney**

Cabinet – 16th January 2020

Minute 690 (Council Tax Base and Non Domestic Rating Base 2020/21) – Non-pecuniary interest: Member of Leigh-on-Sea Town Council;

Place Scrutiny Committee – 28th January 2020

Minute 742 (Draft Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: Member of Leigh Town Council which is mentioned in the report;

Policy and Resources Scrutiny Committee – 30th January 2020

Minute 772 (Draft Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: Member of Leigh Town Council which is mentioned in the report;

Cabinet – 11th February 2020

Minute 800 (Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: Member of Leigh Town Council which is mentioned in the report;

Council – 20th February 2020

Agenda Item 8 (Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Non-pecuniary interest: Member of Leigh Town Council which is mentioned in the report;

All Councillors

Council – 20th February 2020

Agenda Item 8 (Prioritising Resources to Deliver Better Outcomes 2020/21 to 2024/25) – Disqualifying non-pecuniary interest: attended pursuant to the dispensation agreed at Standards Committee on 11th July 2012 to participate in setting the Council Tax;

803 Communications

There were no communications from the Worshipful the Mayor.

804 Questions from Members of the Public

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

805 Questions from Members of the Council

The relevant Cabinet Members responded to written questions received from Councillors.

806 Minutes of the Special Council Meeting held on Tuesday 17th December 2019

Resolved:

That the minutes of the Special Council meeting held on Tuesday 17th December 2019 be confirmed and signed as a correct record.

807 Minutes of the Council Meeting held on Tuesday 17th December 2019

Resolved:

That the minutes of the Council meeting held on Tuesday 17th December 2019 be confirmed and signed as a correct record.

808 Prioritising Resources to Deliver Better Outcomes - 2020/21 to 2024/25

The Council considered a report of the Executive Director (Finance and Resources) presenting the Cabinet's revenue budget and Council Tax for 2020/21 financial year, together with Minutes 691 and 692 of Cabinet held 16th January 2020 and Minutes 798 to 800 of Cabinet held on 11th February 2020, and Scrutiny Minutes 742, 760, 773 and 774.

The Council suspended the relevant parts of Council Procedure Rule 10 to permit the extended budget speeches of the Leader of the Council and of the Leader of the Opposition Group.

In accordance with Council Procedure Rule 10.1(e) Councillor Cox, has submitted one amendment to the Budget.

The amendment was voted on by way of a named vote as required by law. The voting was as follows:-

For the amendment:

Cllrs Boyd, Bright, Buck, Burzotta, Cox, Davidson, Dear, F. Evans, Flewitt, Folkard, Garne, Garston, Habermel, Jarvis, McGlone, Moring, Nelson, Salter, Walker (19)

Against the amendment:

Cllrs Ayles, Ayling, Beck, Borton, Burton, Chalk, Collins, Cowan, Dent, K. Evans, George, Gilbert, Harp, Hooper, Jones, Kelly, Mitchell, Mulroney, Nevin, Robinson, Shead, Stafford, Thompson, Wakefield, Ward, Wexham, Willis and Woodley (28)

Abstentions:

Cllr Lamb (1)

Absent:

Cllrs McDonald, Terry and Van Looy (3)

The amendment was not carried.

The substantive budget proposals were then voted on by way of a named vote as required by law. The voting was as follows:-

For the budget:

Cllrs Ayles, Ayling, Beck, Borton, Burton, Chalk, Collins, Cowan, Dent, K. Evans, George, Gilbert, Harp, Hooper, Jones, Kelly, Mitchell, Mulroney, Nevin, Robinson, Shead, Stafford, Thompson, Wakefield, Ward, Wexham, Willis and Woodley (28)

Against the budget:

None

Abstentions:

Cllrs Boyd, Bright, Buck, Burzotta, Cox, Davidson, Dear, F. Evans, Flewitt, Folkard, Garne, Garston, Habermel, Jarvis, McGlone, Moring, Nelson, Salter, Walker (19)
(Cllr Lamb: no vote);

Absent:

Cllrs McDonald, Terry and Van Looy (3)

The Council Budget 2020/21 proposals were carried, as set out as follows:

Resolved:

With regard to the Housing Revenue Account Budget 2020/21 and rent setting:

1. That an average rent increase of 2.7% on all tenancies, be approved.
2. That an average rent increase of 2.7% on shared ownership properties, be approved.
3. That an increase of 2.7% for garage rents to £12.02 per week for tenants and £14.42 for non-tenants (being £12.02 plus VAT), a rise consistent with the proposal for the main rent increase (all variants on a standard garage will receive a proportionate increase.), be approved.
4. That the rent charges in 1-3 above be effective from 6th April 2020.
5. That the South Essex Homes core management fee at £6,114,000 for 2020/21, be approved.
6. That the South Essex Homes proposals for average increases of 6.36% in service charges and 16.69% in heating charges to reflect the actual costs incurred, be approved.
7. That the following appropriations, be approved:
 - £60,000 to the Repairs Contract Pensions Reserve;
 - £5,126,000 to the Capital Investment Reserve; and
 - £8,708,000 from the Capital Investment Reserve.
8. That, the HRA budget for 2020/21, as set out in Appendix 1 to the submitted report to Cabinet on 11th February 2020, be approved.
9. That the value of the Council's capital allowance for 2020/21 be declared as £57, 261,000, as determined in accordance with Regulation 16 of the Local Authorities (Capital Finance and Accounting) (England) Regulations.

With regard to Treasury Management 2020/21:

10. That the Treasury Management Policy Statement set out at Appendix 1 to the Cabinet report, be approved.
11. That the Treasury Management Strategy set out at Appendix 2 to the Cabinet report, be approved.
12. That the Annual Treasury Management Investment Strategy set out at Appendix 3 to the Cabinet report, be approved.

With regard to the General Fund Revenue Budget 2020/21:

13. That the Financial Sustainability Strategy set out at Appendix 1 to the Cabinet report, be approved.

14. That the Medium Term Financial Strategy set out at Appendix 2 to the Cabinet report and the resulting Medium Term Financial Forecast and Earmarked Reserves Balances up to 2024/25 (Annexes 1 and 2 to Appendix 2), be approved.

15. That the Section 151 Officer's report on the robustness of the proposed budget, the adequacy of the Council's reserves and the Reserves Strategy (Appendix 3 to the Cabinet report), be noted.

16. That the appropriation of the sums to earmarked reserves totalling £3,370 million (Appendix 4 to the Cabinet report), be approved.

17. That the appropriation of the sums from earmarked reserves totalling £11.892 million (Appendix 4 to the Cabinet report), be approved.

18. That a General Fund Budget Requirement for 2020/21 of £130,428M and Council Tax Requirement of £84,347M (Appendix 5a to the Cabinet report) and any required commencement of consultation, statutory or otherwise, be approved.

19. That a Council Tax increase of 3.99% for the Southend-on-Sea element of the Council Tax for 2020/21, being 1.99% for general use and 2% for Adult Social Care (Section 10.10 of the Cabinet report), be approved.

20. That it be noted that the 2020/21 revenue budget has been prepared on the basis of using £2 million from the Collection Fund to allow for smoothing of the budget gap across the lifetime of the Medium Term Financial Strategy to 2024/25 (section 10.9 of the Cabinet report).

21. That the position of the Council's preceptors, be noted:

- Essex Police – Approved Council Tax increase of 2.94%;
- Essex Fire and Rescue Services: Approved Council Tax increase of 1.99%;
- Leigh-on-Sea Town Council – Approved precept increase of 6.04%.

22. That no Special Expenses be charged other than Leigh-on-Sea Town Council precept for 2020/21.

23. That the proposed General Fund Revenue budget investment and reprioritisation of £5,355M (Appendix 6 to the Cabinet report), be approved.

24. That the additional one-off investment items, as set out in section 10.8 of the Cabinet report and included within the appropriations (Appendix 7 to the Cabinet report), be approved.

25. That the Dedicated Schools Grant budget and its relevant distribution as recommended by the Education Board (Appendix 8 to the Cabinet report), be approved.

26. That the Capital Investment Strategy for 2020/21 to 2024/25 (Appendix 9 to the Cabinet report) and the Capital Investment Policy (Annex 1 to Appendix 9 to the Cabinet report), be approved.

27. That the new schemes and additions to the Capital Investment Programme for the period 2020/21 to 2024/25 totalling £28.4M for the General Fund and £18.7M for the Housing Revenue Account (Appendix 10 to the Cabinet report), be approved.

28. That the schemes subject to viable business cases for the period 2020/21 to 2022/23 (Appendix 10 to the Cabinet report), be approved.

29. That the proposed changes to the current Capital Investment Programme (Appendix 11 to the Cabinet report), be approved.

30. That the proposed Capital Investment Programme for 2020/21 to 2024/25 (Appendix 12 to the Cabinet report) be approved and it be noted that the changes to the approved programme will result in a proposed Capital Investment Programme of £204.8M for 2020/21 to 2024/25 (Appendix 12 to the Cabinet report) of which £51.3M is supported by external funding (section 11.11 of the Cabinet report).

31. That the Minimum Revenue Provision (MRP) Policy for 2020/21 (Appendix 13 to the Cabinet report) and the prudential indicators (Appendix 14 to the Cabinet report), be approved.

32. That the operational boundary and authorised limits for borrowing for 2020/21 are set at £375M and £385M respectively (Appendix 14 to the Cabinet report), be approved.

With regard to the Council Tax 2020/21:

33. That it be noted that on 16th January 2020 the Cabinet calculated the Council Tax Base 2020/21:

- (a) For the whole Council area as 58,680.94;
- (b) For dwellings in those parts of its area to which a Parish precept relates (Leigh-on-Sea Town Council) as 8,845.24.

34. That the Council Tax requirement for the Council's own purposes for 2020/21 (excluding town/parish precepts) be determined as £84,347,396.

35. That the following amounts be calculated for the year 2020/21 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended (the Act):

- (a) £358,007,092 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by town/parish councils.

(b) -£273,212,304 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

(c) £84,794,788 being the amount by which the aggregate of 35(a) above exceeds the aggregate at 35(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (including town/parish precepts).

(d) £1,445.01 being the amount at 35(c) above, divided by the Council Tax Base shown at 33(a) above, as the basic amount if its Council Tax for the year (including town/parish precepts).

(e) £447,392 being the aggregate amount of all special items (town/parish precepts) referred to in Section 34(1) of the Act as set out below:

Band A: 33.72; Band B: 39.34; Band C: 44.96; Band D: 50.58; Band E: 61.82; Band F: 73.06; Band G: 84.30; Band H: 101.16.

(f) £1,437.39 being the amount at 35(d) above less the result given by dividing the amount at 35(e) above by the Council Tax Base shown at 33(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Town/Parish precept relates.

36. That it be noted that Essex Fire, Police and Crime Commissioner has issued precepts to the Council in accordance with Section 40 of the Act for each category of dwellings in the Council's area as indicated below:

Essex Police: Band A: 132.42; Band B: 154.49; Band C: 176.56; Band D: 198.63; Band E: 242.77; Band F: 286.91; Band G: 331.05; Band H: 397.26.

Essex Fire: Band A: 49.26; Band B: 57.47; Band C: 65.68; Band D: 73.89; Band E: 90.31; Band F: 106.73; Band G: 123.15; Band H: 147.78.

37. That the Council, in accordance with Sections 30 and 36 of the Act, hereby sets the aggregate amounts shown below as the amounts of Council Tax for 2020/21 for each part of its area and for each of the categories of dwellings:

Band A: 1,139.94; Band B: 1,329.93; Band C: 1,519.92; Band D: 1,709.91; Band E: 2,089.89; Band F: 2,469.87; Band G: 2,849.85; Band H: 3,419.82.

38. That the Council's basic amount of Council Tax for 2020/21 be determined as not excessive in accordance with the principles approved under Section 52ZB of the Act, and as shown in the calculation below:

(a) Percentage increase defined by the Secretary of State as constituting an excessive increase for 2020/21: 4.00%

(b) Percentage increase in the Council's basic amount of Council Tax:

2019/20 amount: £1,382.22

2020/21 amount: £1,437.39

Percentage increase: 3.99%

The figure at 38(b) is less than the figure at 38(a) above and therefore the Council's basic amount of Council Tax for 2020/21 is not excessive and no referendum is required.

39. That the amounts payable in each town/parish at each band, comprising aggregate sums derived from all precepts, be as set out below:

Unparished area: Band A: 1,139.94; Band B: 1,329.93; Band C: 1,519.92;
Band D: 1,709.91; Band E: 2,089.89; Band F: 2,469.87; Band G: 2,849.85;
Band F: 3,419.82.

Parished area: Band A: 1,173.66; Band B: 1,369.27; Band C: 1,564.88; Band D:
1,760.49; Band E: 2,151.71; Band F: 2,542.93; Band G: 2,934.15; Band H:
3,520.98.

809 Minutes of the meeting of Cabinet held on Thursday, 16 January 2020

Resolved:

That minutes 691 and 692 of this meeting, be noted.

810 Minutes of the meeting of Place Scrutiny Committee held on Tuesday, 28 January 2020

Resolved:

That Minute 742 of this meeting be noted.

811 Minutes of the meeting of People Scrutiny Committee held on Wednesday, 29 January 2020

Resolved:

That Minute 760 of this meeting be noted.

812 Minutes of the meeting of Policy and Resources Scrutiny Committee held on Thursday, 30 January 2020

Resolved:

That Minutes 773 and 774 of this meeting be noted.

813 Minutes of the meeting of Cabinet held on Tuesday, 11 February 2020

Resolved:

That the minutes of this meeting be noted.

814 Pay Policy Statement 2020/2021

The Council considered a report of the Director of Transformation presenting the Pay Policy Statement 2020/21 in the context of the Council's overall Reward Strategy.

Resolved:

That the Pay Policy Statement as recommended by the Senior Manager Pay Panel, be approved.

Chair: _____

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Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of The Council

Date: Thursday, 27th February, 2020
Place: Council Chamber - Civic Suite

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Present: Councillor J Lamb (Chair)
Councillors M Flewitt (Deputy Chair), S Aylen, B Ayling, J Beck, M Borton, H Boyd, A Bright, K Buck, L Burton, D Burzotta, A Chalk, P Collins, D Cowan, T Cox, M Davidson, M Dent, F Evans, K Evans, N Folkard, D Garne, D Garston, S George, I Gilbert, S Habermel, T Harp, B Hooper, D Jarvis, A Jones, M Kelly, H McDonald, D McGlone, K Mitchell, A Moring, C Mulroney, D Nelson, C Nevin, K Robinson, L Salter, I Shead, M Stafford, M Terry, A Thompson, S Wakefield, N Ward, C Walker, P Wexham, C Willis and R Woodley

Start/End Time: 6.30 - 11.00 pm

815 Apologies for Absence

Apologies for absence were received from Councillors Dear and Van Looy.

816 Declarations of Interest

- **Councillor Aylen**

- **Development Control Committee – 11th December 2019**

- Minute 627 (19/01851/BC3 – Park Café, Belfairs Park, Eastwood Road North, Leigh-on-Sea) – non-pecuniary interest: lives in the vicinity;

- **Place Scrutiny Committee – 28th January 2020**

- Minute 744 (Update on Town Centre Strategy) – non-pecuniary interest: works in the area;

- **Councillor Ayling**

- **Development Control Committee – 15th January 2020**

- Minute 673 – 18/02302/BC4M – Seaway Car Park – non-pecuniary interest: Had communication with the lease holder of 1-3 Herbert Grove and was an ex-employee on Seaway in 1962/63

- **Place Scrutiny Committee – 28th January 2020**

- Minute 745 (Unmet Demand Survey for Hackney Carriage & Private Hire) – Non-pecuniary interest: Previously worked as a cab driver;

- **Development Control Committee – 5th February 2020**

- Minute 795 (19/02134/FUL - Rear Of 1 Shoebury Avenue, Shoeburyness) – Non-Pecuniary Interest: The applicant is known to him – supplies his coal order;

- **Councillor Borton**

- **Audit Committee – 15th January 2020**

- Minute 681 – Treasury Management Policy for 202021 – non-pecuniary interest: Non-executive Director of South Essex Homes;

- **Place Scrutiny Committee – 28th January 2020**

- Minute 747 (Southend Local Plan Update) – non-pecuniary interest: niece works at London Southend Airport;

- **People Scrutiny Committee – 29th January 2020**

- Minute 761 (Admission Arrangements) and Minute 762 (School Term Dates 2021/22) – Non-pecuniary interest: Governor at Milton Hall School;

- Minute 763 (Additional Outcome Success Measures) – Non-pecuniary interest: EPUT mentioned under 'safe and well' – daughter is a ward manager at Basildon MHU;

- **Licensing Sub Committee C – 13th February 2020**

- Minute 804 (Revocation and Installation of Taxi Stand outside Southend Hospital) – Non-pecuniary interest: Uses bus stop at the hospital;

- **Councillor Buck**

- **Development Control Committee – 11th December 2019**

- Minute 627 (19/01851/BC3 – Park Café, Belfairs Park, Eastwood Road North, Leigh-on-Sea: non-pecuniary interest: member of Belfairs Golf Club;

- **Cabinet Committee – 6th January 2020**

- Minute 637 (Requests for Traffic & Parking Items – Mountdale Gardens) – Non-pecuniary interest: Lives off Mountdale Gardens;

- Minute 639 (Update of Traffic Flows, Oakwood Avenue) – Non-pecuniary interest: Lives nearby and regular user of the road;

- **Councillor Bright**

- **Place Scrutiny Committee – 28th January 2020**

- Minute 744 (Update on Town Centre Strategy) - Non-pecuniary interest: Lives in the town centre;

- **Councillor Chalk**

- **Development Control Committee – 5th February 2020**

- Minute 792 (19/02178/FULH - 112 Undercliff Gardens, Leigh-on-Sea) – Non-Pecuniary Interest: Lives close by to the development and knows the residents.

- **Councillor Collins**

Cabinet Committee – 6th January 2020

Minute 639 (Update of Traffic Flows, Oakwood Avenue) – Non-pecuniary interest: Lives in Green Lane, which is mentioned in the report;

- **Councillor Cowan**

Development Control Committee – 8th January 2020

Minute 651 (19/02023/TPO - Land at Junction of Four Sisters Way and fronting Rayleigh Road) Non-Pecuniary Interest: Has connections to the school adjacent to site.

- **Councillor Cox**

Audit Committee – 15th January 2020

Minutes 681 (Treasury Management Policy), Minute 682 (Risk Management Update), Minute 683 (Counter-fraud and Investigation Directorate Quarterly Performance Report), Minute 684 (Internal Audit Service Quarterly Performance Report), Minute 685 (Audit Committee Assessment and Development Update) and Minute 686 (CIPFA Fraud and Corruption Tracker Summary Report) – non-pecuniary interests: Member of the Shareholder Board;

Place Scrutiny Committee – 28th January 2020

Minute 745 (Unmet Demand Survey for Hackney Carriage & Private Hire) – Non-pecuniary interest: Friends are taxi drivers;

- **Councillor Davidson**

Audit Committee – 15th January 2020

Minutes 681 (Treasury Management Policy), Minute 682 (Risk Management Update), Minute 683 (Counter-fraud and Investigation Directorate Quarterly Performance Report), Minute 684 (Internal Audit Service Quarterly Performance Report), Minute 685 (Audit Committee Assessment and Development Update) and Minute 686 (CIPFA Fraud and Corruption Tracker Summary Report) – non-pecuniary interests: Member of the Shareholder Board;

Minute 681 – Treasury Management Policy for 202021 – non-pecuniary interest: Non-executive Director of South Essex Homes;

- **Councillor Dear**

Development Control Committee – 11th December 2019

Minute 627 (19/01851/BC3 - Park Café) – Non-Pecuniary interest: Is a member of Belfairs Golf Club and has held ward fund raising events at the restaurant.

Cabinet Committee – 6th January 2020

Minute 639 (Update of Traffic Flows, Oakwood Avenue) – Non-pecuniary interest: Lives in the general vicinity of Oakwood Road;

Cabinet Committee – 14th January 2020

Minute 659 – Permanent Vehicular Crossing (PVX) – Exceptional Circumstances Application(s) – non-pecuniary interest: applicant was known to him as a fellow Councillor and as a member of the Belfairs Golf Club;

- **Councillor Dent**

Development Control Committee – 11th December 2019

Minute 626 (19/01593/FUL - 10 Cromer Road) – Disqualifying Non-Pecuniary Interest: Has entered an objection to the application (withdrew);

- **Councillor F Evans**

Development Control Committee – 11th December 2019

Minute 631 (19/01749/FUL - Haydon House, 10 Underwood Square) – Non-Pecuniary Interest: Is a close friend to a resident who lives close by.

Cabinet Committee – 6th January 2020

Minute 635 (Traffic Regulation Orders Objections and Amendments – Hadleigh Road Area) – Non-pecuniary interest: Governor at St Michaels School and Director of Belfairs Academy;

Development Control Committee – 5th February 2020

Minute 789 (19/02036/FUL - 228 Highlands Boulevard - Leigh-on-Sea) – Non-Pecuniary Interest: Lives close by.

- **Councillor Flewitt**

Cabinet Committee – 6th January 2020

Minute 637 (Request for Traffic and Parking Items – Vickers Road, Avro Road, Wilmot Road and Bristol Road) – non-pecuniary interest - lobbied by and for residents action on parking restrictions;

Development Control Committee – 8th January 2020

Minute 644 (19/01924/FULM – 277 Prince Avenue, Westcliff-on-Sea) – non-pecuniary interest: involved in lobbying and contact with residents;

Development Control Committee – 15th January 2020

Minute 673 (18/02302/BC4M – Seaway Car Park) – non-pecuniary interest: lobbied by groups and individuals;

Cabinet – 16th January 2020

Minute 693 (Housing and Regeneration Pipeline, including Acquisitions Programme Update) – non-pecuniary interest: Any reference to Lundy Close – lobbied for residents;

Minute 696 (Unmet Demand Survey for Hackney Carriage & Private Hire) – non-pecuniary interest: Complaint lodged as allegation made against my Group;

Minute 697 (Hamlet Court Road Conservation Designation) – non-pecuniary interest: written in support in the media;

Special People Scrutiny Committee – 20th January 2020

Minute 719 (Sexual Health Service) – non-pecuniary interest: Have written about the HIV issue;

Policy and Resources Scrutiny Committee – 30th January 2020

Minute 775 (Housing and Regeneration Pipeline, including Acquisitions Programme Update) – non-pecuniary interest: Any reference to Lundy Close – lobbied for residents;

Development Control Committee – 5th February 2020

Minute 791 (19/01840/FULH – 472 Woodgrange Drive, Southend-on-Sea) – non-pecuniary interest: Knows one of the objectors;

Council – 27th February 2020

Agenda Item 5 (Question from Mr Higgs) – non-pecuniary interest: has written on social media about the matter;

- **Councillor Garston**

Development Control Committee – 5th February 2020

Minute 791 (19/01840/FULH - 472 Woodgrange Drive, Southend-on-Sea) – Non-Pecuniary Interest: The Neighbour is known to him.

- **Councillor Gilbert**

Place Scrutiny Committee – 28th January 2020

Minute 744 (Update on Town Centre Strategy) - Non-pecuniary interest: Place of work is close to the town centre;

- **Councillor Habermel**

Licensing Sub Committee C – 13th February 2020

Minute 804 (Revocation and Installation of Taxi Stand outside Southend Hospital) – Non-pecuniary interest: Family member works at the hospital;

- **Councillor Harp**

Health & Wellbeing Board – 4th December 2019

Minute 617 (Shoebury Ambulance Station) – non-pecuniary interest: relative is an employee of the Ambulance Service;

Minute 619 (A Better Start Southend) – non-pecuniary interest: wife employed by SAVS and close friend is employed by Better Start Southend.

Special People Scrutiny Committee – 20th January 2020

Minute 718 (East of England Ambulance Trust – Shoebury Ambulance Station) – non-pecuniary interest: family friend and future relative is employee of EEAST.

Health and Wellbeing Board – 22nd January 2020

Minute 723 (Minutes of the meeting held 4th December 2019 – Reference to EEAST) – non-pecuniary interest – future relative and current friend is employee at EEAST mentioned in the minutes) and Minute 731 (ABSS) – non-pecuniary interest – personal friend is employed by Better Start;

- **Councillor Hooper**

Cabinet Committee – 6th January 2020

Minute 635 (Traffic Regulation Orders Objections and Amendments – Hadleigh Road Area) – Non-pecuniary interest: Lives near Hadleigh Road;

People Scrutiny Committee – 29th January 2020

Minute 761 (Admission Arrangements) and Minute 762 (School Term Dates 2021/22) – Non-pecuniary interest: son attends Southend High School for Boys and works with schools as director of Blade Education working with volunteers;

- **Councillor Jarvis**

Development Control Committee – 11th December 2019

Minute 628 (19/00254/BRCN_B - 39 Vanguard Way) – Disqualifying Non-Pecuniary Interest: The applicant is well known (withdrew).

- **Councillor Jones**

Development Control Committee – 11th December 2019

Minute 626 (19/01593/FUL - 10 Cromer Road) - Non-Pecuniary Interest: Lives in a neighbouring street.

Minute 627 (19/01851/BC3 - Park Café) – Disqualifying Non-Pecuniary Interest: A member of Southend Cabinet so cannot determine a Southend-on-Sea Borough Council Application.

Development Control Committee – 8th January 2020

Minute 645 (19/01807/BC3 - North Shoebury Open Space, Shoebury Common Road) and Minute 651 (19/02023/TPO - Land at Junction of Four Sisters Way and fronting Rayleigh Road) – Disqualifying Non-Pecuniary Interests: Cabinet Member

- **Councillor Kelly**

People Scrutiny Committee – 20th January 2020

Minute 720 (Update on proposed changes to Clinical Commissioning Groups in Mid and South Essex – briefing) – non-pecuniary interest: works for EPUT:

- **Councillor McGlone**

Development Control Committee – 8th January 2020

Minute 644(19/01924/FULM - 277 Prince Avenue, Westcliff-on-Sea) and Minute 651 (19/02023/TPO - Land at Junction of Four Sisters Way and fronting Rayleigh Road) – Non-Pecuniary Interest: Residents in vicinity known to him;

- **Councillor Mulroney**

Development Control Committee – 11th December 2019

Minute 625 (19/01103/OUTM - 986 - 1000 London Road) and 10 (19/01749/FUL - Haydon House) – Non-Pecuniary Interest: Member of Leigh Town Council (Non-Planning).

Minute 627 (19/01851/BC3 - Park Café) – Disqualifying Non-Pecuniary Interest: A member of Southend Cabinet so cannot determine a Southend-on-Sea Borough Council Application.

Development Control Committee – 8th January 2020

Minute 646 (19/01646/FUL - West Leigh Baptist Church, Lymington Avenue) and Minute 648 (19/02074/FULH - 52 Tattersall Gardens) – Non-Pecuniary Interest: Member of Leigh Town Council (Non-Planning)

Minute 645 (19/01807/BC3 - North Shoebury Open Space, Shoebury Common Road) and Minute 651 (19/02023/TPO - Land at Junction of Four Sisters Way and fronting Rayleigh Road) – Disqualifying Non-Pecuniary Interest: Cabinet Member;

Development Control Committee – 5th February 2020

Minute 789 (19/02036/FUL - 228 Highlands Boulevard - Leigh-on-Sea), Minute 792 (19/02178/FULH - 112 Undercliff Gardens, Leigh-on-Sea), Minute 793 (19/02179/FULH - 112 Undercliff Gardens, Leigh-on-Sea) and Minute 795 (19/02143/FUL - Development Land, Underwood Square, Leigh-on-Sea) – Non-Pecuniary Interest: A Non Planning Member of Leigh Town Council;

- **Councillor Nelson**

Cabinet Committee – 6th January 2020

Minute 636 (Requests for Amendments to Parking Areas – Prittlewell Chase) – Non-pecuniary interest: Wife works at the hospital;

- **Councillor Nevin**

Special People Scrutiny Committee – 20th January 2020

Minute 718 (East of England Ambulance Trust – Shoeburyness Ambulance Station) – non-pecuniary interest: step-sister works at Basildon Hospital;

Minute 720 (CCG merger update) - non-pecuniary interest: NHS employee at external Trust; previous association at Southend and MEHT hospitals; sons work at MEHT; niece works at Basildon Hospital;

Place Scrutiny Committee – 28th January 2020

Minute 747 (Southend Local Plan Update) – non-pecuniary interest: Lives under the London Southend Airport flight path;

- **Councillor Salter**

Special People Scrutiny Committee – 20th January 2020

Minute 719 (Sexual Health Service) and Minute 720 (CCG Merger update) – non-pecuniary interest: husband is consultant surgeon at Southend Hospital; daughter is a consultant at Basildon Hospital; son-in-law is GP in the borough;

Health and Wellbeing Board – 22nd January 2020

Minute 730 (5 Year STP Draft Plan) - non-pecuniary interest: husband is consultant surgeon at Southend Hospital; daughter is a consultant at Basildon Hospital; son-in-law is GP in the borough; daughter and son-in-law were medical students at UCL.

- **Councillor Terry**

Cabinet Committee – 6th January 2020

Minute 636 (Requests for Amendments to Parking Areas – Eastern Esplanade and Arnold Avenue) – Non-pecuniary interest: Lives in the street and friends live in Arnold Avenue;

Minute 639 (Update of Traffic Flows, Oakwood Avenue) – Non-pecuniary interest: Lives in Eastern Esplanade, which is mentioned in the report;

Cabinet – 16th January 2020

Minute 694 (Airport Business Park) – non-pecuniary interest: Anchor tenant is client of employer;

- **Councillor Thompson**

Development Control Committee – 8th January 2020

Minute 646 (19/01646/FUL - West Leigh Baptist Church, Lymington Avenue) – Non-Pecuniary Interest: Lives in the vicinity

- **Councillor Ward**

Development Control Committee – 11th December 2019

Minute 631 (19/01749/FUL - Haydon House) – Non-Pecuniary Interest: Works for a company that has worked on this site in the past.

Development Control Committee – 15th January 2020

Minute 673 – 18/02302/BC4M – Seaway Car Park – non-pecuniary interest: is a guest house owner;

Development Control Committee – 5th February 2020

Minute 795 (19/02143/FUL – Development Land, Underwood Square) - Applicant is known to him and the company he works for has worked on the development in the past

- **Councillor Wakefield**

- **Cabinet Committee – 6th January 2020**

- Minute 636 (Requests for Amendments to Parking Areas – Alexandra Road) – Non-pecuniary interest: Owns a business in Alexandra Road).

- **Development Control Committee – 8th January 2020**

- Minute 647 (19/01908/FUL - 6A Clifton Terrace) – Non-Pecuniary Interest: The person in the Coachhouse is known to him;

- **Development Control Committee – 5th February 2020**

- Minute 788 (19/02134/FUL - Rear Of 1 Shoebury Avenue, Shoeburyness) – Non-Pecuniary Interest: Was involved in the development before becoming a member of Development Control Committee;

- **Councillor Walker**

- **Development Control Committee – 11th December 2019**

- Minute 631 (19/01749/FUL - Haydon House) – Non-Pecuniary Interest: A friend lives in Underwood Square and a senior council officer lives in Lime Avenue.

- **Development Control Committee – 5th February 2020**

- Minute 795 (19/02143/FUL - Development Land, Underwood Square, Leigh-on-Sea) – Non-Pecuniary Interest: A retired officer of Southend-on-Sea Borough Council lives in Lime Avenue and residents of Fairview Lodge are known to him;

- **Councillor Wexham**

- **Audit Committee – 15th January 2020**

- Minute 681 – Treasury Management Policy for 2020/21 – non-pecuniary interest: Non-executive Director of South Essex Homes;

- **Councillor Woodley**

- **Place Scrutiny Committee – 28th January 2020**

- Minute 747 (Southend Local Plan Update) – non-pecuniary interest: daughter is a pilot at London Southend Airport;

All members of the Labour Group

Development Control Committee – 15th January 2020

Minute 647 (19/01908/FUL - 6A Clifton Terrace) – Non-Pecuniary Interest: Senior Employee of an Objector has links to the Labour Party;

817 Communications

Youth Mayor and Deputy Youth Mayor

The Worshipful the Mayor presented the badge of office to the new Youth Mayor, Eugene Vlas and the badge of office to the new Deputy Youth Mayor, Madi Faulkner-Hatt.

818 Questions from Members of the Council

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

819 Questions from Members of the Public

The relevant Cabinet Members responded to written and supplementary questions received from Councillors.

820 Minutes of the meeting of Health and Wellbeing Board held on Wednesday, 4 December 2019

Resolved:

That the minutes of this meeting be noted.

821 Minutes of the meeting of Development Control Committee held on Wednesday, 11 December 2019

Resolved:

That the minutes of this meeting be noted.

822 Minutes of the meeting of Cabinet Committee held on Monday, 6 January 2020

Resolved:

That the minutes of this meeting be noted.

823 Minutes of the meeting of Development Control Committee held on Wednesday, 8 January 2020

Resolved:

That the minutes of this meeting be noted.

824 Minutes of the meeting of General Purposes Committee held on Thursday, 9 January 2020

Resolved:

That the minutes of this meeting be noted.

825 Minutes of the meeting of Cabinet Committee held on Tuesday, 14 January 2020

Resolved:

That the minutes of this meeting be noted.

826 Minutes of the meeting of Development Control Committee held on Wednesday, 15 January 2020

Resolved:

That the minutes of this meeting be noted.

827 Minutes of the meeting of Appeals Committee A held on Wednesday, 15 January 2020

Resolved:

That the minutes of this meeting be noted.

828 Minutes of the meeting of Audit Committee held on Wednesday, 15 January 2020

Resolved:

That the minutes of this meeting be noted.

829 Minutes of the meeting of Cabinet held on Thursday, 16 January 2020

Resolved:

That the minutes of this meeting be noted and the recommendations contained in Minutes 696, 698, 704 and 709, be approved.

830 Minutes of the special meeting of People Scrutiny Committee held on Monday, 20 January 2020

Resolved:

That the minutes of this meeting be noted.

831 Minutes of the meeting of Health and Wellbeing Board held on Wednesday, 22 January 2020

Resolved:

That the minutes of this meeting be noted.

832 Minutes of the meeting of the Appointments and Disciplinary Committee held on Tuesday, 28 January 2020

Resolved:

That the minutes of this meeting be noted.

833 Minutes of the meeting of Place Scrutiny Committee held on Tuesday, 28 January 2020

Resolved:

That the minutes of this meeting be noted.

834 Minutes of the meeting of People Scrutiny Committee held on Wednesday, 29 January 2020

Resolved:

That the minutes of this meeting be noted.

835 Minutes of the meeting of Policy and Resources Scrutiny Committee held on Thursday, 30 January 2020

Resolved:

That the minutes of this meeting be noted.

836 Minutes of the meeting of Development Control Committee held on Wednesday, 5 February 2020

Resolved:

That the minutes of this meeting be noted.

837 Minutes of the meeting of Licensing Sub-Committee C held on Thursday, 13 February 2020

Resolved:

That the minutes of this meeting be noted.

838 Notice of Motion - Kent Elms Junction

Resolved:

That in accordance with Standing Order 8.4 the following Notice of Motion, be referred to the Cabinet Committee:

'The current eastbound lane configuration at Kent Elms Corner deploys a three lane into two lane setup and is causing drivers considerable concern and frustration.

There have been a number of near misses and anyone who has driven through this junction will know of the unnecessary trepidation that this experience brings through the short distance of travel before the outside and middle lanes converge.

A much better usage of this junction can be achieved by dedicating the near side lane into a left turn only and leaving the other two lanes to go straight ahead. A new configuration will allow an easier traffic flow thus removing any unnecessary congestion and improving the air quality in the immediate vicinity.

It is therefore proposed that this Council removes the third lane for eastbound traffic after the junction with the painting of a hatched area in that lane and repainting of the two straight ahead lanes (currently the middle and outside lane). No engineering costs will be required.'

Proposed: Cllr David McGlone

Seconded: Cllr Steve Ayles

839 Notice of Motion - Seaways Car Park Development

Resolved:

That in accordance with Standing Order 8.4 the following Notice of Motion, be referred to the Cabinet and in the event that the Cabinet decision on 25th February 2020 relating to the same matter (Seaway Development) is called in to Policy and Resources Scrutiny Committee on 18th March 2020, the motion will also be referred to that Committee:

'Seaway Car Park Development

Any viable development on Seaway Car Park must support tourism and satisfy the seafront's parking needs. The proposed development by Turnstone Estates comprised a 1370 seat multiscreen cinema, 10 restaurants, an 80 bedroom hotel, bowling alley and an amusement centre.

Currently, there are 661 car parking spaces at Seaway Car Park. The proposals only contained provision for 555 car parking spaces. Turnstone Estates contract expired on the 17th January 2020.

At a meeting of Full Council in February 2019, both the now Leader and Deputy Leader of the Council are on record as saying that there would be no second extension and this was 'last chance saloon' for Turnstone Estates to get the required planning permission.

At the Development & Control Committee on the 15th January 2020, councillors deferred planning on the development citing concerns around parking and non-compliance of Council Policies.

This Council therefore resolves that it should:

1. Not provide a second extension to Turnstone Estates on their current contract as the Heads of Terms only allowed for an automatic extension upon refusal by the Development & Control Committee.

2. *Re-tender the proposals.*

3. *Any new tender specification to include significantly more car park spaces and address all other concerns raised at the Development & Control Committee meeting on the 15th January 2020.'*

Proposed By: Cllr Cox

Seconded by: Cllr Buck

Supported by: Cllr Davidson, Cllr Boyd, Cllr Bright, Cllr Burzotta, Cllr Dear, Cllr Evans, Cllr Folkard, Cllr Garne, Cllr Garston, Cllr Habermel, Cllr Jarvis, Cllr McGlone, Cllr Moring, Cllr Nelson, Cllr Salter, Cllr Walker

840 Opposition Business - Seaway Car Park Development

The Opposition Business was withdrawn.

841 Draft Calendar of Meetings 2020/21 and 2021/22

Resolved:

That the draft calendar of meetings for 2020/21 and 2021/22, subject to further changes (including an additional cycle of meetings in the summer period), be approved/noted.

842 Council Procedure Rule 1.7 - Duration of Meetings

During consideration of Minute 775 and in accordance with Standing Order 1.7, the hour of 10.00pm having been reached the Council:

Resolved:

To continue for one further hour until 11.00pm.

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of The Council

Date: Monday, 9th March, 2020
Place: Council Chamber - Civic Suite

8

Present: Councillor J Lamb (Chair)
Councillors S Aylen, B Ayling, J Beck, M Borton, H Boyd, K Buck, L Burton, D Burzotta, A Chalk, P Collins, D Cowan, T Cox, M Davidson, M Dent, F Evans, K Evans, N Folkard, D Garne, S George, I Gilbert, S Habermel, B Hooper, D Jarvis, A Jones, M Kelly, D McGlone, K Mitchell, A Moring, C Mulroney, D Nelson, C Nevin, K Robinson, L Salter, I Shead, M Stafford, M Terry, S Wakefield, N Ward, P Wexham, C Willis and R Woodley

Start/End Time: 6.30 - 7.40 pm

843 Apologies for Absence

Apologies for absence were received from Councillors Bright, Burzotta, Dear, Flewitt, Garston, Harp, McDonald, Thompson and Walker.

844 Declarations of Interest

(a) Councillor Wakefield – Minute 845 (Second Extension to Turnstone Estates in respect of the Proposed Seaway Development) – non-pecuniary interest: business in the vicinity;

845 Second Extension to Turnstone Estates in respect of the Proposed Seaway Development

The Worshipful the Mayor had agreed to call this Council meeting following a requisition by 10 Councillors, pursuant to Section 3 of Schedule 12 of the Local Government Act 1972, to consider ‘Second Extension to Turnstone Estates in respect of the Proposed Seaway Development.’ The Worshipful the Mayor was satisfied that this matter was a legitimate subject for the Council to debate.

Councillors were informed that the decision of Cabinet held on 25th February 2020 about this matter has been called in to the Policy and Resources Scrutiny Committee on 18th March 2020 and this Committee will also consider the Notice of Motion presented to Council on 27th February 2020.

A debate took place and the Worshipful the Mayor thanked Councillors for their contributions.

Chair: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of The Council

Date: Thursday, 25th June, 2020
Place: Virtual Meeting via MS Teams

9

Present: Councillor J Lamb (Chair)
Councillors M Flewitt (Deputy Chair), S Ayles, B Ayles, J Beck, M Borton, H Boyd, A Bright, K Buck, L Burton, D Burzotta, A Chalk, P Collins, D Cowan, T Cox, M Davidson, A Dear, M Dent, F Evans, K Evans, N Folkard, D Garne, D Garston, S George, I Gilbert, S Habermel, T Harp, B Hooper, D Jarvis, A Jones, M Kelly, H McDonald, D McGlone, K Mitchell, A Moring, C Mulroney, D Nelson, C Nevin, K Robinson, L Salter, I Shead, M Stafford, M Terry, A Thompson, S Wakefield, N Ward, C Walker, P Wexham, C Willis and R Woodley

Start/End Time: 7.00 - 10.47 pm

94 **Apologies for Absence**

There were no apologies for absence at this meeting.

95 **Declarations of Interest**

- **Councillor Ayles**

Cabinet – 25th February 2020

Minute 858 (Southend Central Area Transport Scheme) – Non-Pecuniary Interest: had been involved in the design and layout of Victoria Circus;

Special Place Scrutiny Committee – 15th June 2020

Minute No. 52 (Southend Central Area Transport Scheme) – Non-pecuniary interest: had been involved in the design and layout of Victoria Circus;

- **Councillor Beck**

Special Place Scrutiny Committee – 24th June 2020

Minute 92 (Temporary Key Worker Permit) – Non-pecuniary interest: Normally employed as a teacher and friends are key workers;

- **Councillor Borton**

Special Place Scrutiny Committee – 15th June 2020

Minute No. 52 (Southend Central Area Transport Scheme) – Non-pecuniary interest: Council appointed board member of South Essex Homes Board.

People Scrutiny Committee – 16th June 2020

Minute 62 (Council's Response to COVID-19) - Governor at Milton Hall School and daughter is a ward manager Basildon Mental Health Unit - Non-pecuniary interest;

- **Councillor Bright**

Place Scrutiny Committee – 15th June 2020

Minute No. 56 (Council's Response to COVID-19) – Non-pecuniary interest: Lives in the High Street;

Special Place Scrutiny Committee – 24th June 2020

Minute 93 (Emergency Active Travel Fund) – Non-pecuniary interest: Parents live in Thorpe Hall Avenue which was mentioned in the debate;

- **Councillor Buck**

Cabinet – 25th February 2020

Minute 858 (Southend Central Area Transport Scheme) – Non-Pecuniary Interest: Has discussed the matter with the taxi association Chair;

Special Place Scrutiny Committee – 15th June 2020

Minute No. 52 (Southend Central Area Transport Scheme) – Non-pecuniary interest: Has discussed the matter with the taxi association Chair;

Minute No. 56 (Council's Response to COVID-19) – Non-pecuniary interest: business/company involved in the 'Off the streets' charity and is a volunteer at St Vincents De Paul charity;

Special Place Scrutiny Committee – 24th June 2020

Minute 92 (Temporary Key Worker Permit) – Non-pecuniary interest: Governor at Eastwood Academy;

Minute 93 (Emergency Active Travel Fund) – Non-pecuniary interest: Has been vocal in respect of 20mph speed limits;

- **Councillor Burzotta**

Policy and Resources Scrutiny Committee – 11th June 2020

Minute 44 (Initial Local Financial Assessment of COVID-19) - Interests in local family business and as local property landlord - Interest;

- **Councillor Collins**

Policy and Resources Scrutiny Committee – 11th June 2020

Cllr P Collins - Minute 45 (Urgent Item of Business - SO46 Report) - Season ticket holder of Southend United Football Club - Interest;

- **Councillor Cowan**

Special Place Scrutiny Committee – 24th June 2020

Minute 92 (Temporary Key Worker Permit) – Non-pecuniary interest: He and his wife are School Governors and friends are key workers;

Minute 93 (Emergency Active Travel Fund) – Non-pecuniary interest: Chair of the local chapter of the 20's Plenty campaign;

- **Councillor Cox**

Special Place Scrutiny Committee – 15th June 2020

Minute 52 (Southend Central Area Transport Scheme) – Non-pecuniary interest: Friends are taxi drivers;

- **Councillor Davidson**

Policy and Resources Scrutiny Committee – 11th June 2020

Cllr M Davidson - Minute 43 (Council's Response to COVID-19) - Volunteer with Southend Food Bank - Non-pecuniary interest, Minute 43 (Initial Local Financial Assessment of COVID-19) - Director of South Essex Homes - Non-pecuniary interest;

- **Councillor F Evans**

People Scrutiny Committee – 16th June 2020

Minute 62 (Council's Response to COVID-19) - Director of Belfairs Academy - Non-pecuniary interest;

- **Councillor K Evans**

Cabinet – 16th June 2020

Minute 77 (Temporary Key Worker Permit) – non-pecuniary: friends and family members are key workers;

Special Place Scrutiny Committee – 24th June 2020

Minute 92 (Temporary Key Worker Permit) – Non-pecuniary interest: family members are key workers;

- **Councillor Flewitt**

Special Place Scrutiny Committee – 15th June 2020

Minute No. 52 (Southend Central Area Transport Scheme) – Non-pecuniary interest: Friends and family are tenants of South Essex Homes;

Cabinet – 9th June 2020

Minute 24 (Council's Response to COVID-19) – Non-pecuniary interest: In respect to health has written and commented on health and HIV matters;

Policy and Resources Scrutiny Committee – 11th June 2020

Minute 43 (Council's Response to COVID-19) - Non-pecuniary interest: In respect to health has written and commented on health and HIV matters;

Place Scrutiny Committee – 15th June 2020

Minute No. 56 (Council's Response to COVID-19) – Non-pecuniary interest: In respect to health has written and commented on health and HIV matters;

People Scrutiny Committee – 16th June 2020

Minute 62 (Council's Response to COVID-19) - Non-pecuniary interest: In respect to health has written and commented on health and HIV matters;

Cabinet – 16th June 2020

Minute 77 (Temporary Key Worker Permit) – non-pecuniary: friends and family members are key workers;

Minute 78 (Emergency Active Travel Fund) – non-pecuniary interest: Has lobbied for more cycleways and has been published in the local press in respect of 20mph speed limits;

Special Place Scrutiny Committee – 24th June 2020

Minute 92 (Temporary Key Worker Permit) – Non-pecuniary interest: Friends and family members are key workers;

Minute 93 (Emergency Active Travel Fund) – Non-pecuniary interest: Has lobbied for more cycleways and has been published in the local press in respect of 20mph speed limits;

- **Councillor Folkard**

People Scrutiny Committee – 16th June 2020

Minute 62 (Council's Response to COVID-19) - Ambassador for Fund Raising Team at Southend Hospital; relative works at Broomfield Hospital; on the Reading Panel at Southend Hospital - Non-pecuniary interest;

Special Place Scrutiny Committee – 24th June 2020

Minute 92 (Temporary Key Worker Permit) – Non-pecuniary interest: Relation works at Broomfield Hospital;

- **Councillor Gilbert**

Cabinet – 25th February 2020

Minute 858 (Southend Central Area Transport Scheme) – Non-Pecuniary Interest: Place of work is in the town centre;

Special Cabinet – 9th June 2020

Minute 24 (Council's response to COVID-19) – Council representative on the Board of Southend Association of Voluntary Services (SAVS) – non-pecuniary interest;

Policy and Resources Scrutiny Committee – 11th June 2020

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

Minute 43 (Council's Response to COVID-19) - Council representative on the Board of Southend Association of Voluntary Services (SAVS) - Non-pecuniary interest;

Special Place Scrutiny Committee – 15th June 2020

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

Minute 52 (Southend Central Area Transport Scheme) – Non-pecuniary interest: Place of work is in the Town Centre area;

Place Scrutiny Committee – 15th June 2020

(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;

Minute No. 56 (Council's Response to COVID-19)– Non-pecuniary interest: Place of work is located in Town Centre Area and Council appointed Member to the Board of SAVS;

People Scrutiny Committee – 16th June 2020

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

Minute 62 (Council's Response to COVID-19) - Council representative on the Board of Southend Association of Voluntary Services (SAVS) - Non-pecuniary interest;

Special Place Scrutiny Committee – 24th June 2020

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 Habermel**

Special Cabinet – 9th June 2020

Minute 24 (Council's response to COVID-19) – non-pecuniary interest: family member works at Southend Hospital;

Policy and Resources Scrutiny Committee – 11th June 2020

Minute 43 (Council's Response to COVID-19) – Non-pecuniary interest: Non-pecuniary interest: Family member works at the hospital;

Place Scrutiny Committee – 15th June 2020

Minute 56 (Council's response to COVID-19) – non-pecuniary interest: family member works at Southend Hospital;

People Scrutiny Committee – 16th June 2020

Minute 62 (Council's Response to COVID-19) – Non-pecuniary interest: Family member works at the hospital;

- **Councillor Harp**

Special Cabinet – 9th June 2020

Minute 24 – (Council's response to COVID-19 – Volunteer for SAVS and wife employed by that organisation – non-pecuniary interest and Minutes 26 and 28 (Urgent item of business - SO46 report) – Season ticket holder of Southend United Football Club – interest;

People Scrutiny Committee – 16th June 2020

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

Minute 62 (Council's Response to COVID-19) Southend Association of Voluntary Services (SAVS) mentioned in report, volunteer with SAVS and wife is an employee of SAVS - Non-pecuniary interest;

- **Councillor Hooper**

People Scrutiny Committee – 16th June 2020

Minute 62 (Council's Response to COVID-19) - Director of Blade Education (a not-for-profit company) and parent of child attending secondary school in Borough - Non-pecuniary interest;

- **Councillor Jones**

Special Cabinet – 9th June 2020

Minute 24 (Council's response to COVID-19) – non-pecuniary interest: HARP premises are neighbours;

Minute 26 (Urgent Item of business – SO46 report) – Council's representative on governing body of Southend Adult Community College – non-pecuniary interest;

Policy and Resources Scrutiny Committee – 11th June 2020

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

Minute 43 (Council's Response to COVID-19) – Non-pecuniary interest: Non-pecuniary interest: HARP premises are neighbours;

Minute 45 (Urgent Item of Business - SO46 report) - Council's representative on governing body of Southend Adult Community College - Non-pecuniary interest;

People Scrutiny Committee – 16th June 2020

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

Minute 56 (Council's Response to COVID-19) – Non-pecuniary interest: HARP premises are neighbours;

Minute 64 (Urgent Item of Business - SO46 report) - Council's representative on governing body of Southend Adult Community College - Non-pecuniary interest;

- **Councillor Kelly**

People Scrutiny Committee – 16th June 2020

Minute 62 (Council's Response to COVID-19) - Employed by Essex Partnership University NHS Foundation Trust - Non-pecuniary interest;

- **Councillor Mitchell**

Cabinet – 25th February 2020

Minute 858 (SCATS) – non-pecuniary interest: Son's partner had worked at a business within this schemes area;

People Scrutiny Committee – 16th June 2020

Minute 62 (Council's Response to COVID-19) – non-pecuniary interest: Has previously been a designated Adult mental health link in my role as family worker and am currently a designated domestic abuse link in my role as family worker and adult daughter has additional needs;

Special Place Scrutiny Committee – 24th June 2020

Minute 92 (Temporary Key Worker Permit) – Non-pecuniary interest: is a key worker in the Essex;

- **Councillor Mulrone**

Special Cabinet – 9th June 2020

Minute 25 – (Initial Local Financial Assessment of COVID-19) – Chair of Trustees of Leigh Heritage Centre (grant application made by treasurer) – non-pecuniary interest;

Special Place Scrutiny Committee – 15th June 2020

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

Place Scrutiny Committee – 15th June 2020

(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;

Special Place Scrutiny Committee – 24th June 2020

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 Nelson**

Special Cabinet – 9th June 2020

Minute 24 (Council's response to COVID-19) – non-pecuniary interest: family member works at Southend Hospital;

Policy and Resources Scrutiny Committee – 11th June 2020

Minute 43 (Council's Response to COVID-19) – Non-pecuniary interest: Non-pecuniary interest: Family member works at Southend hospital;

Place Scrutiny Committee – 15th June 2020

Minute No. 56 (Council's Response to COVID-19) – Non-pecuniary interest: family member works at Southend Hospital;

People Scrutiny Committee – 16th June 2020

Minute 62 (Council's Response to COVID-19) – Non-pecuniary interest: Family member works at the hospital

Special Place Scrutiny Committee – 24th June 2020

Minute 93 (Emergency Active Travel Fund) – Non-pecuniary interest: Member of Southend Wheelers;

- **Councillor Nevin**

People Scrutiny Committee – 16th June 2020

Minute 62 (Council's Response to COVID-19) - Non-pecuniary interest: NHS employee at external Trust; previous association at Southend and MEHT hospitals; sons work at MEHT; sister works at Basildon Hospital; Has donated and made contributions to St Vincents De Paul charity;

- **Councillor Robinson**

Special Place Scrutiny Committee – 24th June 2020

Minute 92 (Temporary Key Worker Permit) – Non-pecuniary interest: NHS worker in the Borough;

Policy and Resources Scrutiny Committee – 11th June 2020

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

Special Place Scrutiny Committee – 15th June 2020

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

Place Scrutiny Committee – 15th June 2020

(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 Salter**

People Scrutiny Committee – 16th June 2020

Minute 62 (Council's Response to COVID-19) - Non-pecuniary interest: husband is consultant surgeon at Southend Hospital; daughter is a consultant at Basildon Hospital; son-in-law is GP in the borough

- **Councillor Terry**

Special Cabinet – 9th June 2020

Minute 24 (Council's response to COVID-19) – Lives in the Seafront area – non-pecuniary interest and Minutes 26 and 28 (Urgent item of business – SO46 report) – Season ticket holder of Southend United Football Club - interest;

Policy and Resources Scrutiny Committee – 11th June 2020

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

Minute 45 (Urgent Item of Business - SO46 Report) - Season ticket holder of Southend United Football Club - Interest; and

Special Place Scrutiny Committee – 15th June 2020

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

Place Scrutiny Committee – 15th June 2020

(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;

Minute No. 56 (Council's Response to COVID-19) – Non-pecuniary interest: Lives in Eastern Esplanade and Minute No. 58 (Urgent Item of Business - SO46 Report) - Season ticket holder of Southend United Football Club - Interest;

People Scrutiny Committee – 16th June 2020

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

Special Place Scrutiny Committee – 24th June 2020

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 Wakefield**

Place Scrutiny Committee – 15th June 2020

Minute No. 56 (Council's Response to COVID-19) – Non-pecuniary interest: Owns a business in the Town Centre;

Special Place Scrutiny Committee – 24th June 2020

Minute 92 (Temporary Key Worker Permit) – Non-pecuniary interest: Family member works at Southend Hospital;

- **Councillor Walker**

Special Cabinet – 9th June 2020

Minute 24 (Council's response to COVID-19) – non-pecuniary interest: family member is a nurse and wife is a teacher;

Policy and Resources Scrutiny Committee – 11th June 2020

Minute 43 (Council's Response to COVID-19) – Non-pecuniary interest: Non-pecuniary interest: Family member is a nurse and wife is a teacher;

Place Scrutiny Committee – 15th June 2020

Minute 56 (Council's Response to COVID-19) – Non-pecuniary interest: family member is a nurse and wife is a teacher;

People Scrutiny Committee – 16th June 2020

Minute 62 (Council's Response to COVID-19) – Non-pecuniary interest: Family member is a nurse and wife is a teacher;

Special Place Scrutiny Committee – 24th June 2020

Minute 92 (Temporary Key Worker Permit) – Non-pecuniary interest: Family member is a nurse and wife is a teacher;

- **Councillor Ward**

Place Scrutiny Committee – 15th June 2020

Minute No. 58 (Urgent Item of Business - SO46 Report) - Shareholder of Southend United Football Club - Interest;

- **Councillor Wexham**

Special Place Scrutiny Committee – 15th June 2020

Minute No. 52 (Southend Central Area Transport Scheme) – Non-pecuniary interest: Council appointed board member of South Essex Homes Board.

- **Councillor Woodley**

Special Place Scrutiny Committee – 15th June 2020

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

Special Cabinet – 9th June 2020

Minutes 26 and 28 (Urgent item of business – SO46 report)- Wife is a season ticket holder of Southend United Football Club – interest.

Policy and Resources Scrutiny Committee – 11th June 2020

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

Place Scrutiny Committee – 15th June 2020

(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;

Minute No. Minute No. 58 (Urgent Item of Business - SO46 Report) – Wife is a Season ticket holder of Southend United Football Club - Interest.

Special Place Scrutiny Committee – 24th June 2020

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;

96 Southend Central Area Transport Scheme (SCATS)

The Council had before it Minute 858 of Cabinet held on 25th February 2020 and Minute 52 of the Special Place Scrutiny Committee held on 15th June 2020 (Southend Central Area Transport Scheme (SCATS)).

During consideration of Minute 52 (SCAT), a motion was proposed and seconded to refer the matter back to Cabin Set.

The motion for reference back of Minute 52 was not carried.

Resolved:

That minute 858 of Cabinet held 25th February 2020 and the minutes of the Special Place Scrutiny Committee held 15th June 2020, be noted.

97 The Council's Response to COVID-19

The Council had before it the minutes of the Cabinet held on 9th June 2020, Policy and Resources Scrutiny Committee held on 11th June, Place Scrutiny Committee held on 15th June and People Scrutiny Committee held on 16th June 2020.

The Worshipful the Mayor, on behalf of the Council, extended the Council's appreciation to all key workers and volunteers for their dedication during the pandemic.

Resolved:

That the minutes of the Cabinet held 9th June, Policy & Resources Scrutiny Committee held 11th June, Place Scrutiny Committee held 15th June and People Scrutiny Committee held 16th June, be noted.

98 Temporary Key Worker Permit

The Council had before it Minute 77 (Temporary Key Worker Permit) of Cabinet held on 16th June and Minute 92 of Place Scrutiny Committee held 24th June 2020.

Resolved:

That Minute 77 of Cabinet held 16th June and Minute 92 of the Place Scrutiny Committee, be noted.

99 Emergency Active Travel Fund

The Council has before it Minute 78 (Emergency Active Travel Fund) of Cabinet held on 16th June 2020 and the Minute 93 of the Place Scrutiny Committee held on 24th June 2020.

During consideration of Minute 93 (Emergency Active Travel Fund) a motion was proposed and seconded to refer the matter back to Cabinet.

The motion for reference back of Minute 93 was not carried.

Resolved:

That Minute 93 of Cabinet held 16th June 2020 and the minutes of the Place Scrutiny Committee held 24th June 2020, be noted.

100 **Supplementary Standing Orders - Remote Meetings**

The Council considered a report of the Executive Director (Legal and Democratic Services) setting out the Supplementary Standing Orders to deal with remote and hybrid meetings, together with an associated protocol on virtual/remote meetings.

Resolved:

That the Supplementary Standing Orders, Protocol on Virtual/Remote Meetings and Procedure Note on public speaking at remote meetings attached at **Appendix 1** to the submitted report, subject to the 3 additions set out paragraph 3.5 of the report and to the following adjustments, be endorsed:

(a) Delete Supplementary Standing Order 3.1 regarding the requirement to consult all group leaders on the draft Agenda for meetings.

(b) Replace paragraphs 5.2 and 5.3 of the Supplementary Standing Orders with the following:

“5.2 In the event of any apparent failure of the remote connection, the Chair should immediately determine if the meeting is still quorate:

- if it is, then the business of the meeting will continue; or
- if there is no quorum, then the meeting shall adjourn for a period specified by the Chair, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.

5.3 Should any aspect of an individual’s remote participation fail, the Chair may call a short adjournment of up to ten minutes to determine whether the connection can quickly be re-established. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate and the public are able to hear.

5.4 In the event of connection failure, the remote Councillor(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Councillor(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item/s.

5.5 If the connection is successfully re-established, then the remote Councillor(s) will be deemed to have returned at the point of re-establishment.

5.6 If a connection to a Councillor is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within 5 minutes, the meeting will proceed, but the Councillor who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.”

(c) Change “a reasonable period” in paragraph 6.2 of the Supplementary Standing Orders under “Access to Meetings – Members of the Public and Councillors who are not on the Body” to “30 minutes”.

(d) That all future meetings will be available by live video webcast to enable members of the public to view proceedings (councillors would have the option of using the camera on their device during a meeting) and that the Protocol on Virtual/Remote meetings be amended as appropriate.

101 Appointments to Committees, Working Parties, etc.

Resolved:

That the changes to the appointments to Committees and Working Parties set out on the list as circulated at the meeting, be noted.

Chair: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet Committee

Date: Monday, 24th February, 2020
Place: Committee Room 1 - Civic Suite

10

Present: Councillor R Woodley (Chair)
Councillors K Robinson (Vice-Chair) and M Terry

In Attendance: Councillors K Buck, P Collins, D Cowan, T Cox, K Evans, N Folkard, S Habermel, D Jarvis, H McDonald, D McGlone, K Mitchell, A Moring, M Stafford and S Wakefield
L Reed, S Harrington and T Row

Start/End Time: 6.30 pm - 8.50 pm

846 Apologies for Absence

There were no apologies for absence.

847 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Cowan – Agenda Item No. 8 (St Laurence Area Parking Consultation) – Non-pecuniary interest: Undertook the survey referred to in the report;

(b) Councillor Terry – Agenda Item No. 6 (Petition - Eastern Esplanade - Request for provision of pedestrian crossings and extension of average speed monitoring scheme and installation of additional speed monitoring cameras) – Non-pecuniary interest: Lives in Eastern Esplanade; and

(c) Councillor Woodley – Agenda Item No. 8 8 (St Laurence Area Parking Consultation) – Non-pecuniary interest: Daughter is a pilot for Easyjet based at the airport).

848 Minutes of the meeting held on Monday, 6th January 2020

Deferred to the next meeting.

849 Minutes of the Meeting held on Tuesday, 14th January 2020

Deferred to the next meeting.

850 Traffic Regulation Orders Objections

The Cabinet Committee received a report of the Executive Director (Neighbourhoods and Environment) that presented the representations that had been received in response to the statutory consultation for a traffic regulation orders in respect of the following:

(i) the introduction of no waiting between 1.00 p.m. to 3.00 p.m. Mondays to Fridays in Crosby Road, Leigh on Sea; and

(ii) the introduction of traffic calming measures in Thorpe Bay Gardens in the form of speed humps between its junction with St Augustine's Avenue and the hammer head at its eastern extremity.

The report sought the Cabinet Committee's approval on the way forward in respect of these proposals, after having considered the views of the Traffic Regulations Working Party following consideration of all the representations that had been received in writing and at the meeting. Details of the proposals were displayed at the meeting.

With reference to the introduction of waiting restrictions in Crosby Road, the Cabinet Committee noted the concerns that had been expressed by the Traffic Regulations Working Party regarding the timing of the restrictions, the reasons for implementing the restrictions and the possible implications should they be implemented as advertised.

Resolved:-

1. That, subject to the exclusion of the proposals for Crosby Road, the Southend-on-Sea Borough Council (Various Roads) (Stopping, Waiting, Loading and Unloading Prohibitions and Restrictions, Parking Places and Permit Parking Zones)(Consolidation) Order 2016 (Amendment No.12) Order 2019 be confirmed as advertised.

2. That the Executive Director (Neighbourhoods and Environment) be authorised to undertake the necessary steps to introduce an Experimental Traffic Regulation Order, under Sections 9 and 10 of the Road Traffic Regulation Act 1984, to introduce appropriate waiting restrictions in Crosby Road, Leigh-on-Sea and that the Executive Director (Neighbourhoods and Environment) be appointed as the specified officer of the authority who making the order, or to authorise any other appropriate officer, to modify or suspend the operation of the order or any provision of it if it as may be required, in accordance with the Act.

3. That, in accordance with Section 90 A-F of the Highways Act 1980, the Executive Director (Neighbourhoods and Environment) be authorised to arrange the construction of road humps, which will take the form of round top speed humps across the width of carriageway, in Thorpe Bay Gardens, Southend-on-Sea at the locations and in accordance with the dimensions set out in the Schedule published in the Statutory Notice.

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

Eligible for call-in to Place Scrutiny Committee

Cabinet Member: Councillor Woodley

851 Petition - Eastern Esplanade - Request for provision of pedestrian crossings and extension of average speed monitoring scheme and installation of additional speed monitoring cameras

Pursuant to Minute 442 of the meeting of Council held on 24th October 2019, the Cabinet Committee received a report of the Executive Director (Neighbourhoods and Environment) concerning the petition that had been submitted by Councillor Woodley on behalf of local residents requesting the introduction of more formal pedestrian crossings and the extension of the average speed monitoring scheme, with the installation of additional speed monitoring cameras, on Eastern Esplanade.

The Cabinet Committee noted that the petition sought additional pedestrian crossings in Eastern Esplanade. There were, however, other locations along the whole of the B1016, which included Eastern Esplanade, Thorpe Esplanade and Shoebury Common Road that could benefit from additional formalised pedestrian crossings.

Resolved:-

1. That the petitioner be thanked for taking the time to compile the petition.
2. That the request relating to the extension of the average speed monitoring scheme, with the installation of additional speed monitoring cameras, on Eastern Esplanade, be referred to the Essex Safety Camera Partnership for consideration.
3. That officers be requested to review the pedestrian crossing facilities on the B1016 and identify appropriate locations for the introduction of appropriate formalised pedestrian crossings, whether signal controlled or otherwise, for consideration by the Traffic Regulations Working Party and Cabinet Committee.

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

Eligible for call-in to Place Scrutiny Committee

Cabinet Member: Councillor Woodley

852 Milton Road Area Residents Parking Consultation

The Cabinet Committee received a report of the Executive Director (Neighbourhoods and Environment) that presented the results of a parking consultation that had been carried out in the roads situated in an area bounded by Park Road in the east, Hamlet Court Road in the west, A13 in the north and the C2C railway line to the south.

Resolved:-

1. That the matter be considered as a priority as part of the development of the Parking Strategy currently being developed.
2. That consideration of any further requests/petitions for parking schemes referred to the Traffic Regulations Working Party and Cabinet Committee be deferred pending the outcome of the Parking Review.

Reason for Decision

As set out in the submitted report

Other Options

Do nothing – parking issues will not be addressed.

Advertise proposals in accordance with consultation – parking may be displaced to other roads/areas.

Note: This is an Executive function

Eligible for call-in to Place Scrutiny Committee

Cabinet Member: Councillor Woodley

853 St Laurence Area Parking Consultation

The Cabinet Committee received a report of the Executive Director (Neighbourhoods and Environment) that presented the results of a parking consultation carried out by a Ward Councillor in roads situated to the south of the London Southend Airport.

The Cabinet Committee acknowledged the sterling work that had been undertaken by the Ward Councillor but felt that further consideration should be given to the parking situation in the wider area around the airport.

Resolved:-

1. That the Ward Councillor be thanked for taking the time to undertake the survey.
2. That the matter be considered as a priority as part of the development of the Parking Strategy currently being developed.

Reason for Decision

As set out in the submitted report

Other Options

Do nothing – parking issues will not be addressed.

Advertise proposals in accordance with consultation – parking may be displaced to other roads/areas.

Note: This is an Executive function

Eligible for call-in to Place Scrutiny Committee

Cabinet Member: Councillor Woodley

Chair: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

11

Date: Tuesday, 25th February, 2020
Place: Committee Room 1 - Civic Suite

Present: Councillor I Gilbert (Chair)
Councillors R Woodley (Vice-Chair), T Harp, A Jones, C Mulroney,
K Robinson and M Terry

In Attendance: Councillors K Evans, N Folkard, D Garne, D Jarvis and D McGlone
A Griffin, J K Williams, A Lewis, J Chesterton, J Ruffle, C Gamble,
E Cooney, T Forster, P Geraghty, A Keating, B Martin, M Murphy and
A Richards

Start/End Time: 2.00 - 3.15 pm

854 Apologies for Absence

There were no apologies for absence.

855 Declarations of Interest

The following declarations were made at the meeting:

- (a) Councillor K Evans - Agenda Item No. 8 (Southend Crematorium Refurbishment) – Non-Pecuniary Interest: Occasional work undertaken for funeral director who uses the crematorium.
- (b) Councillor Gilbert – Agenda Item No. 5 (Southend Central Area Transport Scheme) – Non-Pecuniary Interest: Place of work is in the town centre.
- (c) Councillor Harp – Agenda Item No. 14 (Outcome Success Measures Report Quarter 3 2019/20) - Non-Pecuniary Interest: SAVS mentioned in report – wife is employed by SAVS.
- (d) Councillor Robinson – Agenda Item No. 14 (Outcome Success Measures Report Quarter 3 2019/20) – Non-Pecuniary Interest: Work for mental health trust which supplies services to CCG.

856 Fire Safety Update Report

The Cabinet considered a report of Deputy Chief Executive and Executive Director (Growth & Housing) setting out the progress in delivering the Council's Fire Safety Review (established following the Grenfell Tower fire on the 14th June 2017) and the Council's response to the Government Consultation 'Sprinklers and other Fire Safety Measures in New High-Rise Blocks of Flats'.

Resolved:

1. That the Council's response to the Government Consultation 'Sprinklers and other Fire Safety Measures in New High-Rise Blocks of Flats', be noted and endorsed.
2. That the work undertaken by the Council and South Essex Homes in respect to Fire Safety including the installation of a pilot 'annunciation system' in Longbow residential tower block, and the installation of photo-luminescent signage within high rise residential blocks, be endorsed.
3. That a further update be provided to Cabinet to autumn 2020.

Recommended:-

4. That the installation of a full sprinkler system in one high rise residential block as a pilot with a view to informing the development of a full programme of sprinkler installations across the high rise residential estate, be endorsed and that £400,000 be added to the HRA capital investment programme (to be funded from the HRA reserves) to fund the work.

Reasons for Decision

1. The Council has undertaken a fundamental review of its fire safety policies and procedures, reviewed its property stock, and put in place appropriate resources (financial and other) to ensure that it maintains its buildings in a safe condition whilst upgrading them where this is appropriate and practicable.
2. The Council has also recognised its 'community leadership' role in respect to fire safety and engaged with partners and the private sector to ensure residents, employees and visitors across the Borough are housed in, work in or visit safe premises.
3. The Council has considered the recommendations of the Independent Review of Building Regulations and Fire Safety and determined that it should take immediate steps to assess and enhance its duty holder requirements and to enhance opportunities for members of the public to raise concerns.

Other Options

1. To maintain all operational properties in their current condition with fire improvement works and, where practicable, to bring them up to the requirements of the latest Building Regulations when they next undergo major alterations and/or extension.
2. To maintain the current arrangements whereby individual building managers are identified as responsible for the buildings within which they operate.
3. To commit to the immediate adoption of all recommendations set out within the Independent Review of Building Regulations and Fire Safety.

Note: The decisions in 1-3 above constitute Executive Functions. The decision in 4 above constitutes a Council Function.

Cabinet members: Cllrs Gilbert and Terry

**857 Housing and Regeneration Pipeline, Including Acquisitions Programme
- Update**

The Cabinet considered a report of the Executive Director (Finance and Resources) and the Deputy Chief Executive and Executive Director (Housing and Growth) providing an update on the work underway on the pipeline of housing and development opportunities across the Borough. The report set out the proposed new arrangements for PSP Southend Limited Liability Partnership (the LLP), including the use of the PSP Housing Model to support housing delivery and support wider benefits.

Resolved:-

1. That the progress on the Acquisitions Programme for Council Housing as set out in sections 3.5 – 3.9 of the submitted report, be noted.
2. That the progress of the first phase of housing and development pipeline sites currently in delivery as set out in sections 3.10 – 3.13 of the report, be noted.
3. That it be noted that the new arrangements for the LLP have been settled and the legal work is being completed to establish the new arrangements pursuant to minute 324 of Cabinet 17 September 2019 and Policy and Resources Scrutiny Minute 404 on 10 October 2019.

Recommended:-

4. That the proposed new arrangements for the LLP including (i) to (viii) below, be approved:
 - (i) The updated aims and objectives for the LLP for 2020-2030 as set out in sections 3.13 to 3.34 of the report, including the housing model.
 - (ii) Establishing the new Procedure Agreement and Members Agreement between PSP Facilitating Limited (1), Southend on Sea Borough Council (2) and the LLP (3) and delegating authority to the Executive Director (Legal and Democratic Services) to finalise and complete the Agreement.
 - (iii) Delegate authority to the Chief Executive, including dealing with any future changes to such appointments, to:
 - a. Appoint the Council representatives to the LLP Partnership Board.
 - b. Appoint the members of the Partnership Board and the Partnership Executives.
 - (iv) Delegate authority to the Partnership Board, to:
 - a. Agree the re-branding of the LLP (creation of a new trading name),
 - b. The commitment (on behalf of the Council) to funds for feasibility and project delivery within budgets already approved for housing and development delivery,
 - c. Following a Cabinet decision to opt land in to the LLP for the delivery of agreed objectives, to progress the development of the land through the LLP in accordance with the objectives for that land subject to each project clearing the required financial and legal due diligence tests.

(v) Delegate authority to the Director of Property & Commercial to request that the LLP consider the initial feasibility of sites following their appraisal through the development pipeline process (noting that Cabinet approval will be required prior to any site being legally opted in to the LLP for delivery).

(vi) That any necessary amendments be made to the Constitution to reflect the recommendations in 4 above.

(vii) That it be noted that the matters identified in Appendix 1 to the report are matters which will be reserved for the Shareholder Board.

5. That, subject to Council approval, an initial budget of £5 million be identified in the Capital Programme for the delivery of housing through the LLP and authority be delegated to the Executive Director (Finance and Resources) to finalise the terms and make loans to the LLP within the allocated budget to enable delivery of development in accordance with the principles of the PSP Housing Model and subject to any schemes delivering an appropriate and sustainable return on investment.

Reasons for decisions:

1. To provide an update on the progress of the Pipeline of Housing & Development opportunities namely, Phases 3 & 4 HRA infill sites, acquisition programme and LLP developments.

2. To provide an update on the pipeline and regeneration framework.

3. To provide an update on progress in establishing the LLP for the next 10 year period and to enable the new LLP arrangements to be established to provide additional delivery capacity to help the Council meet housing delivery targets.

Other options:

As set out in the submitted report

Note: The decisions in 1-3 above constitute Executive Functions. The decisions in 4-5 above constitute Council Functions.

***Called-in to: Policy and Resources Scrutiny Committee**

Cabinet Members: Cllr Gilbert and Cllr Woodley

858 Southend Central Area Transport Scheme

The Cabinet considered a report of Executive Director for (Neighbourhoods and Environment) providing an update on the progress of the 'Southend Central Area Transport Scheme (S-CATS).

Resolved:-

1. That the proposed design options for Phase 3 London Road and Victoria Circus be endorsed and that either of the two options may be taken forward to construction.

2. That delegated authority be given to the Chief Executive and Executive Director (Neighbourhoods and the Environment), in consultation with the Leader of the Council, to agree the final detailed design option based upon the Option 1 preliminary design.

(This confirmation will allow the selected option to be taken forward to implementation with a programmed commencement in Spring 2020 as proposed with key stakeholders prior to the production of the report, together with the advertisement of any necessary Traffic Regulation Orders.)

Reasons for Decision

High quality public realm enhancements will create spaces within the Town Centre to attract more people to the area, encourage activities in the public spaces and revitalise the commercial areas.

Other Options

This scheme is a critical element of a wider improvement to support planned growth in the Southend Central Area.

Note: This is an Executive Function

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

Cabinet Member: Cllr Woodley

859 Footway Resurfacing Policy Change

The Cabinet considered a report of Executive Director (Neighbourhoods and Environment) seeking approval to amend the policy regarding the materials used for resurfacing of the footpaths in the Borough.

Resolved:-

1. That the content of the submitted report, be noted.
2. That the officer recommendations for the change of material for the resurfacing of footpaths, be approved.
3. That the 2020/21 programme set out at appendix 1 to the report, be approved.

Reason for Decision

To address concerns about the existing approach for the resurfacing of footways.

Other Options

None

Note: This is an Executive Decision

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

Cabinet Member: Cllr Woodley

860 Skills Update Report

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth and Housing) providing an update on the skills development work being undertaken by the Council.

Resolved:-

That the progress of the skills development work and its contribution to the 2050 ambition and outcomes, be noted.

Reason for Decision

The skills support activity undertaken by the Council and partners makes a demonstrable impact and important contribution to the achievement of the Southend 2050 ambition and outcomes.

Other Options

1. To take no action at this point.
2. To reduce investment in this area of the Council's work.
3. To increase investment in the area of skills development.

Note: This is an Executive Function
Eligible for call-in to: People Scrutiny
Cabinet Member: Cllr Jones

861 Southend Crematorium Refurbishment

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth and Housing) highlighting the limited remaining operational lifespan of the cremators and associated equipment at Sutton Road Crematorium and the potential use of electric cremators along with the funding requirements for the refurbishment of the facility.

Resolved:-

1. That the provision of crematorium facilities within Southend-on-Sea, be continued.
2. That the problems with the existing facilities as set out in Appendix 1 to the submitted report, be noted.
3. That it be noted that without the replacement of the cremators and works to the building the provision of a crematorium service in the short to medium term will not be possible.
4. That the potential environmental benefits that the installation of electric cremators could bring and the additional capital expenditure that this would require (exact level of investment to be determined), be noted.

5. That the option of electric cremators and other options that would have environmental benefits be considered during the project development.

6. That the predicted cost to fund the replacement of the cremators, associated plant and building refurbishments as outlined in paragraph 6.3 of the submitted report, be noted.

7. That authority be delegated to the Executive Director of Neighbourhoods and Environment to carry out the refurbishment and replacement of the cremators.

Reasons for Decision

A comprehensive refurbishment of the crematorium facilities will ensure that Southend can continue to provide a high quality of service to people at a time that many find emotional and distressing.

Other Options

1. Decommission the crematorium and stop providing cremation services to residents and others.

2. Build a new crematorium and public facing facilities on the crematorium car park.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulronee

862 Conservation Area Appraisals - Consideration of Chelmsford Avenue Almshouses for Conservation Area Designation

The Cabinet considered a report of Deputy Chief Executive and Executive Director (Growth and Housing) setting out the initial work, and subsequent recommendations, undertaken by heritage consultants, Purcell, on behalf of the Council, to review the potential of Chelmsford Avenue Almshouses for Conservation Area status.

Resolved:-

That the initial report and accompanying plan (Appendix A and B to the submitted officer report) from Purcell, which sets out a potential area to consider for Conservation Area designation (Chelmsford Avenue Almshouses) be noted and that this report and the plan be subject to an initial stage of public consultation.

Reason for Decision

To facilitate public consultation on the initial report from independent heritage experts Purcell, and to seek the views of local residents on the proposal to consider Chelmsford Avenue Almshouses for designation as a Conservation Area.

Other Options

That the initial report from independent heritage experts Purcell is not publically consulted on, and further work into the potential for a Conservation Area designation at Chelmsford Avenue Almshouses is not progressed.

Note: This is an Executive Function
Eligible for Call in to: Place Scrutiny Committee
Cabinet Member: Cllr Mulroney

863 Southend Adult Community College - Governance Arrangements

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth and Housing) providing an update the governance arrangements in relation to Southend Adult Community College (“the College”) following the Council’s senior management restructure.

Resolved:-

1. That the updated Scheme of Delegation at Appendix 1 to the submitted report, be approved.

Recommended:

2. That the Cabinet Member with responsibility for learning be approved as the Council representative on the College’s Governing Body. ||

Reason for Decision

The College is part of the Council and the Scheme of Delegation sets out the governance relationship for the College in relation to the rest of the Council. An up-to-date Scheme of Delegation and representation on the Governing Body are good practice.

Other Options

There is an existing Scheme of Delegation (dated November 2018) which could be retained however this would not be up-to-date and an accurate reflection of the Council-College relationship.

Note: The decision in 1 above constitutes an Executive Function. The decision in 2 above constitutes a Council Function.

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

Cabinet Member: Cllr Jones

864 School Transport Policy

The Cabinet considered a report of Executive Director for Children and Public Health proposing amendments to the existing Education Transport Policy to align it with both existing practice and Department for Education statutory guidance.

Resolved:-

1. That the proposed Home to School Transport policy wording (Appendix 1, to the submitted report), in order that the Local Authority are fulfilling their statutory duties to make such travel arrangements as they consider necessary to facilitate attendance at school for eligible children, be approved.
2. That the proposed Home to School Transport Appeals Process Flowchart (Appendix 2 to the report), such that the Local Authority's process is aligned with the Department for Education recommended model, be approved.

Reason for Decision

1. By incorporating the practice of providing travel assistance to children in to policy, the Local Authority are embedding the current practice in to policy. By not doing so, it leaves the Local Authority open to challenge as to the legality of their Education Transport Policy.
2. By adopting the proposed appeals process, the Local Authority will be compliant with Department for Education statutory guidance, specifically with regard to appellants having the option to appear in person at the Stage Two appeal.

Other Options

To continue the practice of regarding children receiving high rate DLA or enhanced rate PIP for mobility as being unable to walk to school without incorporating it in to policy. Alternatively, the Local Authority can use a different means of identifying such children – for example, by conducting (or commissioning the conducting of) individual assessments for each child at the time of application for travel assistance.

To continue with the current process of considering appeals for travel assistance, without adopting the format recommended by the Department for Education. Alternatively, a fresh process could be produced and implemented, again without adopting the recommended DfE format.

Note: This is an Executive Function
Eligible for call-in to: People Scrutiny Committee
Cabinet Member: Cllr Jones

865 Statement of Purpose - Fostering & Adoption Annual Report

The Cabinet considered a report of Executive Director for Children & Public Health on the updated Statements of Purpose for Adoption & Fostering in line with Standard 18.3 of the Adoption National Minimum Standards and Standard 16 of the Fostering National Minimum Standards.

Resolved:-

That the updated Statements of Purpose, as at Appendices 1 & 2 to the submitted report, be approved.

Reason for Decision

To update the Adoption and Fostering Statements of Purpose.

Other Options

None.

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Jones

866 Seaway Car Park

The Cabinet considered a report of Executive Director (Finance and Resources) presenting options for Cabinet to decide how it wishes to proceed in relation to the proposed development of the Seaway Car Park and associated land (“the development”) and the agreement for Lease and Sale dated 10th December 2014 made between the Council and Turnstone Southend Ltd (“Turnstone”) (and subsequently varied on 2nd May 2019 pursuant to Minute 605 of Cabinet held 17th January 2019, Minute 668 of Policy and Resources Scrutiny Committee held 30th January 2019 and Minute 734 of Full Council 21st February held 21st February 2019).

On consideration of the report, the Leader drew attention to an email he had received from Murray Foster, on behalf of Southend Business Partnership (and the businesses who are members), in support of the Seaway Development.

Resolved:

1. That option 2 set out in the submitted report be approved, namely the Council maintains its support for the Development and does not serve notice to terminate the Agreement at least until such time as the final decision has been made on the planning application 18/02302/BC4M.

Such support would be maintained on the basis of:

- The economic case including the significant job opportunities that the development will bring;
- The contribution to the Council’s published Ambition and Outcomes;
- The level of commitment made by the Council and Turnstone;
- The desire to maintain the currently committed tenants;
- The progress which has been made to date;
- The reduced risk of the Homes England funding claw back.

2. That while the planning appeal is running, negotiations be progressed with Turnstone about the possibility of a lease-wrapper/income strip lease model to accelerate delivery and provide additional rent for the Council through a different model and any other matters which would accelerate delivery.

Reasons for decisions:

To determine a way forward in relation to the proposed development of seaways car park and associated land.

Other options:

1. The Council does not serve notice to terminate and maintains its support for the Development but does not seek to secure any benefits by renegotiation. This option is not dealt with in detail because it does not do anything to help or accelerate delivery.

2. The Council serves notice to terminate (recommendation 2.2(a) of the report) and then separately enters into negotiations with Turnstone for alternative arrangements. This option is not dealt with in detail in the report because terminating the Agreement will put current sub-tenant commitments at risk and would only cause complications.

Note: This is an Executive Function

***called-in to: Policy & Resources Scrutiny Committee**

Cabinet Member: Cllr Woodley

867 Outcome Success Measures Report - Quarter 3 2019/20

The Cabinet considered a report of the Chief Executive reporting on the third period of the Southend 2050 Outcome Success Measures for 2019/20.

Resolved:-

That the Period 3 (October – December 2019) performance, be noted.

Reason for Decision

To drive the delivery of the Southend 2050 ambition through robust and strategic performance management arrangements.

Other Options

None

Note: This is an Executive Function

***Called-in to All Three Scrutiny Committees**

Cabinet Member: Cllr Gilbert

868 Treasury Management

The Cabinet considered a report of the Executive Director (Finance and Resources) on the treasury management activity for both quarter three and the period from April to December 2019.

Resolved:-

1. That the Quarter Three Treasury Management Report for 2019/20, be approved.
2. That it be noted that the 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 December 2019.
3. 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.
4. That it be noted that £1.654m of interest was received during this nine month period. The total investment income earned including this interest during this nine month period was £1.456m (due to the decrease in value of the property funds), at an average rate of 1.56%. This is 0.99% over the average 7 day LIBID (London Interbank Bid Rate) and 0.81% over the average bank rate.
5. 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) increased from £267.8m to £310.3m (Housing Revenue Account (HRA): £75.0m, GF: £235.3m) during the period from April to December 2019.
6. That it be noted that the level of financing for 'invest to save' capital schemes decreased from £8.73m to £8.67m during the period from April to December 2019.

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 2019/20 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 an Executive Function

Eligible for call-in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Woodley

869 Annual Education Report

The Cabinet considered a report of Executive Director (Children and Public Health) presenting the Annual Education Report (AER) 2018/19.

Resolved:

1. That the new digital format for the AER, be approved.

2. That the Annual Education Report, recognising the very positive outcomes for learners across all Key Stages, be approved.

3. That the AER in future years forms part of the normal annual reporting framework.

Reason for Decision

Irrespective of the format of the report, recognition of the very strong performance of Southend Schools should be celebrated. It is hoped that the new AER will allow more people to access their achievements.

Other Options

None.

Note: This is an Executive Function

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

Cabinet Member: Cllr Jones

870 Minutes of the meeting of Transport, Capital, Inward Investment Working Party held on 21st November 2019

The Cabinet considered the minutes of the Transport, Capital and Inward Investment Working Party held on 21st November 2019.

Resolved:

That the minutes of the Transport, Capital and Inward Investment Working Party held on 21st November 2019, be noted.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Woodley

871 Council Procedure Rule 46

Resolved:

That the submitted report be noted.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committees

Cabinet Member: Cllr Woodley

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Appeals Committee B

Date: Monday, 2nd March, 2020

Place: Civic Centre, Civic Suite

12

Present: Councillor C Nevin (Chair)
Councillors N Folkard and I Shead

In Attendance: R Harris

Start/End Time: 6.30 - 6.50 pm

872 Apologies for Absence

Apologies for absence were received from Councillors Burton, Evans and Stafford (no substitutes).

873 Declarations of Interest

There were no declarations of interest at this meeting.

874 Minutes of the Meeting held on 13th November 2020

Resolved:-

That the Minutes of the Meeting held on 13th November 2019 be confirmed as a correct record and signed.

875 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.

876 School Transport Appeal - Pupil LG

The Committee considered a report of the Executive Director (Children and Public Health), together with supporting correspondence from the parent of pupil LJ, 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.

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Appeals Committee A

Date: Tuesday, 3rd March, 2020
Place: Committee Room 7 - Civic Suite

13

Present: Councillor M Stafford (Chair)
Councillors D Cowan (Vice-Chair), B Ayling, M Borton, D Garne and
C Walker

In Attendance: R Harris and S Putt

Start/End Time: *10.00 am - 6.00 pm

*The meeting stood adjourned at 6.00pm and reconvened on
Tuesday 10th March 2020 at 2.30pm - 8.00pm.*

877 Apologies for Absence

Apologies for absence were received from Councillor D Garston (no substitute).

878 Declarations of Interest

There were no declarations of interest at this meeting.

879 Minutes of the Meeting held on 15th January 2020

Resolved:-

That the Minutes of the Meeting held on 15th January 2020 be confirmed as a correct record and signed.

880 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.

881 Appeal Against Dismissal - Employee AP

The Committee considered an appeal against dismissal submitted by employee AP. The Council's case was presented by JL, supported by MB. Two witnesses were called by the Council and responded to questions.

The appellant, AP was in attendance, supported by CW (union representative), and presented their case. The appellant did not call any witnesses.

Having considered all the evidence and submissions made, the Committee:

Resolved:

That, on the balance of probability, the allegations were substantiated. However, they fell short of behaviour which justified dismissal and therefore the Committee imposed a final warning in line with the disciplinary sanctions available.

Chair: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 4th March, 2020

Place: Committee Room 1 - Civic Suite

14

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), B Ayling, J Beck, D Cowan, F Evans, D Garston, S Habermel, D Jarvis, H McDonald, C Mulroney, A Thompson, S Wakefield, C Walker and N Folkard*.

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: P Geraghty, C Galforg, P Keyes, M Warren, T Row, T Hartley and G Gilbert

Start/End Time: 2.00 - 2.45 pm

882 Apologies for Absence

Apologies for absence were received from Councillors Chalk(No Substitute), Dear (Substitute: Cllr Folkard) and Jones (No Substitute).

883 Declarations of Interest

The following declarations of interest were made at the meeting:

1. Cllr Borton – Agenda Item No. 6 (19/01732/AMDT - Unit At 411- 415 Sutton Road, Southend-on-Sea) – Non-Pecuniary Interest: Has been in contact with local residents concerning the application.
2. Cllr Mulroney – Agenda Item Nos. 7 (20/00046/FULH - 41 Western Road, Leigh-on-Sea) and 10 (19/02289/FUL - Development Land Underwood Square, Leigh-on-Sea) – Non-Pecuniary Interest: Non-Planning member of Leigh Town Council.
3. Cllr Walker – Agenda Item No. 10 (19/02289/FUL - Development Land Underwood Square, Leigh-on-Sea) – Non-Pecuniary Interest: Friend lives close to the application site.
4. Cllr Ward – Agenda Item No. 9 (19/00328/UNAU_B - The Peter Boat Inn, Leigh-on-Sea) – Non-Pecuniary Interest: Owner is known to him.
5. Cllr Ward – Agenda Item No. 10 (19/02289/FUL - Development Land Underwood Square, Leigh-on-Sea) – Non-Pecuniary Interest: The company he works for has done work at this address.

884 Minutes of the Meeting held on Wednesday 8th January 2020

Resolved:-

That the Minutes of the Meeting held on Wednesday, 8th January 2020 be confirmed as a correct record and signed.

885 Minutes of the Meeting held on Wednesday, 15th January 2020

Resolved:-

That the Minutes of the Meeting held on Wednesday, 15th January be confirmed as a correct record and signed.

886 Minutes of the Meeting held on Wednesday 5th February 2020

Resolved:-

That the Minutes of the Meeting held on Wednesday, 5th February 2020 be confirmed as a correct record and signed.

887 19/01732/AMDT - Unit At 411- 415 Sutton Road, Southend-on-Sea (Victoria Ward)

Proposal: Application to vary condition 12 (deliveries and refuse collection hours) to vary delivery hours to allow newspaper deliveries (Minor Material Amendment to planning permission 18/00679/AMDT dated 05.11.2018).

Applicant: One stop Stores Limited

Agent: Calfordseaden LLP

Resolved:-

(a) That the Director of Planning and Transport or Group Manager of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION subject to expiration of the press notice and completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:

- A minimum of 9 units of affordable rented housing units (20% of overall provision) comprising 2x1 bed and 7x2 bed units.
- Provision of Travel Packs for residents.
- Retail Travel Plan.

(b) That the Director for Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

01 The development shall be carried out and retained in accordance with the approved plans:

Location plan 001

16.563 200 P6 Proposed site plan and street scene

2244-17 rev 8 Soft landscaping - planting

FRNT_16.563_201_P4 Block A floor plans

FRNT_16.563_202_P4 Block B floor plans

FRNT_16.563_203_P4 Block C Floor Plans
FRNT_16.563_204_P4 Block A elevations
FRNT_16.563_205_P4 Block B elevations
FRNT_16.563_206_P4 Block C elevations
FRNT_16.563_208_P4 Proposed overview floor plans

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

02 Soft landscaping shall be retained at the site in accordance with the approved plan No.2244-17 Rev 8. If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

03 The development shall only be occupied in accordance with the agreed car park management plan approved under the application with planning reference 19/00447/AD. The parking spaces and car parking layout shall be permanently retained for the parking of occupiers, staff and visitors to the development.

Reason: To ensure that the car parking is available and satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

04 The waste management and servicing of the development shall be carried out only in accordance with the details approved under the applications with planning references 18/02258/AD and 18/00290/AD.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

05 Secure, covered cycle parking shall be provided and thereafter retained to serve the residential development and the retail/commercial unit, in accordance with the details approved under application reference 18/00053/AD.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

06 Construction shall be carried out in accordance with the Construction Method Statement approved under application reference 17/00883/AD. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of visual amenity and to protect the amenities of occupiers of the development and surrounding occupiers pursuant to Policy CP4 of the Core strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

07 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades and 1 metre from all other façades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and visual amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

08 The retail use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours on any day.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

09 No deliveries or refuse collection shall be taken at or despatched from the retail unit outside the hours of 07:00-19:00 hours Mondays to Fridays and 08:00-13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays, with the exception of newspapers and magazines deliveries only, which shall be limited to one delivery per day by means of a vehicle no larger than a Category N1 as defined by the Vehicle Certification Agency (or equivalent category in the event of a future change of categorization or certification body) between the hours of 05:30-19:00 hours and prior to 07:00 shall not be delivered with means of trolleys or cages and from the roadside only.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 The development shall be retained in accordance with the details of the implementation, maintenance and management of the scheme for surface water drainage works that have been approved in application reference 18/00053/AD.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and area in accordance with Policy DM2 of the Development Management Document (2015).

11 External lighting shall be provided at the site in accordance with the details approved under application reference 19/00214/AD. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

12 The development shall be retained in accordance with the scheme for protecting the dwellings from noise from road traffic approved in application reference 18/00053/AD.

Reason: In order to protect the amenities of future residents in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

13 Demolition or construction works shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

14 Landscape management of the development, including management responsibilities and maintenance for all landscape areas shall be carried out only in accordance with details approved under application reference 17/00884/AD.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

15 The development shall be retained in accordance with the scheme of photovoltaic cells approved in application reference 18/00053/AD.

Reason: To ensure the development maximises the use of renewable energy, in accordance with Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

16 Any shopfront shall be installed in accordance with the approved details in application reference 19/00826/AD. The approved shopfront shall be installed prior to first occupation of the retail unit.

Reason: In order to protect the character and visual amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

17 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building without the prior written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM13 of the Development Management Document (2015).

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (2015) (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the development and surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015)

19 The commercial floor space hereby approved shall only be occupied for uses falling within Use Class A1 retail and shall not be used for any other purpose and for no other purpose including any within Classes A2, A3, A4 and A5, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force). The hereby approved Use Class A1 retail floorspace shall also not be used for any alternative uses otherwise permitted under the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking or re-enacting that Order).

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

02 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

03 The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.

04 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

05 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.

06 The applicant is reminded that additional water supplies for fire-fighting may be necessary for this development. The applicant is urged to contact the Water Technical Officer at Service Headquarters tel 01376 576342.

07 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.

(c) In the event that the planning obligation referred to in Part 9(a) above has not been completed by 5th March 2020 or a later date that has been agreed in writing by the local planning authority, the Director of Planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not provide for affordable housing and necessary transport mitigation measures contrary to the objectives of the National Planning Policy Framework, Policies KP1, KP2, KP3, CP3, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, DM7 and DM15 of the Southend-on-Sea Development Management Document (2015). In the absence of these planning obligations the application is found to be unacceptable.

888 20/00046/FULH - 41 Western Road, Leigh-on-Sea (West Leigh Ward)

Proposal: Erect first floor to convert bungalow into a two storey dwellinghouse and alter elevations (Amended proposal) (part retrospective).

Applicant: Mrs Sarah Phillips

Agent: Mr Andrew Feasey of CPS Architecture + Design

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall be retained in accordance with the following approved plans: 18_1089-100, 18_1089-101, 18_1089-102-B, 18_1089-103-A, 18_1089-104-D, 18_1089-105, 18_1089-107, 18_1089-106.

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

02 The first floor north facing (rear) windows 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 be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room. 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

03 The development hereby permitted shall be completed in the following materials;

- Walls; white smooth render (ground floor), dark grey horizontal weatherboarding (first floor);

- Roof; red roof tiles;
- Windows & doors; dark grey/black upvc.

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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Design and Townscape Guide (2009).

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.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

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. The Local Planning Authority is willing to discuss the best course of action in respect of any future application for a revised development.

889 19/00187/UNAU_B - 155-161 Westborough Road, Westcliff-on-Sea (Westborough Ward)

Breaches of Control: Without planning permission, the construction of a two storey rear extension.

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to:

- secure the removal of the 4.2m deep unauthorised two storey rear extension to comply with the plans approved under application ref 14/00379/FUL.
- remove from site all materials resulting from compliance with a) above

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the removal of the unauthorised extension and enlarged hard surface area.

Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

890 19/00328/UNAU_B - The Peter Boat Inn, Leigh-on-Sea (Leigh Ward)

Breaches of Control: Without planning permission, the construction of a smoking shelter in the forecourt of the public house car park

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to:

- a) secure the removal of the unauthorised wooden structure (smoking shelter)
- b) remove from site all materials resulting from compliance with a) above

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 1 month is considered reasonable for the removal of the unauthorised shelter.

Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

891 19/02289/FUL - Development Land Underwood Square, Leigh-on-Sea (West Leigh Ward)

Proposal: Erect 4no two storey semi-detached dwelling houses with associated landscaping and amenities, layout parking to front and form vehicular accesses on to Underwood Square (Amended Proposal)

Applicant: Mr G Newton

Agent: Steven Kearney of SKArchitects

Mr Burry spoke as an objector to the application. There was no respondent.

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years of 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 385-P700, 385-P701, 385-P702, 385-P703A, 385-P704, GBU 2113

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until product details of the materials to be used on all the external elevations, including walls, gable, roof, fascia and soffits, windows and doors, dormer windows, canopy, chimney, boundary walls and fences, driveway including parking area have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details before it is brought into use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2019) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 The first floor windows in the north and south elevations of the approved dwellings 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 up to a height of not less than 1.7m above first floor level before the occupation of the dwellings hereby approved and shall be retained as such in perpetuity. 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 proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

05 The hard and soft landscaping and boundary treatments at the site shall be carried out in full accordance with the proposed landscaping scheme including street tree planting as shown on plans ref 385-P703A and GBU 2113 prior to occupation of the dwellings hereby approved. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of

planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority

Reason: In the interests of visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

06 No drainage infrastructure associated with this development shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved by the local planning authority. The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and shall be maintained as such thereafter in perpetuity.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

08 The eight car parking spaces and the associated vehicular accesses for the spaces to access the public highway, shown on approved plan 385-P703A shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

09 The tree and tree root protection measures as set out in Section 4 of the submitted Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019 and associated tree protection plan reference 1874-02-P1 in relation to the trees identified as T1-T10 in this statement shall be implemented in full prior to commencement of the development and be retained throughout the construction phase of the development. The mitigation measures in relation to construction within the root protection areas of the trees denoted as T8, T9 and T10 in the Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019 shall also be implemented in full during the construction works, including supervision of works by a qualified arboriculturalist. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837.

Reason: A condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

10 Prior to the commencement of the development the following information shall be submitted to and approved in writing by the local planning authority:

- i. Full details of the proposed tree works to trees T8 and T9 as identified in the submitted Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019.
- ii. Full design and construction details of the cellular confinement installation for the forecourt parking area including information on levels and the crossover referred to in the Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019

The development shall then only be carried out in accordance with the approved details and shall be completed in accordance with the approved details before the development is first occupied. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

11 Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019),

Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

12 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, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the dwellings hereby approved. This provision shall be made for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

13 The development hereby approved shall be carried out in a manner to ensure the dwellinghouses comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.

Reason: To ensure the residential units hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

14 Prior to the commencement of development, a full Phase 1 Habitat Survey of this site including a more in depth survey of badger activity and camera traps surveys, a scheme of any relevant biodiversity or wildlife mitigation measures to be implemented in association with the development and a timescale for their implementation shall be submitted to and approved in writing by the local planning authority. Any mitigation measures set out in the agreed report shall be implemented and completed in full in accordance with the agreed timetable.

Reason: A pre commencement condition is justified to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2.

15 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) measures to control the emission of dust and dirt during construction
- v) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.
- vi) a detailed timetable for the supervision of works by a qualified arboriculturalist.

vii) noise mitigation measures to be used during construction.

Reason: A pre commencement condition is justified in the interests of visual amenity and the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

16 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of visual amenity and the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

17 Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until full details of the existing and proposed levels to include the proposed dwellings, forecourts and landscaped areas relative to the adjoining land and any other changes proposed in the existing levels of the site have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented and completed only in accordance with the approved details.

Reason: A pre commencement condition is required to safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

03 The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including badgers and bats. A Protected Species Licence may be required.

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.

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Appointments and Disciplinary Committee

Date: Wednesday, 11th March, 2020
Place: Committee Room 2 - Civic Suite

15

Present: Councillor I Gilbert (Chair)
Councillors M Davidson, D Jarvis, C Mulroney, *M Dent, *L Salter
and *M Stafford

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: J Ruffle, D Kitson (Bevan Brittan)

Start/End Time: 6.00 pm/6.55 pm

892 Apologies for Absence

Apologies for absence were received from Councillors Cox (substitute: Cllr Salter), Nevin (substitute: Cllr Dent) and Woodley (substitute: Cllr Stafford).

893 Declarations of Interest

There were no declarations of interest at this meeting.

894 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.

895 Confidential Staffing Issue

The Committee considered the report of the Executive Director – Transformation.

Resolved:

In respect of the complaint against Officer A and Officer B, there is no case to answer.

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Appointments and Disciplinary Committee

Date: Thursday, 23rd April, 2020

Place: Virtual Meeting

16

Present: Councillor I Gilbert (Chair)
Councillors T Cox, M Davidson, D Jarvis, C Mulrone, *M Terry and *C Willis

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: A Griffin, R Harris, S Putt and J Ruffle, S Putt, C Jones and R Harris
Also in attendance: M Bearn (Hays in part only)

Start/End Time: 1.30 - 4.20 pm

896 Apologies for Absence

Apologies for absence were received from Councillor Woodley (substitute: Cllr Terry) and Cllr Nevin (substitute: Cllr Willis).

897 Declarations of Interest

There were no declarations at this meeting.

898 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.

899 Appointment of Director of Digital and ICT (Interviews)

The Committee interviewed candidates for the post of Director of Digital and ICT.

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 Digital and ICT be offered to Carol Thomas.

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

Chair: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Audit Committee

Date: Wednesday, 29th April, 2020
Place: Virtual Meeting via MS Teams

17

- Present:** Councillor P Collins (Chair)
Councillors L Burton (Vice-Chair), B Ayling, T Cox, M Davidson,
N Folkard, S Habermel, M Kelly, I Shead and K Pandya
- In Attendance:** C Gamble, A Barnes, J Chesterton, E Allen, R Gill, S Dutton and C Wisdom (Deloitte).
- Start/End Time:** 6.30 - 8.22 pm

900 Chair's Opening Remarks

The Chair made an introductory speech, highlighting that this was the first public meeting of Southend-on-Sea Borough Council to be held 'virtually' in accordance with the 2020 Regulations governing remote meetings.

901 Apologies for Absence

There were no apologies for absence at this meeting.

902 Declarations of Interest

The following Councillor declared interests as indicated:

Councillor Davidson – Minute 905 (Deloitte: Audit Plan to the Audit Committee, Audit for the year ending 31 March 2020) and Minute 906 (Counter Fraud and Investigation Directorate Quarterly Performance Report) – non-pecuniary interest: Non-Executive Director of South Essex Homes.

903 Minutes of the Meeting held on 15th January 2020

Resolved:-

That the Minutes of the Meeting held on 15th January 2020 be confirmed as a correct record.

904 Deloitte: Housing Benefit Subsidy Certification report for the year ending 31 March 2019

The Committee considered a report of the Executive Director (Finance and Resources) presenting the External Auditor's Housing Benefit Subsidy Claim assurance report for 2018/19.

The Committee asked a number of questions which were responded to by the representative for Deloitte.

Resolved:

That the Grant Claim and Return Certification Report for 2018/19, be accepted.

905 Deloitte: Audit Plan to the Audit Committee, Audit for the year ending 31 March 2020

The Committee considered a report of the Executive Director (Finance and Resources) presenting the External Auditor's Audit planning report for 2019/20.

In response to questions on the funding implications associated with Covid-19, the Executive Director (Finance and Resources) advised that this would be addressed through the submission of separate reports to the Cabinet, including budget monitoring reports. The Head of Internal Audit added that the Audit Plan for 2020/21 would include an assessment of the use of resources in response to the Covid-19 situation.

On consideration of Appendix 3 to the report, the representative for Deloitte undertook to ensure that some specific guidance in relation to Covid-19 would be included in future External Auditor reports to the Committee.

The Committee asked a number of questions which were responded to by the representative for Deloitte and Council officers.

Resolved:

That Deloitte's Audit planning report for 2019/20, be noted.

906 Counter Fraud and Investigation Directorate Quarterly Performance Report

The Committee considered a report of the Executive Director (Finance and Resources) setting out the progress made by the Counter Fraud & Investigation Team in delivering the Counter Fraud Strategy and Work Programme for 2019/20.

In response to comments on the allocation of resources to counter fraud investigations, the Acting Senior Investigations Officer undertook to provide additional information on the matter for inclusion in future reports to the Committee.

The Chair asked that an online training programme for Council officers and councillors to help highlight financial crime be investigated.

The Committee asked a number of questions which were responded to by officers.

Resolved:

That the performance of the Counter Fraud & Investigation Team, be noted.

907 Internal Audit Service Quarterly Performance Report

The Committee considered a report of the Strategic Director (Finance and Resources) setting out the progress made in delivering the Internal Audit Strategy for 2019/20.

The Committee asked a number of questions which were responded to by officers.

Resolved:

That the progress made in delivering the 2019/20 Internal Audit Strategy, be noted.

908 Internal Audit Charter, Strategy and Audit Plan for 2020/21

The Committee considered a report of the Executive Director (Finance and Resources) presenting the Internal Audit Charter with the supporting Strategy and Audit Plan for 2020/21.

On consideration of the report, the Head of Internal Audit undertook to ensure that the report to be submitted to the next meeting of the Committee on the delivery of the Audit Plan would include information on the prioritisation of specific audit work.

The Committee were asked a number of questions which were responded to by officers.

Resolved:

That the Charter, Strategy and Audit Plan for 2020/21, be approved.

909 Audit Committee Assessment and Development Update

The Committee considered a report of the Executive Director (Finance and Resources) providing an update on the assessment and development plans in respect of the Audit Committee.

The Chairman highlighted the importance of the audit self-evaluation survey and encouraged members of the Committee (who had not yet participated in the survey) to complete the skills stocktake form as soon as possible.

Resolved:

That the Audit Committee members (who have yet to complete the skills stocktake form) complete the skills form and it be noted that the audit training date arranged for 23rd March will be rescheduled following the end of lockdown due to Covid-19.

910 Information Item

The Audit Committee received and noted the following information item:

- CIPFA Audit Committee Update 30 (February 2020): 'CIPFA Financial Management Code, responding to the Redmond Review: Results of CIPFA's Survey on Audit Committees and briefing on new guidance and resources.'

Chair: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Monday, 18th May, 2020

18

Place: Virtual Meeting via MS Teams

Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk,
D Cowan, A Dear, F Evans, N Folkard*, D Garston, S Habermel,
A Jones, H McDonald, C Mulrone, A Thompson, S Wakefield and
C Walker

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: P Geraghty, K Waters, C Galforg, P Keyes, C White, M Warren,
T Row, T Hartley and G Gilbert

Start/End Time: 5.00 - 6.00 pm

1 Apologies for Absence

Apologies were received from Councillor Jarvis (Substitute: Councillor Folkard).

2 Declarations of Interest

The following declaration of interest was made at the meeting:

- (a) Councillor Jones – Agenda Item No. 4 (20/00261/BC4 - Southchurch High School, Southchurch Boulevard) – Disqualifying Non-Pecuniary Interest: Cabinet Member for Children and Learning, this is an education matter.

3 Supplementary Report

There was no supplementary report.

4 20/00261/BC4 - Southchurch High School, Southchurch Boulevard, Southend-on-Sea (Southchurch Ward)

Proposal: Erect three temporary porta cabins for use ancillary to Main School Building.

Applicant: Southchurch High School

Agent: Mr David Lillico of Portakabin Ltd

Councillor Jones withdrew from the meeting.

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

1. The development hereby permitted shall begin no 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.

2. The permission hereby approved is for a temporary period of only 2 years from the date of the permission. After 2 years from the date of the granting of this permission, the use hereby approved shall cease, all structures associated with this consent shall be removed from the site and the land shall be returned to its previous use as a car park.

Reason: For the avoidance of doubt and in accordance with the National Planning Policy Framework (2019) and Policies KP1 and KP2 of the Core Strategy (2007).

3. The development hereby permitted shall be carried out solely in accordance with the following approved plans: DLSCHCLBP, DLSCHSSL 102, DLSCHSSL 072.

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

4. The construction works associated with the development hereby approved shall only be undertaken between 08:00 and 18:00pm Monday to Friday and 08:00 and 13:00 Saturdays and at no other time whatsoever.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).

Informatives:

1. You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), 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 the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

5 20/00070/FULH - 80 Thorpe Hall Avenue, Thorpe Bay (Thorpe Ward)

Proposal: Alter existing dormer windows to front and form Juliette balconies, alter elevations (Amended proposal)

Applicant: Mr & Mrs Harding

Agent: Mr Nick Kenney

Resolved:-

That PLANNING PERMISSION be GRANTED subject to the following conditions:

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 871 THA/NAK/01 Rev D 16/01/2020, 871 THA/NAK/02 Rev D 16/01/2020.

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

3. 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 the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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.

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. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough

6 20/00525/FULH - 29 The Drive, Westcliff-on-Sea (Chalkwell Ward)

Proposal: Hip to gable roof extensions, extend existing dormer to rear and alter elevations (Partially Retrospective) (Amended Proposal)

Applicant: Mr & Mrs Diver

Agent: Mrs Lindsey Wislocki

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reason:

The proposed roof extensions would, by reason of their overall size, scale, design and siting, represent a discordant, incongruous and overly dominant feature which would be detrimental to the character and appearance of the host dwelling, the rear garden scene and the area more widely. This is contrary to the National Planning Policy Framework (2019); Core Strategy (2007) Policies KP2 and CP4; Development Management Document Policies DM1 and DM3; Design & Townscape Guide (2009).

Chairman: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL
Meeting of Development Control Committee

Date: Wednesday, 27th May, 2020

Place: Virtual Meeting via MS Teams

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Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), B Ayling, J Beck, K Buck*,
L Burton*, A Chalk, D Cowan, A Dear, M Dent*, F Evans, D Garston,
S Habermel, B Hooper*, D Jarvis, A Thompson and S Wakefield

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors Cox and Woodley
J K Williams, P Geraghty, K Waters, P Keyes, C White, T Hartley, T
Row, R Harris, N Hoskins, C Woodcraft and A Smyth.

Start/End Time: 5.00 - 6.45 pm

7 Apologies for Absence

Apologies were received from Councillors Jones (Substitute: Cllr Burton),
McDonald (Substitute: Councillor Dent), Mulroney (Substitute: Cllr Hooper) and
Walker (Substitute: Cllr Buck).

8 Declarations of Interest

The following declarations of interest were made at the meeting:

- (a) Councillor Ayling - Agenda Item No. 4 (18/02302/BC4M - Seaway Car Park,
Seaway, Southend-on-Sea) – Non-Pecuniary Interest: Has discussed the
issue with seafront traders;
- (b) Councillor Hooper - Agenda Item No. 4 (18/02302/BC4M - Seaway Car Park,
Seaway, Southend-on-Sea) – Non-Pecuniary Interest: An objector to the
application is known to her; and
- (c) Councillor Wakefield - Agenda Item No. 4 (18/02302/BC4M - Seaway Car
Park, Seaway, Southend-on-Sea) – Non-Pecuniary Interest: Is a
subcontractor to Southend-on-Sea Borough Council, providing locks to car
parks.

9 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive
and Executive Director (Growth and Housing) that provided additional information
on the item.

10 **18/02302/BC4M - Seaway Car Park, Seaway, Southend-on-Sea (Milton Ward)**

Proposal: Comprehensive redevelopment of site, including the demolition of 1, 3 and 29 Herbert Grove and an existing toilet block; the erection of 3 no. new buildings comprising a mixed-use leisure building with a cinema (3,590sqm of Use Class D2 floorspace), 3,256sqm of floorspace for other assembly and leisure uses (within Use Class D2), 2,323sqm of floorspace for either restaurant and cafes (Use Class A3) or hot food takeaways (Use Class A5), and a further 1,612sqm of floorspace for either assembly and leisure (Use Class D2) or restaurants, cafes and hot food takeaways (Use Classes A3 and A5), and a new multi-level car park; an 2,961sqm 80 bedroom hotel (Use Class C1) with cafe; and, a 580 sqm building (Use Class A3, A5 or D2). Proposals also include alterations to form a new access from Seaway Roundabout, formation of new public open space and associated works and infrastructure including the erection of an electricity substation.

Applicant: Turnstone Southend Ltd

Agent: Mr Matthew Hare of Carter Jonas

A written submission by Mr Miller, a local resident objecting to the application was read out at the meeting. A written submission by Mr Deacon on behalf of the applicants was also read out in response.

Resolved:-

That the Planning Inspectorate be informed that, had an appeal for non-determination not been submitted and the Committee had the power to determine the application, the Committee would have GRANTED PLANNING PERMISSION subject to the following conditions:

General

01 No development is allowed to commence nor any condition to be discharged prior to the owner and the Council executing a Section 106 obligation in substantially the same form as the obligation annexed to the planning permission granted in respect of the application bearing ref. no. 18/02302/BC4M.

Reason: To ensure the development is not progressed until the necessary planning obligation is executed.

02 The development hereby permitted shall be begun no 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.

03 The development shall be carried solely out in accordance with the approved plans:

- S019/P3000.pl2 - Location Plan – submitted September 2019
- S019/P3001.pl2 - Existing Site Plan (Topographical Survey) – submitted September 2019
- S019/P3002.pl1 - Existing Building Elevations – Submitted January 2019
- S019/P3003 - Existing Building Elevations – Submitted January 2019
- S019/P3004 - Existing Building Plans - Submitted January 2019

- S019/P3005.pl3 - Demolition Plan – Submitted September 2019
- S019/P3006.pl2 - Proposed Site Plan – Submitted September 2019
- S019/P3007.pl2 - Proposed Lower Ground Level Plan – Submitted September 2019
- S019/P3008.pl2 - Proposed Ground Level Plan – Submitted September 2019
- S019/P3009.pl2 - Proposed Cinema Level Plan – Submitted September 2019
- S019/P3010.pl2 - Proposed Auditorium Level Plan – Submitted September 2019
- S019/P3011.pl1 - Proposed Roof Level Plan – Submitted September 2019
- S019/P3012.pl1 - Proposed Car Park Plans – Submitted September 2019
- S019/P3013.pl1 - Proposed Sections A and B – Submitted September 2019
- S019/P3014.pl1 - Proposed Sections C and D – Submitted September 2019
- S019/P3015.pl1 - Proposed Section E and F – Submitted September 2019
- S019/P3016.pl1 - Proposed Section G – Submitted September 2019
- S019/P3017.pl1 - Proposed Site Sections 1 – Submitted September 2019
- S019/P3018.pl1 - Proposed Site Sections 2 – Submitted September 2019
- S019/P3019.pl1 - Proposed Site Sections 3 – Submitted September 2019
- S019/P3020.pl2 - Proposed North Elevations – Submitted September 2019
- S019/P3021.pl2 - Proposed East Elevation – Submitted September 2019
- S019/P3022.pl2 - Proposed South Elevation – Submitted September 2019
- S019/P3023.pl2 - Proposed West Elevations – Submitted September 2019
- S019/P3024.pl2 - Unit R1 Proposed Ground Floor Plan – Submitted September 2019
- S019/P3025.pl1 - Unit R1 Proposed First Floor and Roof – Submitted September 2019
- S019/P3026.pl5 – Unit R1 - Proposed North and West Elevations –Submitted September 2019
- S019/P3027.pl5 – Unit R1 Proposed East and South Elevations – Submitted September 2019
- S019/P3028.pl1 - Unit R1 Proposed Section – Submitted September 2019
- S019/P3029.pl2 - Hotel Proposed Ground Floor Site Plan – Submitted September 2019
- S019/P3030.pl1 - Hotel Proposed Floor Plans – Submitted September 2019
- S019/P3031.pl2 - Hotel Proposed North Elevation – Submitted September 2019
- S019/P3032.pl2 - Hotel Proposed East Elevation –Submitted September 2019
- S019/P3033.pl2 - Hotel Proposed South Elevation – Submitted September 2019
- S019/P3034.pl3 - Hotel Proposed West Elevation – Submitted September 2019
- S019/P3035.pl1 - Hotel - Proposed Section A-A and B-B – Submitted September 2019
- S019/P3037.pl2 – Elevation/Section Detail 1 – Submitted September 2019
- S019/P3038.pl2 – Elevation/Section Detail 2 – Submitted September 2019
- S019/P3039.pl2 – Elevation/Section Detail 3 – Submitted September 2019
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- S019/P3040.pl2 – Elevation/Section Detail 4 – Submitted September 2019
- S019/P3041.pl2 – Elevation/Section Detail 5 – Submitted September 2019
- S019/P3042.pl2 – Elevation/Section Detail 6 – Submitted September 2019
- S019/P3043.pl2 – Elevation/Section Detail 7 – Submitted September 2019
- S019/P3044.pl2 – Elevation/Section Detail 8 – Submitted September 2019
- S019/P3045.pl1 – Elevation/Section Detail 9 – Submitted September 2019
- S019/P3047.pl2 - Proposed Substation – Submitted September 2019
- S019/P3048 pl1 - Proposed Public Toilet Plan – Submitted September 2019
- S019/P3050 - Proposed South Elevation - Marine Parade – Submitted September 2019

- S019/P3051 - Proposed South Elevation - Lucy Road – Submitted September 2019
- S019/P3052.pl1 - Proposed Cycle Shelters (plans) – Submitted September 2019
- S019/P3053 - Proposed Cycle Shelters (Elevations) – Submitted September 2019
- S019/P3054.pl1 - Proposed Site Plan (Adopted Highway Boundary) – Submitted September 2019
- S019/P3056.pl2 Proposed Site Plan (with proposed area for stopping-up and adoption) – Submitted September 2019
- S019/P3057 - Proposed Site Sections 1 (Existing Ground Line Overlay) – Submitted September 2019
- S019/P3058 - Proposed Site Section 2 (Existing Ground Line Overlay) – Submitted September 2019
- S019/P3059 - Proposed Site Sections 3 (Existing Ground Line Overlay) – Submitted September 2019
- S019/P3060 - Proposed North Elevations (Existing Ground Line Overlay) – Submitted September 2019
- S019/P3061 - Proposed East Elevation (Existing Ground Line Overlay) – Submitted September 2019
- S019/P3062 - Proposed South Elevation (Existing Ground Line Overlay) – Submitted September 2019
- S019/P3063 - Proposed West Elevations (Existing Ground Line Overlay) - Submitted September 2019
- S019/P3066 - Servicing Strategy Diagram – Proposed Site Plan – Submitted September 2019
- S019/P3067 - Servicing Strategy Diagram - Proposed Lower Ground Floor Plan – Submitted September 2019
- S019/P3068 - Servicing Strategy Diagram - Proposed Ground Level Plan – Submitted September 2019
- S019/P3069 - Servicing Strategy Diagram Service Corridor Plan – Submitted September 2019
- S019/P3070 - Servicing Strategy Diagram Service Corridor Section – Submitted September 2019
- 739_SC_300_P02 Landscape Sections 1 of 2 - Submitted September 2019
- 739_SC_301_P02 Landscape Sections 2 of 2 – Submitted September 2019
- 739_PL_001_P07 General Arrangement Plan - Submitted September 2019
- 739_PL_002_P05 Rendered Landscape Masterplan – Submitted September 2019
- 6113-D-AIA_E – Prelim AIA – Submitted September 2019

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

Construction

04 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy to include a Dust Mitigation Strategy has been submitted to, and approved in writing by the local planning authority. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials

- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

Reason: This pre-commencement condition is required in the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and Policy CS1 of Southend Central Area Action Plan (2018).

05 No development shall take place, including any works of demolition, unless and until a Construction Noise and Vibration Management Plan and Strategy has been submitted to, and agreed in writing by the local planning authority, for the control, mitigation and monitoring of noise and vibration from the construction phase. The approved Construction Noise and Vibration Management Plan and Strategy shall be adhered to in full throughout the construction period.

Reason: This pre-commencement condition is required the interests of visual amenity and the amenities of occupiers and in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and Policy CS1 of Southend Central Area Action Plan (2018).

06 Demolition and construction works associated with this permission shall not take place outside 7.30am to 6pm Monday to Friday, 8.00am to 1.00pm Saturdays and at no time on Sunday or public holidays.

Reason: In order to protect the character and visual amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and Policy CS1 of Southend Central Area Action Plan (2018).

07 No development shall take place, including any works for demolition unless and until a Car Park Construction Mitigation Strategy, including a communication strategy along with a temporary signage strategy that includes providing supplementary temporary VMS signage linked to the Council's VMS, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of available on-site public car parking during the construction period, which shall be made available where reasonably practicable. The approved Car Park Construction Mitigation Strategy shall be fully adhered to during the period of construction.

Reason: This pre-commencement condition is required to ensure that adequate car parking is provided and retained in accordance with Policies KP2, KP3 and CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and Policies DS5, CS1 and CS1.2 of Southend Central Area Action Plan (2018).

Noise

08 Prior to the first occupation of any buildings hereby approved by this permission or the bringing into use any area of car parking, a Noise Management Plan shall be submitted to and approved in writing by the local planning authority. This shall include details of how customer noise and behaviour is managed on and off the premises; staff behaviour including but not limited to opening/closing premises; deliveries; waste disposal and storage; external space management; site maintenance; signage, staff training and, dealing with customer complaints. The Noise Management Plan shall be implemented as approved prior to the first use of the development and thereafter retained in perpetuity.

Reason: To protect the amenities of residential occupiers from undue noise and disturbance in order to protect their amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP and Policies KP2 and CP4 of the Core Strategy (2007).

09 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, noise as a result of this development, from all noise sources including plant and equipment together with extract ventilation from any A3, A5 and D2 units shall not exceed 10 dB(A) (including tonal elements) below the background noise level as measured and expressed as a LA90, over a 15 minute period, from the boundary of the neighbouring residential properties, in perpetuity. Before the development is brought into use background noise levels shall be established for the following periods:

Daytime: 0700 to 1900

Evening: 1900 to 2300

Night: 2300 to 0700

In order to establish background noise level a representative baseline noise survey shall be undertaken in accordance with BS 4142:2014+A1:2019 at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person and shall be submitted for approval prior to the installation of any plant or equipment across the site or the site being brought into use. The background noise level survey shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To protect the amenities of residential occupiers from undue noise and disturbance in order to protect their residential amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

10 No development shall be undertaken other than demolition unless and until details of an acoustic barrier along the eastern boundary of the site adjacent to the rear of the residential properties along Hartington

Road, and around the hotel has been submitted to and approved in writing by the local planning authority. The approved acoustic barrier shall be completed in accordance with the approved details prior to any demolition or construction works and shall thereafter be retained in perpetuity.

Reason: To protect the amenities of residential occupiers from undue noise and disturbance in order to protect their residential amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and policies KP2 and CP4 of the Core

Strategy (2007).

11 There shall be no external speakers installed at any part of the site. There shall be no amplified music played or use of public address systems in any external areas of the site. This shall include any amplified music from speakers in the doorways of all premises of any use hereby approved.

Reason: To protect the amenities of residential occupiers from undue noise and disturbance in order to protect their residential amenities, in accordance with Policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and policies KP2 and CP4 of the Core Strategy (2007).

12 Notwithstanding the information submitted and otherwise hereby approved, the proposed substation shall not be constructed unless and until full details of the acoustic insulation of this building have been submitted to and approved in writing by the local planning authority. The substation shall be constructed in full accordance with the approved details prior to its first use and shall be retained as such thereafter in perpetuity.

Reason: To protect the amenities of residential occupiers from undue noise and disturbance in order to protect their residential amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and policies KP2 and CP4 of the Core Strategy (2007).

13 Notwithstanding the information submitted and otherwise hereby approved, the proposed leisure building incorporating the cinema shall not be constructed unless and until the full details of the acoustic insulation of the cinema have been submitted to and approved in writing by the local planning authority. The leisure building shall be constructed in full accordance with the approved details prior to its first use and shall be retained as such in perpetuity.

Reason: To protect the amenities of residential occupiers from undue noise and disturbance in order to protect their residential amenities, in accordance with policies DM1 and DM3 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and policies KP2 and CP4 of the Core Strategy (2007).

Landscaping

14 No development, excluding works of demolition, shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details must include the following as a minimum:

- i. Proposed finished levels or contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc);
- vii. Details of the number, size, e.g. semi-mature trees species and location of the trees and shrubs to be planted together with a planting specification and details of

the management of the site e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established and details of measures to enhance biodiversity within the site;

viii. Maintenance Programme;

ix. Timetable for completion of the soft landscaping and planting.

x. Evidence of compatibility of landscaping scheme with the proposed drainage and other site services.

xi. Details of any trees to be retained at the site.

The hard landscaping shall be completed prior to first occupation of the development and soft landscaping/planting shall be completed within the planting season following first occupation of the development. If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species as may be agreed with the

Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to policy KP2 and CP4 of the Core Strategy (2007), DM1 of the Development Management Document (2015) and CS1 and CS1.2 of the SCAAP (2018).

15 No development shall take place, including any works for demolition unless and until, a detailed Arboricultural Method Statement and Tree Protection Plan has been submitted to and approved in writing by the local planning authority. Details must include:

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

Reason: This pre-commencement condition is required to minimise the environmental impact of the development and to minimise the risk to retained trees in accordance with KP2, CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and Policy CS1.2 of SCAAP (2018).

Land Contamination

16 (a) Notwithstanding the details submitted and otherwise hereby approved, no development shall take place, other than that required to carry out additional necessary investigation which in this case may include demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing

by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the local planning authority.

The report of the findings must include:

i) A survey of extent, scale and nature of contamination;

ii) An assessment of the potential risks to:

human health;

properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;

adjoining land;

groundwaters and surface waters;

ecological systems;

archaeological sites and ancient monuments; and

An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(b) Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning.

(c) Implementation of Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until the measures set out in the detailed remediation scheme approved under part (b) of this condition have been implemented. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land

Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the local planning authority. Development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements of part (a) of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part (b) of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

Reason: This pre-commencement condition is required to ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with Policy KS2, KP3 and CP4 of the Core Strategy (2007), DM14 of the Development Management Plan (2015) and CS1.2 of the SCAAP (2018).

Odour

17 Notwithstanding the details submitted and otherwise hereby approved, prior to the occupation of each building a scheme for the ventilation of that building and the treatment of all smells and fumes including the details of the acoustic attenuation of all equipment for that building shall be submitted to and approved in writing by the local planning authority. The schemes shall include details of equipment for the suppression of fumes, odours and/or dust including details of noise and vibration attenuation together with a maintenance schedule for the future operation of that equipment. The approved scheme for each building shall be implemented and completed prior to the first occupation of that building and managed in accordance with the approved maintenance regime in perpetuity.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and visual amenities of the area in accordance with Policy PK2 and CP4 of the Core Strategy (2007).

Flooding

18 No drainage infrastructure shall be installed unless and until the detailed design of a surface water drainage scheme incorporating the following measures has been submitted to and agreed in writing with the local planning authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented and completed prior to the first occupation of the development and maintained in accordance with the approved details for the lifetime of the development. The scheme shall address the following matters:

a. Provide evidence of infiltration tests in accordance with BRE365 and if infiltration is found to be viable provide information in relation to the potential for ground instability or deterioration in groundwater quality because of infiltration.

- b. Provide an updated drainage layout plan indicating the dimensions, storage volumes, pipe sizes and gradients, manhole cover and invert levels, proposed discharge rates, flow controls and final discharge connection in accordance with the submitted calculations. Updated engineering plans shall be provided for each of the Sustainable Urban Drainage Systems (SuDS) and critical drainage elements, including the flow control features.
- c. Provide information on the management of health and safety risks in relation to feature design.
- d. Provide a system valuation (including capital costs, operation and maintenance costs, cost contributions) and a demonstration of long-term economic viability
- e. Provide a method statement regarding the management of surface water runoff arising during the construction phase of the project.
- f. Provide a method statement for the management of surface water runoff arising during the construction
- g. Provide evidence of consent from Anglian Water to discharge at the proposed discharge rate and location.

Reason: To ensure adequate drainage is provided by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 of the Core Strategy (2007) and DS4 SCAAP (2018). Hours of Operation/Serviceing

19 No service vehicles associated with the development hereby approved shall be permitted along Herbert Grove between the hours 1900 hours - 0700 hours Monday - Friday, 1300 hours - 0800 hours Saturday and at no time on Sundays and Bank or Public Holidays. No deliveries shall be taken at or dispatched from the approved service bays on Lucy Road, the service area that serves the standalone building on Lucy Road or the service area to the rear of the hotel between the hours of 1900 hours 0700 hours Monday - Friday, 1300 hours - 0800 hours Saturday and at no time on Sundays and Bank or Public Holidays. During these restricted service hours, all servicing at the site must take place on the service lay by on the main site access, as approved and shown on drawing S019 P3054.pl.

Reason: In the interests of the amenities of neighbours and to ensure a general environmental standard in accordance with the National Planning Policy Framework (2019), Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Plan (2015).

20 Notwithstanding the details submitted with this application no take-away collection or pick-up delivery activities other than by non-motorised vehicles shall be undertaken from the public highway in Herbert Grove associated with the A3, D2 and A5 uses hereby approved at any time.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the

Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)

21 The A3, A5 and D2 uses (other than the permitted cinema facility) hereby approved shall not be open to customers outside the hours of 0700 hours - 0000 hours.

Reason: In the interests of the amenities of neighbours and to ensure a general environmental standard in accordance with the National Planning Policy Framework (2019), Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Plan (2015).

22 The cinema facility hereby approved shall not be open to customers outside the hours 0700 hours – 0000 hours, with the exception of a maximum of three screens and the associated circulation space that shall be allowed to operate 0700 - 0300 hours.

Reason: In the interests of the amenities of neighbours and to ensure a general environmental standard in accordance with the National Planning Policy Framework, Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Plan (2015).

23 The use of all external seating areas associated with and served by the buildings hereby approved shall be restricted to 1200 - 2000 hours Monday to Thursday, 1200-2100 hrs Friday to Saturday and 1200 – 2000 hours Sunday, Public holidays and Bank Holidays. The use of the external balcony of the unit on Lucy Road shall be restricted to 1200-2300 hours at all times. No customers shall be seated or served outside, during the excluded hours.

Reason: In the interests of the amenities of neighbours and to ensure a general environmental standard in accordance with the NPPF, Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Plan (2015).

Lighting

24 Notwithstanding the details submitted and otherwise hereby approved, all details of the external lighting to be installed in the development hereby approved shall be submitted to and approved by the local planning authority before any part of the development is commenced, other than demolition. The development shall be carried out in accordance with those approved details before the development is first occupied or brought into use and retained as such thereafter.

Reason: In interest of the safety and amenities of the area, and to protect the amenities of surrounding occupiers in accordance with Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Plan. (2015).

25 Notwithstanding the details submitted and otherwise hereby approved, a detailed Lighting Management Plan, including measures to reduce unnecessary light pollution and energy uses shall be submitted to and approved by the local planning authority prior to the first occupation of the development hereby approved.

The lighting at the site shall be managed in accordance with the approved details of the approved plan and retained as such thereafter.

Reason: In interest of the safety and amenities of the area, and to protect the amenities of surrounding occupiers in accordance with Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2007) and Policies DM1 and DM3 of the Development Management Plan (2015). Waste Management

26 Notwithstanding the details submitted and otherwise hereby approved, prior to the first occupation of any part of any building hereby approved a Waste Management Plan and Service Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include full details of the refuse and recycling facilities. Waste Management and Servicing of the development hereby approved shall be implemented prior to occupation in strict accordance with the approved details and carried out in perpetuity thereafter.

Reason: To ensure that the development is satisfactorily serviced, and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), and Policies DM1 and DM3 of the Development Management Plan (2015).

Design

27 A design code for the ground and lower ground floor units in the leisure building and the café unit in the hotel building, hereby approved, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development (excluding works of demolition). The Design Code shall include details of shopfront treatments and signage strategy for these units. All treatments of the external facades of the units including applications to discharge Condition No. 31 shall be required to be implemented in accordance with the approved Design Code.

Reason: To safeguard character and appearance of surrounding area, the adjacent listed and locally listed buildings and the Clifftown Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), and Policies DM1, DM3 and DM5 of the Development Management Plan (2015) and Policy CS1.2 of the SCAAP (2018).

28 Prior to commencement of development (excluding works of demolition), the details of any external seating areas associated with and served by the development hereby approved, shall be submitted to and approved by the local planning authority. Details are to include layout, details of any temporary or permanent structures and visual containment proposals to protect prevailing residential amenity. The seating areas shall be operated and laid out in accordance with the approved details and shall remain as such in perpetuity.

Reason: In order to protect the character and visual amenities of the area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

29 No development above ground level shall be undertaken unless and until full details and plans of the cladding on the main leisure building (to include sections of individual panels and larger sections) have been submitted to and approved in

writing by the Local Planning Authority. The details shall include design specifications for the cladding and include details of all fixings, profiles, offsets, angles and edge details. The development shall be carried out in accordance with the approved details before it is occupied and be permanently retained as such thereafter.

Reason: In order to protect the character and visual amenities of the area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

30 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development of the hotel hereby granted permission shall not be occupied unless and until plans are submitted to the local planning authority and approved in writing which clearly specify all the windows and other openings in the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented. The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter. The windows included within such agreed scheme shall be glazed in obscure glass which is at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with 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: In the interests of the amenities of neighbours and to ensure a general environmental standard in accordance with the National Planning Policy Framework (2019), Policies KP2 of the Core Strategy (2007), Policy CS1.2 of the SCAAP (2018) and Policies DM1 and DM3 of the Development Management Plan (2015)

31 Notwithstanding the details submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until samples, full specifications and details of the materials to be used on all external elevations of all buildings hereby approved, including all cladding, roofs, balconies, balustrades, fenestration and all screen/boundary walls and fences, 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 order to protect the character and visual amenities of the area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

32 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 structure such as canopies, fences, loggias, trellises, telecommunication apparatus or satellite or radio antennae shall be installed within the development or on the buildings without the receipt of express planning permission from the local planning authority.

Reason: In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Kursaal Conservation Area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

33 Notwithstanding the details submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until full details of the proposed plant enclosures have been submitted to and approved in writing by the local planning authority. The details shall include specification of materials, colours and any lighting proposed. The plant enclosures shall then be implemented and completed in complete accordance with the approved details prior to the first use of the development and thereafter retained permanently.

Reason: In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Kursaal Conservation Area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

34 Notwithstanding the details submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until full details of the glazing to the south-western corner of the leisure building have been submitted to and approved in writing by the local planning authority. The glazing shall be implemented and completed in accordance with the approved details prior to the first use of the development hereby approved.

Reason: In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Kursaal Conservation Area in accordance with policies DM1 and DM5 of the Development Management Document (2015), Policy CS1.2 of the SCAAP (2018) and Policies KP2 and CP4 of the Core Strategy (2007).

Transport/Car Parking

35 No part of any building hereby approved shall be occupied and the car park shall not be first opened to the public until a Car Parking Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the layout and number of car parking spaces, timings for the delivery of on-site car parking spaces, the proposed car park charging scheme, and the management of availability of car parking spaces during low and high peak periods. The parking spaces shall be made available in full accordance with this approved Plan from its approval. All parking spaces in the development shall be available for members of the public and shall not be reserved for the use of any particular building or users.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015), Policy CP3 of the Core Strategy (2007) and Policies CS1.2 and DS5 of the SCAAP (2018).

36 Prior to first occupation of any part of any building hereby approved or the car park being open to the public, details of the number and location of electric car charging points to be installed in the car park shall be submitted to approved in writing by the local planning authority. At least 20% of all the car parking spaces

shall have an electric charging point provided capable of charging vehicles from the outset and every car parking space shall be future proofed so that electric charging points can be installed when demand requires, e.g. four-way duct and drawpits to all service bays. The development shall be implemented in accordance with the approved details before it is brought into use.

Reason: In the interests of providing sustainable transport choices in accordance with Policy KP2 and CP3 of the Core Strategy (2007) and DM2 and DM15 of the Development Management Plan (2015).

37 No part of any building hereby approved shall be first occupied unless and until full details of the covered and secure cycle parking have been submitted to and approved in writing by the local planning authority.

This shall include provision for not less than 102 cycle spaces, of which 30 must be made available for staff cycle parking. The development shall be carried out in accordance with those approved details before the development is first occupied or brought into first use and shall be retained as such in perpetuity.

Reason: To ensure that adequate cycle parking is provided and retained to serve the commercial development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Plan (2015).

38 Notwithstanding the details submitted with this application, no part of any building hereby approved shall be first occupied unless and until full details of the proposed disabled car parking across the site's car parks have been submitted to and approved in writing by the local planning authority. Details shall include the number of spaces, locations and specification of layout. The spaces shall be implemented in full compliance with the approved details prior to the first occupation of the development, or the bringing into use of the surface car park and shall be retained in perpetuity thereafter.

Reason: To ensure that adequate disabled car parking is provided and retained to serve the commercial development in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policies DM1 and DM15 of the Development Management Plan (2015) and DS5 and CS1.2 of SCAAP (2018).

Energy and Sustainability

39 No development (excluding demolition) shall take place above ground floor slab level until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve Very Good BREEAM level.

Reason: This pre-commencement condition is required in the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

40 No building hereby approved shall be first occupied unless and until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating "Very Good" has been achieved for that building.

Reason: In the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015). 41 Prior to the first occupation of any building within the development hereby approved a scheme detailing how at least 10% of the total energy needs of that building is to be supplied using on site renewable sources must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the first occupation of the building in question. This provision shall be made available for use for the lifetime of the development.

Reason: To ensure that the development maximises the use of renewable and recycles energy, water and other resources, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Plan (2015).

Ecology

42 No development above ground level (excluding works of demolition) shall be undertaken unless and until details of the number, location, and specifications of bat and bird boxes have been submitted to and agreed in writing by the local planning authority. The installation of the approved bird and bat boxes shall be carried before the development hereby approved is first occupied or brought into first use and shall thereafter be retained in perpetuity.

Reason: To minimise the environmental impact of the development and to minimise the risk to protected species in accordance with Policies KP2 and CP4 of the Core Strategy (2007).

43 All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive, unless it is necessary for works to commence in the nesting season, then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out by a suitably qualified ecologist. Only if there are no active nests present shall work be allowed to commence within the bird nesting season.

Reason: To minimise the environmental impact of the development and to minimise the risk to protected species in accordance with Policies KP2 and CP4 of the Core Strategy (2007).

44 Notwithstanding the details submitted and otherwise hereby approved, no demolition hereby approved shall take place unless and until all buildings to be demolished have been first checked by a suitably qualified ecologist and it has been demonstrated that there are still no signs of any bat roosting activity in the buildings to be demolished. In the event that evidence of bat roosting activity is found no further works that might otherwise affect roosting bats shall take place until a suitable scheme of mitigation for impacts on bats has been submitted to the local planning authority and approved in writing. The scheme shall only be progressed in full accordance with the scheme of mitigation as approved under this condition.

Reason: To minimise the environmental impact of the development and to minimise the risk to protected species in accordance with Policies KP2 and CP4 of the Core Strategy (2007). CCTV

45 Prior to the first occupation of the development hereby approved, details of a CCTV scheme to serve the internal and external areas of the development shall be submitted to and agreed in writing with the local planning authority. The details shall include the location of CCTV equipment (including CCTV to cover the multi-level car park in the leisure building hereby approved), its management, monitoring of activity, policing and maintenance. The installation of the CCTV shall be carried out in accordance with the approved details before the development hereby approved is first occupied or brought into first use. The CCTV shall thereafter be operated in accordance with the approved details and shall be retained permanently thereafter.

Reason: To protect the residential amenities of nearby occupiers, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy CS1.2 of SCAAP (2018).

Public Art

46 Notwithstanding the details shown on the plans submitted, and otherwise hereby approved, the development shall not be first occupied unless and until full details of the public art to be provided to the north of St John's Square has been submitted to and approved in writing by the local planning authority. The approved public art shall be provided in full prior to the first use of the development hereby approved

Reason: To comply with policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and Policy CS1.2 of SCAAP (2018).

Highways

47 No development above ground floor slab level shall be undertaken unless and until, the Local Planning Authority has approved in writing a full scheme of highway works (including detailed designs and contract details) associated with the development which has previously been submitted to the local planning authority. The development and the associated highway works shall thereafter be undertaken in accordance with the approved details before the development is brought into use.

Reason: In the interests of Policies KP2, KP3 and CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Plan (2015) and Policy DS5 of SCAAP (2018).

Toilets

48 The toilet facilities accessed via Lucy Road hereby approved shall be open to the public at all times and shall be retained in public use in perpetuity.

Reason: In the interest of amenities in the area, to protect the level of provision of amenities for the community in accordance with Policy CP6 of the Core Strategy 2007.

Positive and Proactive Statement

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.

Informatives

1 In relation to Condition 47 you are advised to contact our Highways Service to discuss the requisite Highways Agreements under the Highways Act 1980, Town and Country Planning Act 1990 and Road Traffic Regulation Act 1984. You are advised that we are likely to accept the completion of a legal agreement under section 278 and section 38 of the Highway Act in order to satisfactorily discharge this condition. The relevant legal agreements must be in place before any works are carried out to the public highway. A separate Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 will be required for that part of the site within the public highway.

2 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. 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.

3 Highways Informative

You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that the Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

4 Additional comments from Essex & Suffolk Water include:

Essex and Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food and Rural Affairs. We understand that a planning

application has been made for the above premises which are to be notified under Regulation 5 of the Water Supply (Water Fittings) Regulation 1999.

5 For clarity notwithstanding the information submitted and otherwise hereby approved this permission does not permit the installation of any shared space.

6 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended), the Licensing Act 2003 and the noise provisions within the Control of Pollution Act 1974.

Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

7 Demolition Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings shall be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials. It is recommended that the Council's building control department is notified of the demolition in order that requirements can be made under the Building Act 1984.

8 The applicant must consult with Anglian Water regarding the provision of sewerage for foul and surface water. As a major application the applicant shall also need to consult with the Lead Local Flood Authority for the provision of SUDs.

9 It is recommended that applicants consult any premises licensing conditions attached to premises and also note the general obligations under the Licensing Act 2003 for the prevention of public nuisance. Notwithstanding this it is advisable to take all necessary precautions to prevent a nuisance occurring from entertainment on the premises and to this effect monitor noise around the perimeter of the premises during events.

10 The Council shall expect that the applicant or main contractor for construction and demolitions applies for a Prior Consent under section 61 of the Control of Pollution Act 1974.

11 Please note that if a crane or piling rig is required to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with London Southend Airport. Any crane applications should be directed to sam.petrie@southendairport.com.

12 The applicant is reminded of their responsibilities under the provisions of the Wildlife and Countryside Act.

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee C

Date: Thursday, 4th June, 2020
Place: Virtual Meeting via MS Teams

20

Present: Councillor H McDonald (Chair)
Councillors S Habermel (Vice-Chair), M Borton, A Dear, D McGlone,
M Terry*, A Thompson and S Wakefield*
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: E Georgeou, A Penn, E Anakwue, T Row, T Byrne and N Hoskins

Start/End Time: 2.00 pm - 2.40 pm

18 Apologies for Absence

Apologies for absence were received from Councillors Shead (substitute: Councillor Wakefield) and Ward (substitute: Councillor Terry).

19 Declarations of Interest

The following interest was declared at the meeting:

(a) Councillor Wakefield – Agenda Item No. 4 (Revocation and Installation of Taxi Stands in London Road, Southend-on-Sea) – Non-pecuniary interest: Previous worked as a hackney carriage driver.

20 Minutes of the Meeting held on Thursday, 13th February, 2020

Resolved:-

That the Minutes of the Meeting held on Thursday, 13th February, 2020 be received and confirmed as a correct record.

21 Revocation and Installation of Taxi Stands in London Road, Southend-on-Sea

The Sub-Committee received a report of the Executive Director (Neighbourhoods and the Environment) that sought approval to commence the statutory consultation on the revocation of the taxi stand on London Road in Southend-on-Sea, located at the 'dead end' where London Road (from College Way) meets the High Street at Victoria Circus and the installation of a new stand on the opposite of the road as set out in the submitted report and illustrated on the plan attached as an Appendix.

Resolved:

1. That the statutory consultation process on the revocation of the existing taxi stand on London Road, located at the 'dead end' where London Road (from College Way) meets the High Street at Victoria Circus be authorised.

2. That the statutory consultation process on the appointment of a taxi stand located on London Road, further back on the same side of London Road on the other side of the Private Road be authorised. This stand will measure 43.5m again in 2 lanes (25.5m+18m) and extend around the end point of London Road, split into 5 marked areas (3.2m+5m+1.7m+5.5m+14m). In addition, on the opposite side of London Road a 'Taxi pick up only - for disabled users' area will be designated (22.5m). This will include a 'KEEP CLEAR' section, as this is required to be kept clear for emergency access at all times. The entire new layout totals 95.4m and will operate as a taxi stand 24 hours a day

3. That, in the event that there are no objections received as a result of the consultation, the stand is relocated in accordance with the specifications laid out in the submitted report, without the need to be referred back to the Licensing Sub-Committee C for consideration.

Chair: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Health & Wellbeing Board

Date: Wednesday, 10th June, 2020
Place: Virtual Meeting via MS Teams

21

Present: Councillor T Harp (Chair)
Councillors J Garcia-Lobera (Vice-Chair), M Davidson, D Jarvis,
A Jones, I Gilbert, C Mulroney, T D'Orsi, J Gardner, Y Blucher,
Mr A Khaldi, K Jackson, S Morris, A Griffin, S Dolling,
K Ramkhelawon and J Broadbent

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors L Salter
G Halksworth, R Harris and S Baker

Start/End Time: 5.00 - 7.08 pm

29 Chair's Opening Remarks

The Chair made an introductory speech, highlighting that this was the first public meeting of the health and Wellbeing Board to be held 'virtually' in accordance with the 2020 Regulations governing remote meetings.

30 Apologies for Absence

Apologies for absence were received from J Cripps and C Panniker.

31 Declarations of Interest

The following declarations of interest were made as indicated:

(a) Councillor Salter – Minute 33 (System Covid Response) – Non-pecuniary interest – husband is consultant surgeon at Southend Hospital; daughter is a consultant at Basildon Hospital; son-in-law is GP in the Borough; daughter and son-in-law were medical students at UCL.

(b) Councillor Harp – Minute 33 (System Covid Response) – non-pecuniary interest – wife is employee of SAVS) and future relative works for East of England Ambulance Trust;

(c) Dr Garcia-Lobero – Minute 33 (System Covid Response) – non-pecuniary interest – GP in the Borough.

32 Minutes of the Meeting held on Wednesday 22nd January 2020

Resolved:-

That the Minutes of the Meeting held on 22nd January 2020 be confirmed as a correct record and signed.

33 **System Covid Response**

The Board considered a report summarising Southend-on-Sea Council's, Southend University Hospital NHS Foundation Trust and Southend CCG response to the Covid-19 pandemic, covering:

- The Covid-19 Incident Timeline;
- Covid-19 Demand on Frontline Health Services;
- Covid-19 Preparation and response relevant to Southend-on-Sea and South East Essex;
- Care home support and education;
- Community resilience;
- Impact of Covid-19 on Southend-on-Sea;
- Reset and Recovering focus.

The Board asked a number of questions which were responded to by the respective health and social care representatives. The Board also made the following comments/observations:

- This was an excellent report and everyone should be thanked who have played their part;
- Wider than economic recovery – emotional and mental health wellbeing of residents, etc will be key to recovery;
- Need to reflect the work of E-Put and the commissioned services around mental health;
- Reference was made to analysis undertaken through Healthwatch which would be shared with the Board;
- Communication across the whole system with residents, etc is vital.

Resolved:

1 That the report be noted and all those involved in responding to the pandemic be thanked for their hard work and dedication.

2. That a paper from E-PUT setting out their response, actions and implications on mental health to the Covid-19 pandemic be provided to the next meeting of the Board.

34 **Whole System Approach to strengthening community resilience**

The Board received a PowerPoint presentation from the Director of Public Health providing an overview of the whole system approach to strengthening community resilience in light of the Covid-19 pandemic.

The Board asked a number of questions which were responded to by the Director of Public Health. The Board also made the following comments/observations:

- Essential to understand and recognise what the health and inequalities are in the Borough in order to take appropriate actions to address and reduce the gap;
- There needs to be clear and consistent communication with residents and communities and high profile;

- There are significant opportunities to build resilience, reduce health and inequalities and work differently across the system;
- The key to building community resilience is preventing the virus from spreading otherwise there is significant risk of potential further outbreaks, particularly in winter and need to be stronger at preventing the virus; Test and Trace will be key;

Resolved:

That the PowerPoint presentation, be noted.

35 Local Outbreak Control Plan

The Board considered a report from the Director of Public Health providing an update on the Local Outbreak Control Plan which is a key part of the national Test, Trace and Isolate (TTI) programme.

Resolved:

1. That a Southend Local Outbreak Control Plan be developed in partnership with Essex County Council and neighbouring authorities.
2. That a public-facing Outbreak Control Oversight Board be established, led by Council Members, as a sub-group of the Southend Health and Wellbeing Board, which will be advised by senior Council and Health officers, from which to communicate with the public.
3. That the responsibility for the production and implementation of the Local Outbreak Control Plan be delegated to the Local Health Protection Board sub-group, which will report into the Outbreak Control Oversight Board.

36 Social Capital Opportunities (Societal goodwill)

The Board received a PowerPoint presentation from the Director of Public Health providing an overview of why social capital is more important now than ever in light of the Covid-19 pandemic.

The Board made the following comments/observations:

- Southend's communities have overall behaved responsibly during the pandemic and need to build on the 'good will' of residents, etc;
- Social isolation is a key issue – people are scared to leave homes, etc;
- Need to be better prepared to minimise the tragedy caused by the pandemic and build on the opportunities, e.g. there are more volunteers than ever before the pandemic – how to build on this;
- There are significant financial challenges;
- Need to manage perceptions and use the intelligence to embed a whole system approach;
- Identified digital inequality as a key challenge;

Resolved:

That the PowerPoint presentation, be noted.

37 CCG End of Year Performance Information

The Board considered a paper from the Associate Director (Specialist Learning Disability Health Commissioning) presenting the Learning Disabilities quarter 4 performance report 2019/20.

The Board noted that the annual performance report would be presented to the Board in September.

Resolved:

That the quarter 4 learning disabilities performance report 2019/20, be noted.

38 Improving Special Educational Needs and Disabilities

The Board considered a report of the Executive Director (Children and Public Health) providing an update on progress and future plans to complete the Written Statement of Action (WSOA) as a result of the SEND area inspection in October 2018. The report also sought views on future proposals, specifically around leadership, governance and strategic oversight and asks the Board how its role can meet the statutory requirements.

The Board asked a number of questions which were responded to by the Executive Director.

Resolved:

1. That the leadership and governance workstream be engaged to review and determine the appropriate level and role of the Board in the strategic oversight and governance of SEND on an ongoing basis as laid out in the SEN Code of Practice and good practice in local area leadership.

2. That it be recognised that the SEND area partners will need to undertake a range of actions in order to ensure that the required improvements in the local offer outcomes for children and young people with SEND in Southend-on-Sea are met at pace.

3. That regular updates be provided to future meetings of the Board in relation to progress against the five areas identified in the report as part of the overarching SEND governance arrangements.

39 A Better Start Southend Progress Update

The Board received a research paper produced by the University of Essex, commissioned by A Better Start Southend, setting out the preliminary findings and evidence on the impact of the Covid-19 pandemic and 'lockdown' restrictions on families with babies and very young children in A Better Start Southend-on-Sea wards and how the ABSS services could respond effectively to improve the health and wellbeing being of very young children and their families during the pandemic and its aftermath.

The ABSS Chair advised that Covid-19 will alter the priorities of ABSS services and the ways in which they work with families and the research findings formed the first phase of the process. Phase two will involve interviews with parents and leaders in key organisations.

The Board made the following comments/observations:

- The research findings contains a significant amount of insight and need to think how it could be applied to all age groups;
- Emphasised the importance of working together collaboratively and facilitate Primary Care involvement and discussions with the University of Essex and ABSS;
- Patients, residents, etc must be first and foremost to have a positive impact.

Resolved:

That the University of Essex preliminary research findings, be noted and that the final report combining the findings from phase one and two be presented to a future meeting of the Board.

Chairman: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Licensing Sub-Committee A

Date: Friday, 12th June, 2020
Place: Virtual Meeting via MS Teams

22

Present: Councillor H McDonald (Chair)
Councillors N Folkard and D McGlone*
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: A Brown, T Row and A Penn

Start/End Time: 9.30 am - 10.45 am

46 Apologies for Absence

Apologies for absence were received from Councillor D Garston (Substitute: Councillor McGlone).

47 Declarations of Interest

No interests were declared at the meeting.

48 1030 London Road, Leigh-on-Sea, Southend-on-Sea, Essex, SS9 3ND - Application for Review of Premises Licence

The sub-committee received a report of the Executive Director (Neighbourhoods and the Environment) concerning an application by Essex Police for the review of the premises licence in respect of at Yak & Yeti, 1030 London Road, Leigh-on-Sea, Essex, SS9 3ND.

The application was presented by Mr G Burke of the Police Licensing Unit on behalf of the applicant. Mr J Davis from the Home Office Immigration Enforcement Department was also in attendance. Mr Dadds, the Licensee's legal representative, attended the hearing and gave evidence on behalf of the Licensee.

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

The sub-committee was informed that an application in respect of this premises had been made late in the day prior to this meeting by the Masala Kitchen UK Ltd to transfer the licence from Mr P Singh, the current Licence holder. Mr T Singh, the cousin of the current Licence Holder, had assumed management of the premises over the last few months and would be appointed as designated premises supervisor.

The sub-committee heard that Mr T Singh had been in India at the time of the visit by Immigration Enforcement Officers for the funeral of his brother and previous owner of the premises, Mr J Tande. Mr T Singh confirmed that his statement to the Police during their interview, that he was unaware of the employment of the illegal workers, was false and that he had been aware that his brother had employed the individuals for a number of months. Mr T Singh had made this statement in error as he had been extremely nervous at the time of the interview by the Police, was still grieving following the loss of his brother and under stress to support his brother's family whilst running the business.

The Licensee's legal representative explained the business was also suffering as a result of the Covid-19 pandemic. Mr T Singh was not responsible for the employment at these premises at the time of the visit by Immigration Officers and was now in an extremely difficult situation. Any decision of the sub-committee should therefore be appropriate to address the cause of the breach of the Licensing objectives. To this end, some new conditions had been submitted to the sub-committee by the Licensee's legal representative that could be appended to the licence to promote the licensing objectives and remedy the situation. Mr T Singh was seeking to be the new Designated Premises Supervisor and Premises Licence Holder to ensure the management of the business in accordance with the licensing objective and legislation.

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

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

Resolved:-

That the premises licence in respect of Yak & Yeti, 1030 London Road, Leigh-on-Sea, Essex, SS9 3ND be revoked.

Chair: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 16th June, 2020
Place: Virtual Meeting - MS Teams

23

- Present:** Councillor I Gilbert (Chair)
Councillors R Woodley (Vice-Chair), T Harp, A Jones, C Mulroney,
K Robinson and M Terry
- In Attendance:** Councillor P Collins
A Griffin, T Forster, M Marks, L Reed, J Williams, A Lewis,
J Chesterton, J Ruffle, C Gamble, E Georgeou, P Geraghty, S Baker,
S Dolling, A Keating, S Newman, N Spencer and C Thomas.
- Start/End Time:** 2.00 - 3.30 pm

65 Apologies for Absence

There were no apologies for absence at this meeting.

66 Declarations of Interest

The following interests were declared:

- (a) Cllr Gilbert – Agenda item 6 (Southend Statement of Community Involvement) – non-pecuniary interest: Council representative on the Board of Southend Association of Voluntary Services (SAVS);
- (b) Cllr Harp — Agenda item 6 (Southend Statement of Community Involvement) - non-pecuniary interest: Volunteer for SAVS and wife employed by that organisation.

67 Parking Review

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment):

- a) Providing an update on progress made against the Cabinet Report of 5 November 2019;
- b) Exploring the risks and opportunities from the COVID-19 emergency;
- c) Seeking approval for a new Parking Review 2020 Project Plan; and
- d) Providing an update on the introduction of the Key worker permit (temporary)

Resolved:

1. That the updates be noted and the revised Parking Review Project Plan as set out in the submitted report, be approved.

2. That the efforts to expand the function of the Traffic and Parking Working Party to act as a monitoring and advisory panel for the Project Management Team, be supported.

Other Options

To revise the programme or scope, or abandon elements.

Reasons for Recommendations

The revised project plan has been developed to ensure it is deliverable with the ongoing uncertainties. The revised project plan also ensures proposals and decisions are supported by robust strategic direction linked to corporate objectives and aspirations, with input from the elected representatives, public and key worker consultations where appropriate.

Note: This is an Executive Function

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

Cabinet Member: Cllr Woodley

68 **Protection of Public Open Space**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) informing councillors of the increasing pressure on existing public open spaces and the increasing number of requests being received from sports clubs and other organisations to lease public open space and to limit, restrict or reduce public availability. The report proposed to establish clear and consistent guidance which could be applied by officers in dealing with requests for the disposal of public open spaces.

Resolved:

1. That the general presumption against the disposal of public open space in Southend-on-Sea and the ongoing protection of these areas, be continued.

2. That the existing agreements relating to areas of public open space or buildings within them continue during their term and on renewal or re-letting/procurement can be agreed when applicable.

3. That requests for the Council to dispose (by any means) of areas of open space to enable their enclosure (or any other restrictions on public use) by sports clubs or other organisations and the exclusion of the public from enjoying those spaces are not considered to ensure that free public access to open space is maintained. Whilst exceptions are not expected, should they arise, such exceptions will be a matter for Cabinet to decide upon.

4. That it be noted that from time to time, the granting of easements and wayleaves for services or highway widening or realignment may be required. In these situations, the preferred position is that public access is maintained or replacement land is sought.

5. That in a situation where an area of open space has been identified as a location which could enable the delivery of a key Council outcome, and the

Council has determined that the area has no or minimal recognised benefit to the public, or a replacement space of the same or enhanced value can be provided, the disposal will be considered to enable the Council to deliver its outcomes.

Other Options

As set out in the submitted report

Reasons for Recommendations

Maintaining the current availability of publicly accessible green space has a long-term benefit to the health and wellbeing of residents. The available green space within the Borough is limited, and any loss is unlikely to be replaceable.

Greenspace has benefits to the local environment and is a benefit to the Council's commitment to reducing its impact on the environment and tackling the local effects of climate change.

Note: This is an Executive Function

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

Cabinet Member: Cllr Mulroney

69 The Beecroft Trust

The Cabinet considered a report of the Executive Director (Adults and Communities) proposing improved governance arrangements and decision making for the Beecroft Trust ("the Trust").

Recommended:

1. That the Council's General Purposes Committee act on behalf of the Trust and make recommendations for Full Council to consider.
2. That independent advice be provided to the Beecroft Trustee ("Trustee") through the General Purposes Committee to fulfil its objectives in the best interest of the Trust.
3. That specific independent advice be sought and provided on the Beecroft Art Gallery site at Station Road, Westcliff ("the Former Gallery").

Other Options

1. The Trustee can consider whether the Trust can be wound up. This is not recommended as it is extremely unlikely to be in the Trust's best interests.
2. The Trustee could continue the status quo. This is not recommended as the Former Gallery is subject to further deterioration and diminution and this is unlikely to be in the Trust's best interest.

Reasons for Recommendations

To progress improved governance arrangements

Note: This is a Council Function

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

Cabinet Member: Cllr Robinson

70 Southend Statement of Community Involvement

The Cabinet considered a report of the Deputy Chief Executive and Executive Director (Growth and Housing) concerning the adoption of the Southend Statement of Community Involvement (SCI) 2020 and the SCI Addendum in connection with the South Essex Plan..

Recommended:

1. That the Southend Statement of Community Involvement (Appendix 1 to the submitted report) and Statement of Community Involvement Addendum for the South Essex Plan (Appendix 2 to the report), be adopted.
2. That the consultation responses to the Southend Statement of Community Involvement and responses received on the Statement of Community Involvement Addendum for the Southend South Essex Plan, be noted.
3. That delegated authority be granted to the Deputy Chief Executive and Executive Director (Growth & Housing) and the Cabinet Member for Environment and Planning (or equivalent role should this title change) to make any appropriate amendments to the Statement of Community Involvement and Addendum.

Other Options

Not to update to SCI or Addendum - this is not seen as a credible option as Development Plan Document preparation must be consistent with national legislation and be in compliance with the SCI and it is seen as good practice to update SCI's periodically. The revised SCI and Addendum ensures that the Council's approach to consulting the public and other stakeholders on planning matters remains up-to-date.

Reason for Recommendation

The SCI has been produced to ensure the Council's approach to community involvement within planning reflects national legislation and continues to be up-to-date. The SCI Addendum will ensure a consistent basis for conducting consultation on the emerging SEP across South Essex authorities.

Note: This is a Council Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulroney

71 Annual Procurement Plan 2020/21

The Cabinet considered a report of the Executive Director (Finance and Resources) presenting the annual procurement plan for 2020/21 in terms of those procurements with a contract value in excess of £1m which require Cabinet approval prior to commencement.

Resolved:

1. That those procurements provided in the submitted appendix for 2020/21, be approved (£1m+ contract value).
2. That the full procurement plan for 2020/21 (contracts with a value of £25k and above), be noted.
3. That it be noted that those capital projects already approved as part of the capital programme (with a value of over £25k) will also form part of the procurement plan for 2020/21, be noted.
4. That the development and contents of the corporate contracts register, be noted.
5. That the development and contents of the 3 year procurement pipeline plan (2020-23), be noted.

Other Options

Annual approval of the Council's procurement plan is required under the constitution.

Reasons for Recommendation

Councillors are aware of the development of the comprehensive contracts register and 3 year procurement pipeline plan, and the benefits this will provide in terms of the Council's commissioning plans, financial planning as well as future planning for suppliers and local businesses

Note: This is an Executive Function

Eligible for call-in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Woodley

72 The Official Feed and Food Control Service Plan

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the Official Feed and Food Control Service Plan 2020-21 as required by the Food Standards Agency (FSA).

Recommended:

That the Official Feed and Food Control Service Plan 2020-21 set out in Appendix 1 to the submitted report, be approved. ||

Other Options

The Food Standards Agency Framework Agreement sets out the statutory duty for Southend-on-Sea Borough Council in developing the Service Plan.

Reasons for Recommendation

To comply with the Food Standards Agency Framework Agreement.

Note: This is a Council Function

Eligible for call-in to: Place Scrutiny Committee
Cabinet Member: Cllr Terry

73 **Resourcing Better Outcomes -Outturn 2019/20**

The Cabinet considered a report of the Executive Director (Finance and Resources) presenting the revenue outturn for 2019/20.

On consideration of the report, the Cabinet noted the amendments to the funding allocations for two of the neighbourhood projects (Appendix 3 to the submitted report), namely the resurfacing of Shoebury high street (£8,418.39) and Mendip Wildlife Garden (£2,000)

Recommended:

1. That the final 2019/20 revenue outturn position for both the General Fund and Housing Revenue Account (HRA) of the submitted report, be noted.
2. That the appropriation of revenue funds to and (from) earmarked reserves, as set out in sections 4.7 to 4.11 (General Fund) and section 5.7 (HRA) of the report, be approved.
3. That the potential revenue impact of the 2019/20 outturn on the 2020/21 General Fund budget and Medium Term Financial Strategy, be noted
4. That it be noted that the expenditure on the capital investment programme for 2019/20 totalled £59.451m against a revised budget of £70.957m.
5. That the relevant budget carry forwards and accelerated delivery requests totalling a net £11.552m moving into 2020/21 and future years, as set out in Appendix 1 to the report, be approved.
6. That it be noted that the virements, reprofiles, amendments and new external funding for schemes, as detailed in Appendix 1 to the report will result in an amended Capital Investment Programme of £222.077m for the period 2020/21 to 2024/25, as detailed in Appendix 2 to the report.
7. That the new capital schemes in the programme as set out at paragraphs 6.32 to 6.37 of the submitted report, be approved. This will result in an overall Capital Investment Programme of £223.857m.
8. That the content of the Community Infrastructure Levy (CIL) Annual Financial Report 2019/20 be noted and that Main Fund receipts from 2019/20 and previous financial years be carried forward until the CIL Governance Framework and spending plans are reviewed later this year.
9. That authority be delegated to the Director of Planning and Transport (in consultation with Ward Members and the Cabinet Member for Environment and Planning) to agree how the Ward Neighbourhood Allocations received up until 31 March 2020 (excluding allocation to Leigh Town Council) are to be spent.

Other Options

None.

Reasons for Recommendations

To provide Cabinet with the final revenue and capital outturn position for 2019/20 and as part of the year end processes, to approve appropriations to and from earmarked reserves and to approve capital budget carry forwards, accelerated delivery requests and in year amendments to the current approved programme.

Note: This is a Council Function

Eligible for call-in to: All three scrutiny committees

Cabinet Members: Cllr Gilbert and Cllr Woodley

74 Outcomes Success Measures Report - January to March 2020 and Annual Place Based Report

The Cabinet considered a report of the Chief Executive presenting the achievements towards the Southend 2050 Ambition through the periodic Outcome Success Measures report (OSMR) alongside the Annual Place-based Report.

Resolved:

1. That the OSMR for Period 4, January-March 2020, be noted.
2. That the Annual Place Based Report, be noted.
3. That the reporting schedule for outcome success measures and progress on roadmap milestones and joint administration priorities for 2020/21, be approved.

Other options:

None

Reasons for Recommendation

To drive the delivery of the Southend 2050 ambition through robust and strategic performance management arrangements.

Note: This is an Executive Function

Eligible for call-in to: All three Scrutiny Committees

Cabinet Member: Cllr Gilbert

75 Annual Treasury Management Report

The Cabinet considered a report of the Executive Director (Finance and Resources) presenting the Annual Treasury Management Report covering the treasury activity for the period from April 2019 to March 2020 and reviews performance against the Prudential Indicators for 2019/20.

Resolved:

1. That the Annual Treasury Management Report for 2019/20 and the outturn Prudential Indicators for 2019/20, be approved.
2. That it be noted that the financing of 2019/20 capital expenditure of £59.451m has been funded in accordance with the schedule set out in Table 1 of section 4 of the submitted report.
3. That it be noted that the Capital Financing and Treasury Management were carried out in accordance with statutory requirements, good practice and in compliance with the CIPFA (The Chartered Institute of Public Finance and Accountancy) Prudential Code during 2019/20.
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 £2.174m of interest and income distributions were received during 2019/20. The total investment income (including the movement on the unit price of externally managed funds) was £0.882m, giving a combined return of 0.70%. This is 0.16% over the average 7 day LIBID rate (London Interbank Bid Rate) and 0.02% under the average bank base rate as set out in Section 7 of the report.
6. 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) increased from £267.8m to £310.3m (Housing Revenue Account (HRA): £75.0m, General Fund (GF): £235.3m) by the end of 2019/20.
7. That it be noted that the level of financing for 'invest to save' schemes decreased from £8.73m to £8.64m by the end of 2019/20.

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.

Reasons for Recommendations

The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2019/20 sets out that reports would be submitted to Cabinet quarterly on the activities of the treasury management operation.

Note: This is an Executive Function

Eligible for call-in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Woodley

76 Corporate Debt Report

The Cabinet considered a report of the Executive Director (Finance and Resources) that outlined the current position of outstanding debt to the Council, as at 31st March 2020 and debts that have been written off, or are recommended for write off, in the current financial year as at 31st March 2020.

Resolved:

1. That the current outstanding debt position as at 31st March 2020 and the position of debts written off to 31st March 2020 as set out in Appendices A and B to the submitted report, be noted.
2. That it be noted that no write offs greater than £25,000 are requested, as shown in Appendix B to the report.

Other Options

None

Reasons for Recommendations

All reasonable steps to recover the debt have been taken, and therefore where write off is recommended it is the only course of action that is left available. If the Council wishes to pursue debts for bankruptcy proceeding, it will follow the agreed and published recovery policy that covers this.

Note: This is an Executive Function

Eligible for call-in to: Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

77 Urgent item of business - Temporary Key Worker Permit

The Chair agreed to take this matter as an urgent item of business to enable the continuation of the key worker permit.

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) seeking approval for the continuation of the key worker permit until 18 August 2020 (or until the Government guidelines change).

Resolved:

That the action taken to date and the continuation of the key worker permit to 18 August 2020 (or when the Government guidelines change) for NHS workers, care workers and volunteers working on the response to the Covid-19 pandemic in line with the national guidance (issued 3 April 2020), be approved.

Other Options

None

Reasons for Recommendation:

To continue with the key worker permit using the 3 April guidelines. The Council will be able to ensure that essential workers are supported through this unprecedented time.

Note: This is an Executive Function
Referred direct to: Place Scrutiny Committee
Cabinet Member: Cllr Woodley

78 Urgent item of business - Emergency Active Travel Fund

The Chair agreed to take this matter as an urgent item of business to enable the highway works to be progressed without delay.

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) seeking agreement for the construction of temporary interventions to create an environment that is safe for walking and cycling during the Covid-19 pandemic and the period directly after. The report also included details of the funding arrangements associated with the highway works.

Resolved:

1. That the bid submitted to DfT on 5 June 2020, for £309k for tranche 1 funding from the Emergency Active Travel Fund, be endorsed.
2. That authority be delegated to the Executive Director (Neighbourhoods and Environment) to make a further bid to the Department for Transport of £1.236 million for Tranche 2 funding from the Emergency Active Travel Fund.
3. That authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with the Deputy Leader of the Council, to agree the final detailed design options based upon the principle in the DfT's guidance for temporary road space reallocation, in consultation with ward councillors for both tranche 1 and tranche 2 funding.

Other options:

None

Reasons for Recommendations

To provide funding for the temporary interventions that further encourage the increased walking and cycling activity in the Borough.

Note: This is an Executive function
Referred direct to: Place Scrutiny Committee
Cabinet Member: Cllr Woodley

79 SO46 Report

This matter was withdrawn as it had been dealt with at the Special Cabinet meeting held on 9th June 2020 and referred direct to the Special meetings of the three Scrutiny Committees.

80 SO46 Report Confidential Sheet

This matter was withdrawn as it had been dealt with at the Special Cabinet meeting held on 9th June 2020 and referred direct to the Special meetings of the three Scrutiny Committees.

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Appeals Committee A

Date: Wednesday, 17th June, 2020

Place: Virtual Meeting - MS Teams

24

Present: Councillor M Stafford (Chair)
Councillors D Cowan (Vice-Chair), M Borton, D Garne, D Garston
and C Walker

In Attendance: R Harris and S Putt

Start/End Time: 9.30 am - 1.30 pm

81 Apologies for Absence

Apologies for absence were received from Councillor Ayling (no substitute).

82 Declarations of Interest

There were no declarations of interest at this meeting.

83 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.

84 Appeal Against Dismissal - Employee SB

The Committee considered an appeal against dismissal submitted by employee SB.

The appellant, SB was in attendance, supported by SJ (GMB Trade Union), and presented their case.

The Council's case was presented by JO, supported by LF. One witness was called by the Council and responded to questions.

Having considered all the evidence and submissions made, the Committee:

Resolved:

That, on the balance of probability, the allegations were substantiated and the decision to dismiss on the grounds of gross misconduct, be upheld.

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Appeals Committee B

Date: Tuesday, 23rd June, 2020
Place: Virtual Meeting - MS Teams

25

Present: Councillor C Nevin (Chair)
Councillors L Burton, F Evans, N Folkard, I Shead and M Stafford

In Attendance: R Harris and S Putt

Start/End Time: 9.30 am - 1.30 pm

85 Apologies for Absence

There were no apologies for absence.

86 Declarations of Interest

There were no declarations of interest.

87 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.

88 Appeal Against Redundancy - Employee ST

The Committee considered an appeal against redundancy submitted by employee JT.

The appellant, JT was in attendance and presented their case.

The Council's case was presented by JR, supported by LF. One witness was called by the Council and responded to questions.

Having considered all the evidence and submissions made, the Committee:

Resolved:

That, on the information provided, the decision to dismiss the appellant on the grounds of redundancy, be upheld.

Chair: _____

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 30th June, 2020
Place: Virtual Meeting - MS Teams

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Present: Councillor I Gilbert (Chair)
Councillors R Woodley (Vice-Chair), T Harp, A Jones, C Mulroney,
K Robinson and M Terry

In Attendance: Councillors Borton, Chalk, and K Evans
A Griffin, A Lewis, T Forster, L Read, M Marks, J Williams, J
Chesterton, J Ruffle, E Cooney, A Grant, G Gilbert, A Keating C
Gamble

Start/End Time: 2.00 - 2.30 pm

102 Apologies for Absence

There were no apologies for absence at this meeting.

103 Declarations of Interest

The following declarations of interest were made as indicated:

- a) Cllr Harp – Minute 104 (Better Queensway Regeneration Project) – Volunteer with Turning Tides youth clubs in the area;
- b) A Lewis – Minute 104 (Better Queensway Regeneration Project) – Council representative on the LLP Board.

104 Better Queensway Regeneration Project - Progress Update and Consideration of the Final Proposals

The Cabinet considered a report of the Director of Regeneration and Growth providing an update following the consideration of a report to the Shareholder Board on the 25th June 2020. The Shareholder Board Report specifically considered the submission of the ‘final proposals’ alongside the progress being made in respect of additional affordable housing.

Resolved:

1. That the progress made in relation to the Better Queensway project by Porters Place Southend-on-Sea LLP (the “JV”), as set out in section 4 of the Shareholder Board Report, be noted.
2. That the information provided by the JV, as set out in section 5 and Appendices 1 - 3 of the Shareholder Board report, be approved as the ‘final proposals’ (as provided in the Initial Business Plan agreed in November 2019 “the Business Plan”) prior to submission of the first planning application for the Better Queensway project;

3. That authority be delegated to the Director of Regeneration and Growth in consultation with the Leader to agree any non-material changes to the 'final proposals' whereupon any such matters shall be noted for information and reported to the following Shareholder Board.

4. That authority be delegated to the Director of Regeneration and Growth, in consultation with the Leader, to review and assess any further documents that are submitted to the Council by the JV to consider as part of the final proposals process, and to sign off any of these that do not have a material impact on the final proposals appended to the report;

5. That where information in the final proposals is updated from that in the Business Plan, this updated information will supersede the relevant information in the Business Plan and be adopted as a revision to the Business Plan from the date of approval of the submitted report.

6. That authority be delegated to the Executive Director (Finance & Resources) to:

a) Complete the Memorandum of Understanding to be made between the Council, the JV and Swan Housing Association that will document the JV's commitment to offer the Council a minimum of 100 additional affordable homes for social rent;

b) finalise negotiations and settle the terms of a formal legally binding agreement (the "Agreement") to capture the principles as set out in the Memorandum of Understanding; and

c) subject to approval of the Agreement by the Council, the JV and Swan Housing Association, to bring a report to the next available Cabinet to approve the completion and entering into of the Agreement.

Other Options

1. Not approving the final proposals would mean that the planning application could not be submitted in July. This would have a negative impact on the expedient delivery of the Project and will add to the whole cost of delivery of the Project that could impact upon any final profit share by the Council and Swan at the end of the Project that the Council would use to reinvest in social housing.

2. Not approving the final proposals could also jeopardise the £15m HIF funding from Homes England which has a deadline for spend in 2023. Therefore delays resulting from not approving the final proposals could result in non-expenditure by the deadline and therefore a gap in project funding.

3. There is also a risk to the goodwill that has been established between the parties if the final proposals having been approved by the JV Board and recommended for approval were not approved by the Council. The final proposals that are subject of this report are a second iteration following the Council not being satisfied with the first set and as advised in this report the current final proposals are a significant improvement. Further delay would negatively impact on the relationship between the parties.

4. While a significant amount of design work and options have been developed in relation to the highway, only the highways design which brings the road up to being level with the surrounding land i.e. at grade (and the underpass filled in) has been assessed as a financially viable option in the bid and ensuing design work. Other options also do not generate the regeneration uplift through the value of place making and therefore the overall Project would potentially not reach the necessary values to make it viable. Nor is it considered that they would achieve the place-making and other non-financial benefits such as reduced severance and improved physical environment.

5. An alternative option could be to cease progression of the work towards the agreement in principle regarding the additional affordable rented homes, thereby retaining the figure at 512. This would have a positive impact for the Council in relation to the Project as it would not have to meet the gap funding however it would not meet the requirement of the Project to maximise affordable homes nor would it remove the need for the Council to deliver more affordable homes in the Borough and further would not support the additional commitments as agreed at Full Council (Minute 737).

Reasons for Recommendations

To progress the Better Queensway Scheme

Note: This is an Executive Function

Referred direct to Place Scrutiny Committee

Cabinet Member: Cllr Gilbert

105 **COVID-19 - Parking Recovery Proposals**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) setting out how Parking Services could support the Council's intentions to lead and support its communities and businesses through the Covid-19 crisis and help them towards a sustainable recovery.

Resolved:

1. That the proposed temporary parking concession approach by which the Council will lead and support its communities and businesses as set out in option 2 of the submitted report, noting the relevant financial impact and proposed funding of the option, be approved.

2. That the continuation of the additional 5 Civil Enforcement Officers at an additional monthly cost of £16K up to a maximum of six months (£96K) to support the increased parking pressures being identified as more vehicles are moving around the Borough, which would be self-funded, be approved. The increase of officers will support enforcement in Controlled Parking Zones where complaints are being received due to parking of vehicles without permits.

3. That authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with the Cabinet Member for Transport, Capital & Inward Investment, to remove the schemes as and when the support for extended parking and reduced hours of enforcement are no longer required.

Options

As set out in the submitted report.

Reasons for Recommendations

To support the rejuvenation of the town centre.

Note: This is an Executive Function
Referred direct to Place Scrutiny Committee
Cabinet Member: Cllr Woodley

106 The Forum 2

This matter was withdrawn and would be considered at the next meeting of the Cabinet.

Chair: _____

Public Document Pack

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 1st July, 2020

Place: Virtual Meeting via MS Teams

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Present: Councillor N Ward (Chair)
Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk, D Cowan, A Dear, M Dent, F Evans, N Folkard*, D Garston, S Habermel, D Jarvis, A Jones, C Mulroney, A Thompson and S Wakefield

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillor McGlone
P Geraghty, K Waters, C Galforg, P Keyes, C White, M Warren, T Row, T Hartley, C Woodcraft, T Smyth and G Gilbert

Start/End Time: 5.00 - 7.35 pm

107 Apologies for Absence

Apologies were received from Councillor Walker (Substitute: Cllr Folkard).

108 Declarations of Interest

The following declarations of interest were made at the meeting:

1. All Committee Members – Agenda Item No. 7 (20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea) – Non-Pecuniary Interest: Fellow Councillor and Committee Member lives on St Bennets Road.
2. All Councillors – Agenda Item No. 6 (20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea) – Non-Pecuniary Interest: All Councillors received emails from objectors to the application
3. Cllr Ayling – Agenda Item No. 5 (20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness) – Non-Pecuniary Interest: Is a member of the Shoebury Watermans Association
4. Cllr Ayling – Agenda Item No. 6 (20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea) – Non-Pecuniary Interest: Has responded to an email regarding a resident's concerns
5. Cllr Beck – Agenda Item No. 4 (20/00315/FUL - Baryta House, Victoria Avenue, Southend-on-Sea) – Non-Pecuniary Interest: Has received correspondence from residents regarding the application
6. Cllr Beck – Agenda Item No.7 ((20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea) – Non-Pecuniary Interest: Lives in close proximity to the application site.
7. Cllr Chalk – Agenda Item No. 5 (20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness) – Non-Pecuniary Interest: Has been involved in the development of East Beach.
8. Cllr Cowan – Agenda Item No. 6 (20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea) – Non-Pecuniary Interest: Has given advice on how the planning system works to residents
9. Cllr Cowan – Agenda Item No. 8 (18/00241/UNAU_B - 47 Prince Avenue, Southend-on-Sea) – Non-Pecuniary Interest: Has received messages from concerned residents.

10. Cllr Garston: Agenda Item No. 7 (20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea) Non-Pecuniary Interest: Has advised neighbours on the application.
11. Cllr Garston – Agenda Item No. 8 (18/00241/UNAU_B - 47 Prince Avenue, Southend-on-Sea) – Non-Pecuniary Interest: The objector is known to him.
12. Cllr Jarvis – Agenda Item No. 5 (20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness) – Non-Pecuniary interest: Is a resident of the Garrison and is a member of the Shoebury Coastal Community Team.
13. Cllr Mulroney – Agenda Item No. 6 (20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea) – Disqualifying Non-Pecuniary Interest: Portfolio holder for parks.
14. Cllr Wakefield – Agenda Item No. 5 (20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road) – Non-Pecuniary Interest: has been involved in the development of East Beach
15. Cllr Wakefield – Agenda Item No. 8 (18/00241/UNAU_B - 47 Prince Avenue, Southend-on-Sea) – Disqualifying Non-Pecuniary Interest: The applicant is known to him

109 Supplementary Report

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

110 20/00315/FUL - Baryta House, Victoria Avenue, Southend-on-Sea (Victoria Ward)

Proposal: Erect four storey building comprising 9no. flats with undercroft car park and reconfigure car park to rear of Baryta House

Applicant: Shaviram Southend Ltd

Agent: Mr Daniel Rose of D. Rose Planning LLP

Resolved:-

That PLANNING PERMISSION be REFUSED for the following reasons:

1. The proposed development, by reason of the inadequate and poor quality external amenity spaces provided would result in substandard living conditions for the future occupiers of the site, providing a poor quality residential environment. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
2. The proposed development would provide insufficient parking for the proposed self-contained flats and the existing flats at the site to the material detriment of highway safety and free flow of the local highway network. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

111 20/00468/BC4 & 20/00469/LBC - Gunners Park, Ness Road, Shoeburyness (Shoeburyness Ward)

Proposal: 1. Various works to former MOD Buildings at Gunners Park comprising of, replacement doors/windows/shutters, install graded earth

access to Quick Fire Battery, replace doors/windows to Experimental Casemate Building, install temporary external landing on Experimental Casemate, replace doors, install graded earth access to Old Powder Magazines, install temporary art installations at East Beach and on jetty by Experimental Casemate and carry out emergency weatherproofing where required, install power supplies where needed and removal of Graffiti

2. Various works to former MOD Buildings at Gunners Park comprising of, replacement doors/windows/shutters, re-secure shaft and install graded earth access to Quick Fire Battery, replace doors/windows and install temporary platform floor to Experimental Casemate Building, install temporary external landing on Experimental Casemate, replace doors, install graded earth access and temporary platform floor to Old Powder Magazines, install temporary art installations at East Beach and on jetty by Experimental Casemate and carry out emergency weatherproofing where required, install power supplies where needed and removal of Graffiti (Listed Building Consent)

Applicant: Ms Bailey

Agent: Ms Raichel Warren of SKArchitects

Resolved:-

That PLANNING PERMISSION be 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 596-P01, 596-P04, 596-P05, 596-P06, 596-P07B, 596-P08B, 596-P09B, 596-P10A and 596-P11.

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

03 The design details and materials to be used for the alterations to the listed structures shall be as set out on plan references 596-P07B, 596-P08B and 596-P09B.

Reason: To safeguard the visual amenities of the listed buildings, the setting of the scheduled monument and the wider Shoebury Garrison Conservation Area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The earth used to form the ramps to the powder magazines and heavy quick firing battery hereby approved shall be from the existing park and not imported from elsewhere.

Reason: To protect the ecology of the area and prevent invasive species being introduced to the site in accordance with National Planning Policy Framework

(2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

Members are recommended to GRANT LISTED BUILDING CONSENT 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans 596-P01, 596-P04, 596-P05, 596-P06, 596-P07B, 596-P08B and 596-P09B.

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

03 The design details and materials to be used for the alterations to the listed structures shall be as set out on plan references 596-P07B, 596-P08B and 596-P09B.

Reason: To safeguard the visual amenities of the listed buildings, the setting of the scheduled monument and the wider Shoebury Garrison Conservation Area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The removal of graffiti from the listed buildings shall be carried out in accordance with the advice contained within the publication 'Graffiti on historic buildings and monuments – methods of removal and prevention' by Historic England 1999.

Reason: To safeguard the visual amenities of the listed buildings, the setting of the scheduled monument and the wider Shoebury Garrison Conservation Area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

Informatives

01 The proposal for the existing property equates to less than 100sqm of new floor space, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to

recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

03 The applicant must make every effort to ensure that visitors to the development are encouraged to park within the existing public car parks and not to park in the surrounding residential roads.

04 The applicant must make every effort to ensure that workers and equipment used in association with this development do not negatively impact the environment, including by trampling vegetation, leaving waste on site and disturbing/damaging/destroying protected species.

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.

112 20/00513/FULM - All Weather Pitch, Southchurch Park, Southend-on-Sea (Thorpe Ward)

Proposal: Erect new spectator stand to sports pitch
Applicant: Mr Jerry Omango
Agent: Mr Darren Munsey

Cllr Mulroney withdrew from the meeting for this agenda item

Ms Lynam spoke as an objector to the application
Mr Munsey Responded

Resolved:-

That PLANNING PERMISSION be 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: Site Location Plan, 960 SM/NAK/01A, 960 SM/NAK/02A, 960 SM/NAK/03A, 960 SM/NAK/04A and the specifications provided within the submitted document titled 'Stadium Solutions'.

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

03. The stand shall provide a capacity of, and be occupied by no more than, 120 spectators at any one time.

Reason: In the interests of the amenities of the surrounding area, further to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

04. The stand hereby approved shall not be brought into use until an Emergency Flood and Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. The measures in the approved plan shall be implemented in full prior to the first use of the stand.

Reason: To ensure that the development will be safe for its lifetime, further to the National Planning Policy Framework (2019), and Policies KP1, KP2 and CP4 of the Core Strategy (2007).

05. Prior to first use of the stand, a scheme of external lighting shall have been submitted to and agreed in writing by the Local Planning Authority. External lighting for the development shall be provided only in accordance with the agreed details.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

06. Prior to first use of the stand, details of refuse and recycling facilities to be provided at the site shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the stand and retained thereafter for the lifetime of the development in accordance with the approved details.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste storage is provided in the interests of visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework, Policy KP2 of the Core Strategy (2007) and Policy DM3 of the Development Management Document (2015).

07. Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, and not at all on Saturdays, Sundays or Bank Holidays.

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

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). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. 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.

02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

03. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.

113 20/00423/FUL - 22 - 24 St Benet's Road, Southend-on-Sea (Prittlewell Ward)

Proposal: Raise ridge height, erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 6 self-contained flats, install layout parking, cycle storage, bin stores and amenity space (Amended Proposal).

Applicant: Mr Paul miller

Agent: BDA Architecture

Resolved:-

That PLANNING PERMISSION be 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: 18.150/01 Rev B; 18.150/02 Rev B; 18.150/03 Rev B; 18.150/04 Rev D; 18.150/05 Rev D; 18.150 06 Rev D; 18.150 07 Rev C; 18.150/08 Rev C; 18.150/09 Rev C; 18.150/10 Rev D & 18.150/11 Rev C.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition works until samples of the materials to be used in the construction of the external elevations of the development hereby permitted have been submitted to and approved in writing by the local planning

authority. The development shall be carried out and completed in full accordance with the approved details before it is occupied.

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, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and advice contained within the Design and Townscape Guide (2009).

04 The development shall not be occupied until 6 car parking spaces have been provided at the site and made available for use in accordance with drawing 18.150/10/rev D, together with properly constructed vehicular access to the adjoining highway, all in accordance with the details shown on approved plan 18.150/10/rev D Proposed Site Layout Plan. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15.

05 Prior to the first occupation of the dwellings hereby approved full details of refuse, recycling and secure, covered bicycle storage facilities at the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the dwellings hereby approved, refuse, recycling and bicycle storage facilities shall be provided and made available for use at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework, Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

06 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out and completed in accordance with the approved details prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i. means of enclosure, of the site including any gates or boundary fencing;
 - ii. car parking layouts;
 - iii. other vehicle and pedestrian access and circulation areas;
 - iv. hard surfacing materials;
 - v. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
 - vi. details of measures to enhance biodiversity within the site;
- Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).

07 A scheme detailing how at least 10% of the total energy needs of the dwellings hereby approved 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 their first occupation. 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 (2007).

08 Water efficient design measures as 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 shall be installed prior to the first occupation of the development hereby approved and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the guidance within the Design and Townscape Guide (2009).

09 Construction and demolition works (including the unloading and loading of associated materials) associated with this permission shall only take place between the hours of 0800 and 1800 Monday to Friday 0800 and 1300 Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the character and amenity of the area in accordance with Policy DM1 of the Development Management Document.

10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with National Planning Policy Framework, Core Strategy (2007) policies KP2 and CP4; and Development Management Document (2015) policies DM1 & DM3.

11 The new first floor windows in the southern flank elevation facing No.16 St Benets Road 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 safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework, Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and advice contained in The Design and Townscape Guide (2009).

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

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). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. 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.

02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

114 18/00241/UNAU_B - 47 Prince Avenue, Southend-on-Sea (St Laurence Ward)

Breaches of Control: Without planning permission, the conversion of a single dwelling to 3 self-contained flats

Cllr Wakefield withdrew from the meeting for this agenda item

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to:

- a) Cease the unauthorised use of the building as 3 self-contained flats.
- b) Remove from site all materials resulting from compliance with a) above

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of

proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable for the cessation of use as 3 self-contained flats.

Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

115 18/00142/UNAU_B - 1595 London Road, Leigh-on-Sea (West Leigh Ward)

Breaches of Control: External staircase and access to flats without planning permission

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to:

- a) require the unauthorised external staircase to be removed
- b) remove from site all materials resulting from compliance with (a) above.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the above works.

Chairman: _____

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Council – 16th July 2020

Notice of Motion:

Honorary Alderman and Honorary Alderwoman Nominations Process

Notice of Motion

That this Council amends the General Purposes Committee process for Alderman/womenship consideration to include an option for the candidate to attend and address the committee in support of their nomination and to answer any questions

Proposer: Cllr Flewitt

Seconder: Cllr McGlone

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To Full Council

Notice of Motion

Footpath Cycling

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During the recent COVID-19 crisis, this town and many others have encouraged and seen increased participation in cycling and walking. This is to be welcomed. The increased participation in cycling and the continued Government encouragement for people to walk means that measures should be taken by this Council to ensure that pedestrians are protected in areas where they come into close contact with cyclists

This Council therefore resolves that it should:

1. Include the prohibition of cycling on footpaths and pedestrian areas within the Town Centre and Seafront Public Spaces Protection Order (PSPO).
2. Enable the Community Safety Team and other designated staff to issue fixed penalty notices for non-compliance.

Proposed By: Cllr Burzotta
Cllr Buck

Seconded By Cllr Boyd
Cllr Bright
Cllr Cox
Cllr Davidson
Cllr Dear
Cllr Evans
Cllr Folkard
Cllr Garne
Cllr Garston
Cllr Habermel
Cllr Jarvis
Cllr McGlone
Cllr Moring
Cllr Nelson
Cllr Salter
Cllr Walker

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To Meeting of Full Council

Notice of Motion

33

No Overnight Camping In The Borough

This Council shares public concern about the recent traveller incursions illegally occupying public open spaces and other areas in the Borough.

By their very nature, our public open spaces need to remain open and accessible to residents. Whilst the council uses a number of methods to seek to prevent illegal encampments on our public open spaces, this is difficult to achieve without stopping residents from accessing them.

The council therefore seeks to achieve a balance between actively discouraging illegal encampments and maintaining access for residents from those who are determined to set up illegal encampments without affecting residents' rights of access to their public open spaces.

This Council therefore resolves that it should:

1. Introduce a Public Spaces Protection Order which requires no person shall camp or sleep overnight with or without a tent, or using a motor or other vehicle, caravan or any other mobile or static structure [in a public place to which the public or a section of the public has or is permitted to have access, whether on payment or otherwise] without the express prior written consent of the Council.

Proposed By: Cllr Cox
Cllr Davidson

Seconded By Cllr Boyd
Cllr Bright
Cllr Buck
Cllr Burzotta
Cllr Dear
Cllr Evans
Cllr Folkard
Cllr Garne
Cllr Garston
Cllr Habermel
Cllr Jarvis
Cllr McGlone
Cllr Moring
Cllr Nelson
Cllr Salter
Cllr Walker

