

# Public Document Pack

## Southend-on-Sea City Council

Civic Centre  
Southend-on-Sea

22 February 2023



Dear Sir or Madam,

I hereby summon you to attend the meeting of the Southend-on-Sea City Council to be held in the Council Chamber, Civic Centre, Southend-on-Sea on, **Thursday, 2nd March, 2023 at 6.30pm** for the transaction of the following business.

R Polkinghorne  
Chief Executive

### **A G E N D A**

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Communications**
- 4 Questions from the Public**
- 5 Questions from Councillors**
- 6 Petition - To stop Over 85,000 Additional Trucks Using The City's Highways (Pages 5 - 6)**  
Prayer of the petition attached
- 7 Petition - Save the Jazz Centre UK (Pages 7 - 8)**  
Prayer of the petition attached
- 8 Minutes of the meeting of Licensing Committee held Monday, 17 October 2022 (Pages 9 - 10)**  
Minutes attached
- 9 Minutes of the meeting of Licensing Sub-Committee C held Monday, 5 December 2022 (Pages 11 - 12)**  
Minutes attached
- 10 Minutes of the meeting of Health and Wellbeing Board held Thursday, 8 December 2022 (Pages 13 - 16)**  
Minutes attached

- 11 **Minutes of the meeting of Development Control Committee held Wednesday, 14 December 2022 (Pages 17 - 24)**  
Minutes attached
- 12 **Minutes of the meeting of Cabinet Committee held Wednesday, 21 December 2022 (Pages 25 - 26)**  
Minutes attached
- 13 **Minutes of the meeting of Development Control Committee held Wednesday, 4 January 2023 (Pages 27 - 40)**  
Minutes attached
- 14 **Minutes of the meeting of Audit Committee held Wednesday, 11 January 2023 of Audit Committee (Pages 41 - 42)**  
Minutes attached
- 15 **Minutes of the meeting of Cabinet held Thursday, 12 January 2023 (Pages 43 - 64)**  
Minutes attached
- 16 **Minutes of the meeting of Appointments and Disciplinary Committee held Monday, 23 January 2023 (Pages 65 - 66)**  
Minutes attached
- 17 **Minutes of the meeting of Place Scrutiny Committee held Monday, 30 January 2023 (Pages 67 - 72)**  
Minutes attached
- 18 **Minutes of the meeting of People Scrutiny Committee held Tuesday, 31 January 2023 (Pages 73 - 78)**  
Minutes attached
- 19 **Minutes of the meeting of Development Control Committee held Wednesday, 1 February 2023 (Pages 79 - 90)**  
Minutes attached
- 20 **Minutes of the meeting of Policy and Resources Scrutiny Committee held Thursday, 2 February 2023 (Pages 91 - 98)**  
Minutes attached
- 21 **Minutes of the meeting of General Purposes Committee held Thursday, 9 February 2023 (Pages 99 - 100)**  
Minutes attached
- 22 **Minutes of the meeting of Standards Committee held Tuesday, 28 February 2023**  
Minutes to follow
- 23 **Review of the Constitution (Pages 101 - 148)**  
Report of Executive Director (Strategy, Change and Governance)

- 24    Review of Committee Proportionality (Pages 149 - 152)**  
Report of Executive Director (Strategy, Change and Governance)
- 25    Draft Calendar of Meetings 2023/24 (Pages 153 - 156)**  
Draft calendar attached
- 26    Opposition Business - 85,000 soil HGV vehicle movements to Gunners  
Park development**

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**E-Petition - To Stop Over 85,000 Additional Trucks Using The City's Highways**

We the undersigned petition the council to Not allow over 85,000 earth moving trucks along the whole of the City's highways infrastructure and use other means, such as barges along the river Thames or the rail network.

The Council is proposing to allow 120 earth moving trucks of 40/50 tonnes per day on our highway infrastructure, from the far west of the City's boundary to the far east, over a two-and-a-half-year period. This equals over 85,000 truck movements, between the hours of 8am and 6pm Monday to Friday and between 8am and 1pm on a Saturday. No impact assessment has been carried out in terms of diesel exhaust fumes and the environmental impact around our children's schools, no impact assessment has been carried out on the vibration to the foundations of the residential homes throughout this route, no property surveying is proposed to check for damage and subsidence to any residential homes along the route. The proposed route is the A127, Prince Avenue, Priory Crescent, Eastern Avenue, Royal Artillery Way, Thorpe Hall Avenue (north and south of the railway), Thorpe Esplanade and Shoebury Common Road into Ness Road.

Started by: Ron Woodley (BERA)

This ePetition ran from 07/12/2022 to 31/01/2023 and has now finished.

1292 people signed this ePetition.

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**Council – Thursday 2<sup>nd</sup> March 2023****Petition: SAVE THE JAZZ CENTRE UK**

Britain's first-ever cultural centre for jazz opened in 2016 at Southend's Beecroft Art Gallery is facing eviction on August 1<sup>st</sup> 2023. If you oppose this decision by this decision by Southend City Council please sign below to help us fight this decision.

**THANK YOU FROM THE TRUSTEES**

The petition contains 500 signatures.

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## **SOUTHEND-ON-SEA CITY COUNCIL**

### **Meeting of Licensing Committee**

**Date: Monday, 17th October, 2022**  
**Place: Committee Room 1 - Civic Suite**

**8**

**Present:** Councillor A Thompson (Chair)  
Councillors M Berry (Vice-Chair), B Beggs, M Borton, S Buckley,  
A Dear, K Evans, N Folkard, A Jones, A Line, I Shead and C Walker

**In Attendance:** A Penn, E Anakwue and T Row

**Start/End Time:** 10.00 am - 10.15 am

#### **539 Apologies for Absence**

Apologies for absence were received from Councillors Lamb, Mitchell and Terry (no substitutes).

#### **540 Declarations of Interest**

The following interests were declared at the meeting:

- (i) Councillor Borton – Minute 542 (Revocation of Taxi Stand on Weston Road, Southend on Sea) – Husband is a Blue Badge holder; and
- (ii) Councillor Shead – Minute 542 (Revocation of Taxi Stand on Weston Road, Southend on Sea) – Parents are Blue Badge holders.

#### **541 Minutes of the Meeting held on Wednesday, 23rd March, 2022**

Resolved:-

That the Minutes of the Meeting held on Wednesday 23<sup>rd</sup> March 2022 be received, confirmed as a correct record and signed.

#### **542 Revocation of Taxi Stand on Weston Road Southend-on-Sea**

The Committee received a report of the Executive Director (Neighbourhoods and Environment) that sought approval of the revocation of the taxi stand on the westbound carriageway of Weston Road, Southend on Sea and authorise the commencement of the statutory consultation process.

Resolved:-

1. That the proposed revocation of the taxi-stand in Weston Road, Southend on Sea be approved and the proposal be advertised, implementing the statutory public consultation process.

2. That any objections or representations made to the proposal during the statutory consultation process be submitted to the Licensing Committee for consideration.
3. In the event that no objections or representations are received to the proposal during the consultation period, the revocation of the taxi stand in Weston Road be approved without the need to return to Committee.

#### **543 Review of Fares and Charges**

The Committee received a report of the Executive Director (Neighbourhoods & Environment) the results of a consultation with the Southend Licensed Taxi Drivers Association (SLTDA) for an increase in the Hackney Carriage and Private Hire Vehicle fares and charges.

The Committee was reminded that, at its meeting on 23 March 2022, the Committee authorised an emergency temporary increase in charges to address the dramatic increase in fuel prices (Minute 852 refers). This increase was for a period of one year or the until an application is made by the trade for an increase. This temporary increase for the fuel surcharge would therefore cease should this application be approved and implemented.

The Committee was also reminded that, whilst this application was to seek the increase in fares for the passenger journey, there was a statutory requirement to advertise certain fees the taxi trade pay the Council for their licence. This review and statutory advertising period would be commencing shortly after Christmas.

Resolved:-

1. That the proposed changes to the fare chart structure be duly advertised.
2. That any objections to the proposed changes to the fare chart received during the statutory consultation period be submitted to the Licensing Committee for consideration.
3. That, in the event that no objections are received during the statutory consultation period, the revised fare chart set out at Appendix 1 to the submitted report be approved and implemented.

**Chair:** \_\_\_\_\_

## **SOUTHEND-ON-SEA CITY COUNCIL**

### **Meeting of Licensing Sub-Committee C**

**Date: Monday, 5th December, 2022**  
**Place: Committee Room 1 - Civic Suite**

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**Present:** Councillor A Thompson (Chair)  
Councillors M Borton (Vice-Chair), S Buckley, N Folkard, J Lamb and A Line

**In Attendance:** A Brown, T Row, A Penn and T Bahannack

**Start/End Time:** 10.00 am - 11.50 am

#### **544 Apologies for Absence**

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

#### **545 Declarations of Interest**

No interests were declared at the meeting.

#### **546 Minutes of the Meeting held on Thursday, 25th March, 2021**

Resolved:-

That the Minutes of the Meeting held on Thursday, 25<sup>th</sup> March 2021 be received, confirmed as a correct record and signed.

#### **547 Entice, 3 Warrior house, 42-82 Southchurch Road, Southend-on-Sea, SS1 2LZ - Application for the Renewal of a Sexual Entertainment Venue Licence**

The Sub-Committee received a report of the Executive Director (Neighbourhoods and Environment) concerning an application by Wizard Sleeves Bars (Essex) Limited for a renewal of a Sexual Entertainment Venue Licence in respect of Entice, 3 Warrior House, 42-82 Southchurch Road, Southend-on-Sea, SS1 2LZ.

The application was presented by Mr R Sutherland (the Applicant's Solicitor). Mr K Moloo (Director and Manager of the premises) was also in attendance and gave evidence.

The Sub-Committee noted that one letter of objection had been received in respect of the application. The objector requested to remain anonymous and did not attend the hearing. The objectors' principal concerns can be summarised as follows:

- alleged procedural irregularities in relation to the publication of the application;
- the suitability of Mr Moloo as the applicant;

- the location of the premises in a block combined with residential properties, health facilities and a pawn brokers, where there were likely to be vulnerable people; and
- the suitability of the premises as a SEV.

The Sub-Committee welcomed that a “House Mother” would be available for performers if necessary. It also noted that vaping may currently be permitted in the premises and that this would be dealt with as a separate matter under the Health Act 2006.

The Sub-Committee considered all the evidence and submissions that had been made at the meeting and the written reports and documentation that had been presented prior to the hearing. The Sub-Committee also had regard to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (adopted pursuant to the Police and Crime Act 2009) and the Council’s Policy for controlling sex establishments.

Resolved:-

That the application be granted, subject to the existing operating conditions to the current licence set out in Appendix 1 to the report of the Interim Executive Director (Neighbourhoods and the Environment), subject amendment to condition 75 to now read as follows:

75. The Licensee shall ensure that a ‘grab bag’ containing suitable clothing for the use of dancers in the event of an emergency evacuation, is located at the exits to the premises. (Such clothing is defined in condition 65 above).

together with the following additional conditions:

- “The Customers’ Code of Conduct for Patrons shall be amended by the addition of, but not limited to, the following:  
Whilst outside or leaving the premises, all customers, must not loiter unnecessarily and vacate the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours both residential and business and to make the minimum impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour, crime and disorder.”
- Appropriate signage shall be displayed in prominent positions at the exits requesting patrons to “Please be respectful to neighbours. Please leave quietly.”

**Chair:** \_\_\_\_\_

## **SOUTHEND-ON-SEA CITY COUNCIL**

### **Meeting of Health & Wellbeing Board**

**Date: Thursday, 8th December, 2022**  
**Place: Committee Room 1 - Civic Suite**

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**Present:** Councillor K Mitchell (Chair)  
Dr T Syed (Vice-Chair)  
Councillors Davidson, Sadza, Mulroney and Terry.  
R Hallett (SEE Alliance), R Polkinghorne (SCC), K Ramkhelawon (SCC), O Richards, L Gale, T Poore, A Khaldi,

**In Attendance:** Councillor L Salter (Observer – Chair of People Scrutiny Committee)  
R Harris, B Leigh, P Hill, T Ruwona and A Taylor.

**Start/End Time:** 5.00 pm - 7.40 pm

#### **544 Apologies for Absence**

Apologies for absence were received from Councillor Moyies, J Gardner, M Marks, A Quinn, M Atkinson, S Dolling, G Halksworth and M Olsen.

#### **545 Declarations of Interest**

(a) Cllr Mitchell – Minute 551 (A Better Start Southend (ABSS)) - A Better Start Southend (ABSS) is in partnership with Hamlet Court Road in Harmony Community Group – the Councillor is the Chair of this group;

(b) Cllr Salter - Minute 318 (Mental Health Urgent Care Department), Minute 317 (Developing the SEE Alliance Plan) and Minute 319 (Winter Plan / Actions) – Husband is a consultant surgeon at Southend Hospital; Daughter is a consultant at Basildon Hospital; Son-in-law is a GP in Southend-on-Sea;

#### **546 Appointment of Vice-Chair**

The Chair welcomed Dr Taz Syed as the new Vice-Chair of the Board following Dr Jose Garcia Lobero's departure.

The Chair, on behalf of the Board, thanked Dr Jose Garcia for his significant contributions.

#### **547 Minutes of the Meeting held on Wednesday, 7 September 2022**

Resolved:

That the Minutes of the Meeting held on Wednesday, 7 September 2022, be confirmed as a correct record.

**548 Southend, Essex and Thurrock (SET) Dementia Strategy 2022-2026**

The Board considered a report of the Director of Commissioning presenting the final draft of the Southend, Essex, and Thurrock (SET) Dementia Strategy 2022-2026, following consultation. The Board also received a powerpoint presentation providing additional information.

The Board asked questions which were responded to by the Director of Commissioning.

Resolved:

That the SET Dementia Strategy 2022-2026, as set out in Appendix A to the submitted report, be endorsed and that it be noted that partner organisations may adopt the strategy via their own decision-making processes.

**549 Better Care Fund - Discharge Fund**

The Board considered a report of the Lead Commissioner, Older People and Southend City Council BCF Lead, presenting a general overview of the potential winter pressures and the current winter planning situation. The report also set out the proposed expenditure and suggested projects for the Social Care Discharge Fund 2022-23 that will be distributed through the Better Care Fund.

The Board noted the tight timescale for submission to the BCF for the Social Care Discharge Fund by 16<sup>th</sup> of December 2022.

The Board also asked questions which were responded to by officers and representatives from Mid and South Essex.

Resolved:

That the final Adult Social Care Discharge Fund be delegated to the Chair for approval and submission by 15<sup>th</sup> of December 2022. This is due to the submission date required by the Adult Social Care Discharge Fund, and the short time available to prepare a final plan.

**550 Proposal for the development of a joint Southend, Essex and Thurrock Drugs & Alcohol Steering Board**

The Board considered a report of the Director of Public Health presenting a proposal for the development of a joint Drugs & Alcohol Steering board across Southend, Essex and Thurrock (SET) together with the benefits, risks and key challenges establishing a joint Board.

The Board asked questions which were responded to by the Director of Public health.

Resolved:

That the proposal to establish a joint Southend, Essex and Thurrock (SET) Drugs and Alcohol Steering Board, to be adopted as we move forward with the strategy, be approved.

**551 A Better Start Southend (ABSS) Update**

The Board considered a joint report of the Director and Chair of ABSS presenting an update on the key developments since September 2022.

The Board asked questions which were responded to by the ABSS Director and Chair.

The Board congratulated the ABSS on their success winning two prestigious Children and Young People Now awards and commented on the excellent and invaluable work undertaken by ABSS.

Resolved:

1. That the content of the submitted report be noted.

2. That A Better Start Southend be congratulated and commended on their two prestigious Children and Young People Now awards, highlighting the power of partnership, community and a focus on system change early years work.

**552 Developing the SEE Alliance Plan**

The Board received and considered a joint powerpoint presentation from the Alliance Director presenting an overview of the Mid and South Essex Integrated Care Strategy concept paper and Alliance planning.

The Board asked questions which were responded to by the Alliance Director and Chief Officer, Healthwatch Southend.

Resolved:

That the Alliance Director and Chief Officer, Healthwatch Southend, be thanked for their informative and invaluable presentation and that further progress be presented to future meetings of the Board.

**553 Mental Health Urgent Care Department - Basildon Hospital Site**

The Board received and considered a powerpoint presentation presenting an overview of the development of the Mental Health Urgent Care Department at Basildon Hospital. The presentation slides would be added to the agenda following the meeting.

The Board asked questions which were responded to by representatives from Mid and South Essex.

Resolved:

That the representatives from Mid and South Essex be thanked for their informative and valuable presentation.

## **554 Winter Plan / Actions**

The Board received and considered a powerpoint presentation from the Alliance Director setting out the work taking place to manage the potential winter pressures.

The Board noted the range of programmes being delivered in partnership with a range of organisations and within primary care. The Board also asked questions which were responded to by the Alliance Director.

Resolved:

That the Alliance Director be thanked for the informative and invaluable presentation.

## **555 Drug and Alcohol Progress Update**

The Board considered a joint report of the Director of Commissioning and Director of Public Health presenting an update on progress in implementing the requirements of the National Drug Strategy, 'From Harm to Hope', with particular regard to:

- The development of Strategic Partnership arrangements and the introduction of a Southend Drug & Alcohol Executive Group
- The delivery of a local joint strategic needs assessment to inform our understanding of need and gaps in service provision
- Progress against the development of a local Drugs & Alcohol strategy
- Progress against the proposals for the use of the Year 1 (2022/23) round of the Supplemental Substance Misuse Treatment & Recovery Grant (SSMTRG)
- Progress against the proposals for the use of the latest round of funding for the Rough Sleeping Drug & Alcohol Treatment Grant (RSDATG)

The Board asked questions which were responded to by officers.

Resolved:

That the submitted report and the actions taken to date, be noted.

## **556 Health Protection Updates**

The Board considered a report of the Director of Public Health presenting an update concerning the on-going management of the COVID-19 and wider Health Protection response.

The Board asked questions which were responded to by the Director of Public Health.

Resolved:

That the on-going operations and steer of the Health Protection Board and the Oversight and Engagement Board, be noted.

**Chair:** \_\_\_\_\_



# **SOUTHEND-ON-SEA CITY COUNCIL**

## **Meeting of Development Control Committee**

**Date: Wednesday, 14th December, 2022**

**Place: Committee Room 1 - Civic Suite**

11

Present: Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), H Boyd\*, K Buck, M Dent, F Evans,  
N Folkard\*, D Garston, A Jones, C Mulroney, M Sadza, A Thompson and  
C Walker

\*Substitute in accordance with Council Procedure Rule 31.

In Attendance: C Galforg, G Gilbert, P Keyes, S Tautz, M Warren and K Waters

Start/End Time: 2.00 pm - 3.05 pm

### **561 Apologies for Absence**

Apologies for absence were received from Councillor M Berry (no substitute), Councillor S Habermel (Substitute: Councillor H Boyd), Councillor D Jarvis (Substitute: Councillor N Folkard) and Councillor I Shead (no substitute).

### **562 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillors M Dent and M Sadza - Planning Application Ref: 21/00220/FUL (613 to 619 and Garages to rear of 593 to 647 Southchurch Road, Southend-on Sea) - Both councillors have received correspondence from residents of neighbouring properties with regard to the application and the planning process.

(b) Councillors N Ward (Chair) and C Mulroney - Planning Application Ref: 22/01867/FUL (Peter Boat Car Park, High Street, Leigh-on-Sea) – Both councillors know the owner of the property subject of the planning application.

### **563 Supplementary Report**

The Committee received and noted a supplementary report by the Executive Director (Growth and Housing), that provided additional information on the items referred to elsewhere on the agenda, since the publication of the reports.

### **564 21/00220/FUL - 613 to 619 and Garages to rear of 593 to 647 Southchurch Road, Southend-on Sea (Kursaal Ward)**

**Proposal: Demolish existing garages and erect 4no. two-storey dwellings, erect single storey extension to rear of existing commercial unit at 615-617 Southchurch Road to form self-contained flat, layout hardstanding, parking and refuse stores, together with alterations to vehicular accesses at Ilfracombe Road and Lovelace Gardens**

**Applicant: Harrison-Moore**

**Agent: AWW Sherlock of AWW**

Mr M Gregory, a local resident, spoke as an objector to the application. Mr N Mulholland, the agent for the applicant, responded.

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:

0100 A Location Plan  
0110 B Existing Site Plan  
0111 E Proposed Site  
0150 B Existing Ground Floor Site Plan  
0200 E Proposed Ground Floor Site Plan  
0151 Existing First Floor Site Plan  
0201 E Proposed First Floor Site Plan  
0152 Existing Garage Plans  
0153 A Existing Commercial Ground & First Floor Plans  
0212 E Proposed Flat Plans  
0209 A End House 2 Plans  
0210 D Proposed End Terrace House Plans  
0211 C Proposed Mews Plans  
0160 Existing Site Elevations  
0300 A Proposed Site Elevations  
0307 C Proposed (New Rear Flat) Elevation  
0305 C Proposed House 1 Elevations  
0308 Proposed House 2 Elevations  
0306 C Mews House Elevations  
0400 B Axonometric Drawings  
0900 3D Views.

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

(3) The first-floor rear windows on the mews houses as shown on the approved plans including 0111E shall only be oriel windows as shown on plan 0211C.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

(4) No demolition or development of any kind shall take place at the site unless and until a scheme for the protection of the street tree on Lovelace Gardens identified as T5 on the submitted Arboricultural Assessment in accordance with British Standard BS5837 (Trees in Relation to Construction – Recommendations) has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme of protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

Reason: In the interests of visual amenity further to the National Planning Policy Framework (2021), 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).

(5) Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework 2021, 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).

(6) Other than demolition, no development above ground floor slab level shall take place until samples and specifications of the materials to be used on all the external elevations of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the buildings makes a positive contribution to the character and appearance of the area, further to the National Planning Policy Framework 2021, 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 National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

(7) No development other than demolition and site preparation works shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:

- (i) hard surfacing materials
- (ii) details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- (iii) details of measures to enhance biodiversity within the site, including bat boxes, hedgehog passes, and bird boxes
- (iv) details of any permeable paving or other sustainable drainage measures to be implemented
- (v) all and any means of enclosing the site and subdividing it, including clear demarcation of dwelling curtilages and parking areas.

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 in writing 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 and drainage is implemented pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

(8) If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further works shall be carried out until a method statement detailing a scheme for dealing with

suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The remediation of the site shall incorporate the approved remediation measures and shall be carried out in full with a validation report provided and agreed in writing before the development is occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with National Planning Policy Framework 2021, Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

(9) At least 10% of the total energy needs of the new dwellings hereby approved shall be supplied using on site renewable sources as identified in the submitted documents. Prior to occupation of the dwellings, details of the position and appearance of the renewable sources shall have been submitted to and approved in writing by the Local Planning Authority. The provision shall be implemented in accordance with the agreed details in full prior to the first occupation of the dwellings and shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015).

(10) Prior to the first occupation of the development hereby approved the access road, together with properly constructed vehicular access, car parking and turning areas identified on the plan 0111 E hereby approved shall have been provided and made available for use by the occupants of the proposed dwellings and their visitors and shall be retained as such for the lifetime of the development.

Reason: To ensure the provision of adequate vehicular access and car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

(11) Prior to first occupation of the dwellings hereby approved, no fewer than 5 active electric vehicle (EV) charging points shall have been provided at the site to serve each residential parking space. The arrangements shall be retained thereafter for the lifetime of the development.

Reason: To ensure the provision for adequate EV car parking and charging in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015),) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

(12) The development hereby approved shall not be occupied until and unless provision for secure covered cycle and refuse/recycling storage for occupiers of the development has been provided at the site in accordance with the details shown on plan 0200 E. The facilities shall be maintained thereafter for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking and waste/recycling storage in accordance with the National Planning Policy Framework 2021, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework 2021, Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

(14) Notwithstanding the provisions of Classes A, AA, B, C, D, E and F of Part 1, and Class A of Part 2, of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions, porches, roof extensions, outbuildings or external boundary treatments (gates, walls and fences) shall be erected at the dwellings hereby approved without the prior receipt of express planning permission.

Reason: To allow consideration of impacts on neighbouring occupiers, in the interests of neighbour amenities, further to the National Planning Policy Framework (2021), 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).

(15) Prior to first occupation of the dwellings hereby approved, a scheme of external lighting to the vehicular access serving the development as shown on the approved plans including 0111 E Proposed Site shall have been implemented at the site having previously been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall incorporate the recommendations provided in the submitted Nocturnal Bat Survey Report, Collington Winter, July 2022, Reference: CW20-397 RPT 001 Rev III. No additional lighting or changes to the approved scheme shall be installed or implemented without the details having previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to mitigate impacts of the development on protected species, further to the National Planning Policy Framework (2021) and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

(16) Prior to first occupation of any part of the development hereby approved, a car parking and access management plan for the alleyway, with the objective of optimising the availability of parking and the free flow of traffic, and including review procedures, shall have been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented as part of the development and retained thereafter for the lifetime of the development.

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).

(17) No development shall take place at the site, including any works of demolition, until details of a Construction Management Plan have been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be fully adhered to throughout the construction period and 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) measures to restrict the duration of noisy activities and locating them away from the periphery of the site
- (vii) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site
- (viii) maintenance of access for existing occupiers
- (ix) standard mitigation measures in relation to badgers in the wider area.

Reason: A pre-commencement condition is needed in the interests of visual amenity, the amenities of neighbouring occupiers, ecology and maintaining reasonable access to adjacent properties pursuant to Policies KP1, KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the Natural Environment and Rural Communities Act (2006).

(18) The roofs of the buildings and extension hereby approved shall not be used as balconies, roof gardens or similar amenity areas or for any other purpose unless express planning permission has previously been obtained. The roofs can however be used for the purposes of maintenance or to escape in an emergency.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework 2021, Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

(20) No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall then be submitted to and approved by the planning authority before any works start on site.

Reason: To ensure no nesting birds are harmed during vegetation clearance, further to the National Planning Policy Framework (2021) and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

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:

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 & 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 to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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 City.

### Standard mitigation measures in relation to potential local badger activity:

While it has been found that the site is unlikely to provide habitat and the development is unlikely to materially affect badgers, the following best practice recommendations in regard to roaming badgers and construction should be noted:

- Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped.
- The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped. Again,

should a badger trap itself then formal ecological advice must be sought before work commences for the day.

The granting of this permission does not negate the need for Highways Consent for the formation of a permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for such works. Applications for permanent vehicular crossings can be made at [www.southend.gov.uk](http://www.southend.gov.uk).

**565      22/01867/FUL - Peter Boat Car Park, High Street, Leigh-on-Sea (Leigh Ward)**

**Proposal: Erection of glass collection station in front car park (part retrospective)**

**Applicant: East Anglia Pubs**

**Agent: Stone Me Ltd**

Resolved:

That planning permission be REFUSED for the following reasons:

(1) The proposed development, by reason of its functional design and appearance and its position, would detrimentally impact on the openness of the area and be harmful to the character of the Leigh Old Town Conservation Area, including views of the estuary from the High Street. It would also contribute to the overall sense of clutter and level of paraphernalia at the site which also causes harm to the character of the conservation area. Whilst this collective harm identified would be less than substantial, it is nevertheless significant in degree and not outweighed by any public benefits of the proposal. This is unacceptable and contrary to the National Planning Policy Framework (2021), policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Old Town Conservation Area Appraisal (2021).

(2) The proposed development would involve the collection, cleaning and general multiple handling of glassware in an open area which would significantly and unnecessarily contribute to noise and disturbance generated on the open parts of the site, especially into later evening hours. This would add harmfully to noise and disturbance for the occupiers of nearby dwellings, particularly those facing the site at Nos 59 and 60 High Street, Leigh-on-Sea, detrimental to their living conditions. This would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

**Chair:** \_\_\_\_\_



## **SOUTHEND-ON-SEA CITY COUNCIL**

### **Meeting of Cabinet Committee**

**Date: Wednesday, 21st December, 2022**

**Place: Committee Room 1 - Civic Suite**

# 12

**Present:** Councillor S Wakefield (Chair)  
Councillors P Collins (Vice-Chair)

**In Attendance:** Councillors B Beggs, K Buck, D Cowan, K Evans, L Hyde, J Moyies, D Nelson, M Sadza, C Walker and R Woodley  
J Burr, S Harrington, N Hoskins and T Row

**Start/End Time:** 6.30 pm - 8.00 pm

#### **591 Apologies for Absence**

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

#### **592 Declarations of Interest**

The following interests were declared at the meeting:

- (i) Councillor Hyde – Agenda Item No. 3 (Thorpe 20mph Neighbourhood) – Runs a youth group in the Burges Estate;
- (ii) Councillor Moyies – Agenda Item No. 3 (Thorpe 20mph Neighbourhood) – has many friends living in the Burges Estate;
- (iii) Councillor Nelson – Agenda Item No. 3 (Thorpe 20mph Neighbourhood) – Family members live in the Burges Estate;
- (iv) Councillor Sadza – Agenda Item No. 3 (Thorpe 20mph Neighbourhood) – A friend and member of the Labour Party lives in the Burges Estate; and
- (v) Councillor Woodley – Agenda Item No. 3 (Thorpe 20mph Neighbourhood) – Lives in the Ward.

#### **593 Thorpe 20mph Neighbourhood**

Pursuant to Minute No. 664 of the meeting of Place Scrutiny Committee held on 7<sup>th</sup> February 2022, the Committee received a report of the Executive Director (Neighbourhoods and Environment) that presented the results of the public consultation in respect of 20mph scheme proposals in Thorpe Ward.

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

Resolved:-

That neither Option A or B as set out in the public consultation be taken forward for construction at this time.

Note: This is an Executive function  
Cabinet Member: Cllr Wakefield.

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

**Chair:** \_\_\_\_\_

# **SOUTHEND-ON-SEA CITY COUNCIL**

## **Meeting of Development Control Committee**

**Date: Wednesday, 4th January, 2023**  
**Place: Committee Room 1 - Civic Suite**

# 13

**Present:** Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), K Buck, A Dear, M Dent, F Evans,  
N Folkard\*, D Garston, S Habermel, A Jones, C Mulroney, M Sadza,  
A Thompson and C Walker  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillor L Hyde  
G Gilbert, K Waters, P Keyes, S Mouratidis, H Thompson, M Warren  
and T Row

**Start/End Time:** 2.00 pm - 3.15 pm

### **594 Apologies for Absence**

Apologies for absence were received from Councillors Berry (no substitute), Jarvis (substitute: Councillor Folkard), and Shead (no substitute).

### **595 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillor Dear – Application 22/01954/FULH (8a Woodberry Close, Leigh on Sea) – Had been contacted by the applicant for advice on the application and had been contacted by a number of neighbours in Woodberry Close (withdrew).

### **596 Supplementary Report**

The Committee received and noted a supplementary report by the Executive Director (Growth and Housing) that provided additional information on the items referred to elsewhere on the Agenda, since the publication of the reports.

**597 22/01116/FULM - Prince Avenue Academy and Nursery, Hornby Avenue, Westcliff on Sea (St Laurence Ward)**  
**Proposal: Construct 7v7 3G football turf pitch with 3m boundary fencing and emergency access on existing playing field to southwest of school site, erect 4no. 10m high floodlights, one sanitary cabin and one games equipment store**  
**Applicant: Mr Nigel Brunning**  
**Agent: Mr Mark Hatley of PCH Associates Ltd**

Resolved:- That planning permission be GRANTED subject to the following conditions:

01 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.

02 The development hereby permitted shall be carried out in accordance with the following approved plan: 22011-D-200-P1, 22011-D-800-P1, 9358-D-PS, 201-15\_PL-01.R3, 201-15\_PL-02.R2, 201-15\_PL-03.R4, 201-15\_PL-05.R3, 201-15\_PL-06.R2, 201-15\_SK\_100.R0, 201-15\_SK\_101.R0, 201-15\_PL-04.R4, 201-15\_PL-07.R0, 201-15\_PL-08.R0, 201-15\_PL-09.R2.

Reason: To ensure that the development is carried out in accordance with the provisions of 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 and site clearance works, until samples and or details of the materials to be used in the construction of the external elevations of the storage and WC buildings, and the fencing and hard surfaces hereby approved, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out and completed in accordance with the approved details before it is brought into use.

Reason: To safeguard the character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 Prior to first use of the artificial pitch hereby approved, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The Community Use Agreement submitted shall include, but not be limited to, details of the following:

- (i) Hours of opening for the different sporting and community facilities provided at the site and measures to be used to mitigate noise and disturbance from the use of the site;
- (ii) Pricing policy on charging for use of the facilities provided at the site;
- (iii) Policy on access and availability to the site's facilities for members and non-members of the facility;
- (iv) Management arrangements for the site and facilities provided, including a mechanism for review of the Community Use Agreement;
- (v) Parking arrangements for users of the site, including cycle parking;
- (vi) Code of conduct for users of the site.

The development shall be used in full accordance with the approved Community Use Agreement in perpetuity from the first use of the pitch.

Reason: To secure well managed access to the sports and community facilities provided by the scheme and to ensure sufficient benefit to the development of sport in accordance with the National Planning Policy Framework (2021) and Policies CP6 and CP7 of the Core Strategy (2007).

05 No development shall take place unless and until details of the implementation, adoption, maintenance and management of the drainage system to be used at the

site have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- (i) full details of the sustainable urban drainage systems to be used and how these have been selected.
- (ii) Full drainage calculations showing that the following parameters have been used:
  - (a) A Cv value of 1.00 for all designs
  - (b) The maximum rainfall intensity value set to the maximum the software allows (generally 550 mm/hr, default is 50 mm/hr)
  - (c) The MADD/Addition Storage factor is provided and set to 0 (default is 20 m<sup>3</sup>/ha)
  - (d) Storage volume calculations provided
  - (e) Half drain times for storage features have been provided and are less than 24 hours
- (iii) An updated drainage plan which details exceedance and conveyance flow routes, including provision for failure of a pump, should it be required
- (iv) An agreement in principle from Anglian Water to make a new drainage connection, including confirmation of the maximum flow rate this connection will discharge at
- (v) How flood risk will be minimised during the construction phase
- (vi) A SuDS Management Plan, detailing the body that will be responsible for the maintenance of the drainage system throughout the lifetime of the development including a management statement and schedule to outline the required maintenance for the SuDS features, such as attenuation tank(s).

The details and measures so approved shall be implemented at the site and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for implementation and a management and maintenance plan for the lifetime of the development.

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Core Strategy (2007).

06 No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. 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 noise and the emission of dust and dirt during construction;
- (vii.) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (viii.) hours of work ;

(ix.) details in relation to how the surrounding grass pitches will remain in use during construction of the development hereby approved.

Reason: To protect residential amenity and general environmental quality in accordance with the general principles of the National Planning Policy Framework (2021); Core Strategy (2007) Policies KP2, CP4; and Development Management Document (2015) Policies DM1 and DM3.

07 Prior to the first use of the development hereby approved, details of all external illumination and floodlighting of the development including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and the CIBSE 'Lighting Guide 4: Sports Lighting'. All illumination within the development shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the development without planning permission having previously been obtained from the Local Planning Authority.

Reason: To protect residential amenity and general environmental quality in accordance with the general principles of the National Planning Policy Framework (2021); Core Strategy (2007) policies KP2, CP4; and Development Management Document (2015) Policies DM1 and DM3.

08 The Artificial Grass Pitch hereby approved shall not be used outside the hours of 9am to 8pm Monday to Friday, and 9am to 6pm Saturday, Sunday and Bank and Public Holidays.

Reason To protect residential amenity and general environmental quality in accordance with the general principles of the National Planning Policy Framework (2021); Core Strategy (2007) Policies KP2, CP4; and Development Management Document (2015) Policies DM1 and DM3.

09 The hours of use for the floodlighting to the development hereby approved shall be limited to 9am to 8pm Monday to Friday, and 9am to 6pm Saturday, Sunday and Bank and Public Holidays, and the floodlighting shall not operate outside these hours.

Reason: In the interests of visual amenity and to ensure the floodlighting does not cause demonstrable harm by way of light pollution to the character of the area, nearby residents' amenity and/or adversely affect aircraft movement in accordance National Planning Policy Framework (2021), Core Strategy (2007) policies KP2, CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

10 The off street vehicle and cycle parking shown on approved plan no. 201-15\_PL-03.R3 shall be made permanently available for users of and visitors to the development hereby permitted at all times the development is in use.

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

11 No construction works shall take place for the development hereby approved, unless and until the tree protection measures included in the Arboricultural Survey and Implications Assessment (ref. 6348,AR,ARB,TC,RF,KL,12-04-22,V2) and any avoidance measures contained within the Preliminary Ecological Appraisal (ref. 6316,EC, /PEA/RH,JB,AC/23-03-22/V1) have been implemented and/or adhered to. The tree protection measures and avoidance measures shall be retained/adhered to throughout the construction period.

Reason: To safeguard the character and appearance of the surrounding area and safeguard the local biodiversity in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

12 Within the first available planting season following the first use of the development hereby approved, the landscaping scheme contained in approved plan 9358-D-PS and the biodiversity enhancement measures included in the Preliminary Ecological Appraisal (ref. 6316,EC, /PEA/RH,JB,AC/23-03-22/V1), or any alternative landscaping scheme or biodiversity enhancement measures submitted to and approved in writing by the Local Planning Authority under the provisions of this condition, shall be fully implemented at 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 under the terms of this condition.

Reason: To safeguard the character and appearance of the surrounding area and safeguard the local biodiversity in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

13 Use of the artificial grass pitch hereby approved shall not commence until:  
(a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and  
(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches;  
have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with the National Planning Policy Framework (2021) and Policy CP7 of the Core Strategy (2007).

14 Prior to the first use of the development hereby approved, a noise impact assessment shall be conducted and shall be submitted to and approved in writing by the Local Planning Authority, under the terms of this condition, to demonstrate how noise will be mitigated to protect occupiers of nearby residential properties.

This shall be prepared by a competent person and shall include mitigation of noise impacts from:

- (i) Voices from users of and visitors to the development
- (ii) Whistles used by referees
- (iii) Rebound of balls against hard surfaces
- (iv) Crowd noise

Any mitigation measures identified in the noise impact assessment shall be implemented on site prior to the first use of the development hereby approved and shall be maintained as approved for the lifetime of the development. There shall be no amplified speech or music used in the approved development at any time.

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

15 All development works on the site shall be undertaken in accordance with the submitted Stage 2 Detailed UXO Risk Assessment (Ref PCHA04R dated 25th February 2022).

Reason: To ensure that risks from unexploded ordnance to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

16 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 immediately to the Local Planning Authority under the terms of this condition. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority under the terms of this condition. The approved remediation scheme shall then be implemented at the site.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority under the terms of this condition.

Investigation, remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with National Planning Policy Framework, Policies KP2



and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

17 The development hereby approved shall not be used unless and until a noise management plan has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The noise management plan shall relate to the operation of the approved pitch which shall be managed from its first use and thereafter for the lifetime of the development solely in accordance with the approved noise management plan.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

#### Positive and Proactive Statement:

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

#### Informatives:

1. 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.
2. The applicant is advised that the approved pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.
3. The applicant is advised that the design and layout of the pitch hereby approved should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to the Football Association's Guide to 3G Football Turf Pitches Design Principles and Layouts.
4. The applicant is advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.
5. 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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.

6. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that the Council will 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 city.

- 598      22/01877/FUL - 11 Imperial Avenue, Westcliff-on-Sea (Chalkwell Ward)**  
**Proposal: Erect roof extensions and alter roof to existing building comprising of gable ends to front, rear and side, flat roof dormers to front and rear to form two additional self-contained flats at second floor level, balconies to front and rear elevations, bike store to rear, layout additional parking spaces to front and alterations to elevations**  
**Applicant: Castelnau**  
**Agent: Mr Ian Coward of Collins & Coward**

Mr Currie, a local resident, spoke as an objector to the application. Mr Coward, the applicant's agent, responded.

Resolved:- That planning permission be GRANTED subject to the following conditions:

01 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.

02 The development hereby approved shall be carried out in accordance with the approved plans: 200 Rev02; 201 Rev01; 202 Rev03

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

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

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 (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

04 The development hereby approved shall not be occupied until and unless a hard landscaping scheme has first been carried out and implemented solely in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The hard landscaping scheme shall include details of permeable materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall be implemented, completed and maintained thereafter in full accordance with the approved details.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

06 Notwithstanding the information submitted with this application, prior to the first occupation of the development hereby approved, full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority identifying the provision of secure and enclosed refuse and recycling storage for the approved development at the site. The approved refuse and recycling storage shall be provided in full and made available for use by the occupants of the approved dwellings prior to the first occupation of the dwellings hereby approved and shall be retained as such for the lifetime of the development.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

07 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy 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, dirt, mud being carried onto the road and noise 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: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

08 Construction and demolition works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

09 Prior to the first occupation of the residential units hereby approved, no less than eight covered and secure cycle parking spaces shall be provided for the future occupiers of the new flats and made available for use on site in accordance with details which have been submitted to and approved by the Local Planning Authority. The cycle parking spaces shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

10 Prior to the first occupation of the residential units hereby approved, no less than five car parking spaces shall be provided and made available for use on site by occupiers/users/visitors of four of the existing flats (one space each), and one of the new 2 bed/3 person flats hereby approved shown on drawing no. 202 Rev03 (one space). All parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the development hereby approved. The car parking spaces shall be retained for the benefit of the future users and occupiers and visitors to the approved development and the four existing flats for the lifetime of the development.

Reason: To ensure the provision of adequate vehicle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15 and the Electric Vehicle Charging Infrastructure for new development SPD (2021)

11 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme,

including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved thereafter.

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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

12 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied

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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

13 The rear dormer side windows (serving the bathroom, second bedroom and kitchen within flat 8) hereby approved, must be permanently obscure-glazed (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and non-opening, unless the parts of the window which can be opened are more than 1.7metres above the finished floor level of the room in which the windows are installed and shall be retained as such in perpetuity.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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. Please note that the development which is 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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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 city.

**599      22/01954/FULH - 8A Woodberry Close, Leigh-on-Sea (Belfairs Ward)**  
**Proposal: Erect two storey side and rear extensions incorporating integral garage to side, dormers to front and rear with balcony to rear and alter elevations (Amended Proposal)**  
**Applicant: Mr B. Carter**  
**Agent: Mr Paul Gardner of DSB Property Designs Ltd**

Resolved:- That planning permission be GRANTED subject to the following conditions:

01 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.

02 The development hereby permitted shall be carried out solely in accordance with the following approved plans: 2022/01/8aWC Sheet 01 of 07 Revision A, Sheet 02 of 07 Revision A, Sheet 03 of 07 Revision A, Sheet 04 of 07 Revision A, Sheet 05 of 07 Revision A, Sheet 06 of 07 Revision A, Sheet 07 of 07 Revision A.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the

Development Management Document (2015) and advice in the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

**Positive and Proactive Statement:**

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

**Informatives:**

1. 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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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 City.

**Chair:** \_\_\_\_\_





# **SOUTHEND-ON-SEA CITY COUNCIL**

## **Meeting of Audit Committee**

**Date: Wednesday, 11th January, 2023**

**Place: Committee Room 1 - Civic Suite**

# 14

**Present:** Councillor M Dent (Chair)  
Councillors I Shead (Vice-Chair), H Boyd, K Buck, T Cox,  
M Davidson, A Line, R McMullan, K Murphy and K Pandya

**In Attendance:** A Barnes, R Harris, S Dutton and C Fozzard

**Start/End Time:** 6.30 pm - 7.20 pm

### **600 Apologies for Absence**

There were no apologies for absence at this meeting.

### **601 Declarations of Interest**

There were no declarations of interest at this meeting.

### **602 Minutes of the Meeting held on Wednesday, 23 November 2022**

Resolved:

That the Minutes of the Meeting held on Wednesday, 23 November 2022, be confirmed as a correct record and signed.

### **603 External Audit 2020/21 status - verbal update**

The Committee received a verbal update on the status of the 2020/21 external audit.

The Committee noted that the 2020/21 external audit was substantially complete, subject to a number of remaining elements, and it was anticipated that the audit will be completed before the end of this financial year (2022/23).

Resolved:

That the update on the status of the external audit 2020/21, be noted.

### **604 Treasury Management Policy for 2023/24**

The Committee considered a report of the Executive Director (Finance and Resources) outlining the treasury management policy for 2023/24 comprising the following documents:

- Treasury Management Policy Statement for 2023/24;
- Treasury Management Strategy for 2023/24; and
- Annual Treasury Management Investment strategy for 2023/24.

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

Resolved:

That the Treasury Management Policy for 2023/24, be endorsed.

**605 Homes England compliance report for 2022/23**

The Committee considered a report of the Executive Director (Finance and Resources) presenting the findings from the Homes England Compliance Audit work for 2022/23.

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

Resolved:

That the findings from the Homes England Compliance Audit work for 2022/23, be noted.

**606 Internal Audit Service Quarterly Performance Report**

The Committee considered a report of the Executive Director (Finance and Resources) providing an update on the progress made in delivering the Internal Audit Strategy for 2022/23.

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

Resolved:

That the progress made in delivering the 2022/23 Internal Audit Strategy, be noted.

**607 Counter Fraud & Investigation Team Quarterly Performance Report**

The Committee considered a report of the Executive Director (Finance and Resources) on the progress made in delivering the Counter Fraud Strategy and Work Programme for 2022/23.

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

Resolved:

That the performance of the Counter Fraud and Investigation Team since November 2022, be noted.

**Chair:** \_\_\_\_\_

# **SOUTHEND-ON-SEA CITY COUNCIL**

## **Meeting of Cabinet**

**Date: Thursday, 12th January, 2023**  
**Place: Committee Room 1 - Civic Suite**

# 15

**Present:** Councillor S George (Chair)  
Councillors C Mulroney (Vice-Chair), L Burton, P Collins, I Gilbert,  
K Mitchell, M Terry and S Wakefield

**In Attendance:** Councillors K Evans, M Sadza and R Woodley  
R Polkinghorne, J Chesterton, M Marks, J Burr, S Meah-Sims, A  
Richards, M Sheppard, G Halksworth, K Waters, E Georgeou, N  
Laver, S Harrington and R Harris.

**Start/End Time:** 6.30 pm - 8.12 pm

### **608 Apologies for Absence**

There were no apologies for absence at this meeting.

### **609 Declarations of Interest**

- (a) Cllr Mulroney – Minute 612 (Council Tax Base) – Member of Leigh Town Council;
- (b) Cllr K Evans – Minute 612 (Council Tax Base) – Chair of Leigh Town Council.

### **610 Minutes of the Meeting held on Tuesday, 8 November 2022**

Resolved:

That the Minutes of the Meeting held on Tuesday, 8 November 2022 be confirmed as a correct record and signed.

### **611 Resourcing Better Outcomes - Financial Performance Report for November 2022 (Period 8)**

The Cabinet considered a report of the Executive Director (Finance and Resources) reviewing the Council's financial performance.

Recommended:

That, in respect of the 2022/23 Revenue Budget Performance, as set out in Appendix 1 to the submitted report:

1. That the forecast outturn for 2022/23 for the General Fund and the Housing Revenue Account as at 30 November 2022, be noted.
2. That the management action taken and to be continued to reduce the forecast overspend of the Council's revenue budget for 2022/23, be noted.
3. That the potential requirement to use earmarked reserves to balance the 2022/23 budget, as set out in Appendix 1 to the submitted report, be noted.

4. That the planned budget transfer (virement) of £456,000 from earmarked reserves, be approved.

That, in respect of the 2022/23 Capital Budget Performance set out in Appendix 2 of the submitted report:

5. That the expenditure to date and the forecast outturn as at 30 November 2022 and its financing, be noted.

6. That the requested changes to the capital investment programme for 2022/23 and future years, set out in Appendix 2 to the report, be approved.

7. That the Southend-on-Sea City Council (SCC) Corporate Plan Performance Report as at 30 November 2022, set out in Appendix 3 to the report, be noted.

Reasons for recommendations:

1. The regular reporting of Revenue and Capital Budget Monitoring information provides detailed financial information to Councillors, senior officers and other interested parties on the financial performance of the Council. It sets out the key variances being reported by budget holders and the associated management action being implemented to address any identified issues. It also informs decision making to ensure that the Council's priorities are delivered within the approved budget provision.

2. It is important that any adverse variances are addressed in order for the Council to remain within the approved budget provision or where this cannot be achieved by individual service management action, alternative proposals are developed and solutions proposed which will address the financial impact. Councillors will have a key role in approving any actions if the alternative proposals represent significant changes to the service delivery arrangements originally approved by them.

3. The challenge of delivering a balanced financial outturn for 2022/23 is significant. Some positive improvement has been achieved from Period 4 to 6, but further urgent action is needed to try to reduce all non-essential expenditure and/or generate extra income. This priority must be achieved whilst ensuring that our most vulnerable residents are looked after appropriately, and our statutory responsibilities are effectively discharged.

Other options:

The Council could choose to monitor its budgetary performance against an alternative timeframe, but it is considered that the current reporting schedule provides the appropriate balance to allow strategic oversight of the budget by Councillors and to also formally manage the Council's exposure to financial risk. More frequent monitoring is undertaken by officers and considered by individual service Directors and the Council's Corporate Management Team (CMT) including the implementation of any necessary remedial actions.

Note: This is a Council Function

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

Cabinet Members: Cllr George and Cllr Collins

## 612 Council Tax Base and Non Domestic Rating Base 2023/24

The Cabinet considered a report of the Executive Director (Finance and Resources) concerning the calculation of the Council Tax Base for 2023/24 and the submission of the National Non-Domestic Rates (NNDR1) form to the Ministry of Housing, Communities and Local Government (MHCLG) by 31st January 2023.

Members of the Cabinet received a copy of Appendix C (NNDR Form).

Resolved:

### In respect of the Council Tax Base:

1. That the amount calculated by Southend-on-Sea City Council as its Council Tax Base for the financial year 2023/24 shall be set at 59,746.14, as set out in Appendix A to the submitted report.
2. That the amount calculated by Southend-on-Sea City Council as the Council Tax Base in respect of Leigh-on-Sea Town Council for the financial year 2023/24 shall be set at 9,135.15, as set out in Appendix B to the submitted report.

### In respect of a change in the qualifying period of Council Tax discount entitlement for vacant properties:

3. That from 1 April 2023, Southend-on-Sea City Council reduces the 100% discount available for properties that are unoccupied and unfurnished from one calendar month to 14 days.

### In respect that if new legislation receives royal ascent which makes changes to Council Tax for long term empty properties and introduces new second home premiums that:

4. That from 1 April 2024, Southend-on-Sea City Council applies a premium of up to a 100% charge on properties that have been classified as vacant for more than 1 year.
5. that from 1 April 2024, Southend-on-Sea City Council applies a 100% premium charge to properties that are classified as second homes (a furnished property that is not the main residence of any individual).

### In respect of the National Non-Domestic Rates Base (NNDR1 Form):

6. That the NNDR1 form for 2023/24, set out at Appendix C to the report, be submitted to DLUHC by 31 January 2023.

Reason for decision:

The setting of the Council Tax Base and National Domestic Rating Base enables the calculation of the core funding derived through local taxation that is used to finance the Council's proposed budget for 2023/24.

## Other Options

None

Note: This is an Executive Function

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

Cabinet Member: Cllr George

### **613 Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28**

The Cabinet considered a report of the Executive Director (Finance and Resources) presenting the draft General Fund Revenue Budget and capital investment priorities for 2023/24.

Resolved:

1. That it be noted that a detailed Medium Term Financial Strategy for 2023/24 – 2027/28 will be available for consideration in February 2023 and that the draft Medium Term Financial Forecast and estimated Earmarked Reserves Balances up to 2027/28 (Annexes 1 and 2 to Appendix 1 to the submitted report), be endorsed.
2. That the draft Section 151 Officer's statement on the robustness of the proposed budget, the adequacy of the Council's reserves and the Council's Reserves Strategy (Appendix 2 to the report), be noted.
3. That the appropriation of the sums to earmarked reserves totalling £0.706M (Appendix 3 to the report), be endorsed.
4. That the appropriation of the sums from earmarked reserves totalling £1.953M (Appendix 3 to the report), be endorsed.
5. That the use of £1M from the General Fund balances to support the core 2023/24 revenue budget which will be replenished over the life of the Medium Term Financial Plan (Annex 1 to Appendix 1 to the report), be endorsed.
6. That a General Fund Budget Requirement for 2023/24 of £143.875M and Council Tax Requirement of £97.499M (Appendix 4 to the report) and any required commencement of consultation, statutory or otherwise, be endorsed.
7. That it be noted that the 2023/24 revenue budget has been prepared on the basis of using £2M from accumulated Collection Fund surpluses to support the core budget and to allow for a smoothing of the budget gap.
8. That a Council Tax increase of 4.99% for the Southend-on-Sea element of the Council Tax for 2023/24, being 2.99% for general use and 2.00% for Adult Social Care, be endorsed.
9. That it be noted that the position of the Council's preceptors is to be determined:
  - Essex Police – no indication of Council Tax position
  - Essex Fire & Rescue Services – no indication of Council Tax position
  - Leigh-on-Sea Town Council – proposed Band D precept decrease of 0.71%

10. That no Special Expenses be charged other than Leigh-on-Sea Town Council precept for 2023/24, be endorsed.
11. That the proposed General Fund revenue budget investment of £23.448M (Appendix 5 to the report), be endorsed.
12. That the proposed General Fund revenue budget savings and income generation initiatives for 2023/24 of £9.140M (Appendix 6a to the report), be approved.
13. That the proposed General Fund revenue cost avoidance and overspend reduction initiatives for 2023/24 of £1.628M (Appendix 6b to the report), be endorsed.
14. That the approach proposed for the development and implementation of a new transformation blueprint for the Council (Section 12) and to confirm the use of £1.5m from existing earmarked reserves over the next three years to support this programme of activity, be endorsed.
15. That the implementation of the new Adult Social Care Charging Policy from 1 April 2023 (Appendix 7 to the report), be endorsed.
16. That the proposed range of fees and charges for 2023/24 (Appendix 8 to the report), be endorsed.
17. That the Dedicated Schools Grant budget and its relevant distribution as recommended by the Education Board (Appendix 9 to the report), be endorsed.
18. That the Capital Investment Strategy for 2023/24 to 2027/28 (Appendix 10 to the report) and the Capital Investment Policy (Annex 1 to Appendix 10 to the report), be endorsed.
19. That the following be endorsed:
  - (i) new schemes and additions to the Capital Investment Programme for the period 2023/24 to 2027/28 totalling £16.1M (£3.6M for the General Fund and £12.5M for the Housing Revenue Account) (Appendix 11 to the report)
  - (ii) new schemes subject to viable business cases totalling £5.6M for the General Fund (Appendix 11 to the report).
20. That the proposed changes to the current Capital Investment Programme that were considered for approval as part of the Resourcing Better Outcomes – Financial Performance Report – Period 8 earlier on this agenda (Appendix 12 to the report), be noted.
21. That the proposed Capital Investment Programme for 2023/24 to 2027/28 of £116.0M to be delivered by the Council and £53.1M to be delivered by Subsidiary Companies, Partners and Joint Ventures (Appendix 13 to the report) of which £57.8M is supported by external funding, be endorsed.

22. That the Minimum Revenue Provision (MRP) Policy for 2023/24 (Appendix 14 to the report) and the prudential indicators (Appendix 15 to the report), be endorsed.

23. That the operational boundary and authorised limits for borrowing for 2023/24 which are set at £390M and £400M respectively (Appendix 15 to the report), be endorsed.

#### Reasons for Recommendations:

The recommendations in this report are to comply with statutory requirements and relevant Local Authority codes of practice and to ensure the budgets align to and enable the delivery of the Councils ambition and desired outcomes or to enhance the Councils infrastructure.

#### Other Options

The Local Government Act requires billing authorities to complete and approve their budgets and set a council tax before 11 March immediately prior to the start of the financial year on 1 April.

Note: This is an Executive Function save that approval of the final budget following Cabinet on 14<sup>th</sup> February 2023 is a Council Function

#### **Referred direct to Policy and Resources Scrutiny Committee**

Cabinet Members: Cllr George/Cllr Collins

### **614 Draft Housing Revenue Account Budget 2023/24 and Rent Setting**

The Cabinet considered a joint report of the Executive Director (Finance and Resources) and the Executive Director (Growth and Housing) setting out the Housing Revenue (HRA) budget and rent setting for 2023/24.

#### Resolved:

1. That an average rent increase of 7% on all tenancies, be endorsed.
2. That an average rent increase of 7% on shared ownership properties, be endorsed.
3. That an increase of 10.1% for garage rents to £13.98 per week for tenants and £16.77 for non-tenants (being £13.98 plus VAT), a rise consistent with the standard approach taken across the Council's fees and charges (all variants on a standard garage will receive a proportionate increase), be endorsed.
4. That the South Essex Homes core management fee at £7,192,000 for 2023/24, be endorsed.
5. That the South Essex Homes proposals for average increases of 44.29% in service charges to reflect the estimated costs incurred for 2023/24, be endorsed.
6. That the South Essex Homes proposals for an average 104% increase in heating charges for sheltered housing tenants and for hostel tenants to reflect the estimated costs incurred for 2023/24, be endorsed.



7. That the following appropriations be endorsed:

- £60,000 to the Repairs Contract Pensions Reserve.
- £4,047,000 to the Capital Investment Reserve.
- £6,549,000 from the Capital Investment Reserve.

8. That, subject to resolutions 1 to 7 above, the HRA budget for 2023/24, as set out in Appendix 1 to the submitted report, be endorsed.

9. That the value of the Council's capital allowance from 2023/24 be declared as £49,512,000, as determined in accordance with regulation 16 of the Local Authorities (Capital Finance and Accounting) (England) Regulations.

Reasons for decision:

Part of the process of maintaining a balanced budget for the HRA is to undertake an annual rent review and assessment of other service and facilities charges. Full Council will need to approve the HRA budget and any changes to rent and other services prior to the start of the financial year.

Other options:

There are other options available to Councillors in relation to the proposed rent and other services and facilities increases.

Note: This is an Executive Function save that approval of the final budget following Cabinet on 14<sup>th</sup> February 2023 is a Council Function.

**Referred direct to Policy and Resources Scrutiny Committee**

Cabinet Member: Cllr Gilbert

**615      Parking Strategy (referred back from Place Scrutiny Committee held Monday, 28th November 2022)**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the Southend Parking Strategy 2022-2032 and Southend Parking Implementation Plan 2022-2032 and action plan which had been referred back to the Cabinet by the Place Scrutiny Committee held on 29<sup>th</sup> November 2022.

Resolved:

1. That the recommendation to agree a programme of works where there was support for them to be considered and items that are continually raised as complaints / concerns, as set out in the submitted report, be noted.

2. That the Southend Vision for Parking, and Southend Parking Implementation Plan 2023-2033 and, Southend Parking Implementation Action Plan 2022-2032, as set out in Appendix 3 to the report, be approved.

3. That the outcomes of the scoping / comprehensive reviews be presented back to Traffic Regulations Working Party for agreement on the way forward.

4. That officers work with the Cabinet Member for Highways, Transport and Parking and Ward Councillors on any of the items to be progressed if they are ward specific.

Reasons for decision:

To adopt the finalised versions of the Southend Vision for Parking, Southend Parking Strategy 2022-2032, Southend Parking Implementation Plan 2022-2032 and Southend Parking Implementation Plan 2022-2032 and Action Plan following comments from the Transport, Asset Management and Inward Investment Working Party and the results of the public consultation.

Other options:

None.

Note: This is an Executive Function

**Not eligible for call-in as the matter has previously been the subject of Scrutiny.**

Cabinet Member: Cllr Wakefield

## **616 Use of Section 106 Contributions**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) setting out the legality and wider implications of the motion of the Opposition Councillors ("Opposition Business"), referred to Cabinet by the Council on held on 15<sup>th</sup> December 2022.

Resolved:

1. That it be acknowledged that the Council cannot become involved in relation to decisions relating to individual planning applications presented to Development Control through conflict of roles and that the Development Control Committee is a quasi-judicial function, not a political function.

2. That the provision of public art through the long established, policy and legal framework, of, where appropriate, seeking contributions to funding public art through Section 106 Agreements, continues to be supported and that where a planning application is required in relation to public art this is progressed through the Development Control process in accordance with the procedures set out in the Council's Constitution.

3. That a review of the policy framework for securing contributions to public art be considered as part of preparing the new Local Plan, when all Councillors, residents and other stakeholders can have input into any changes.

Reason for decision:

The recommendations ensure that planning applications continue to be determined in accordance with the requirements of national legislation and policy and the Council's own Constitution and adopted policy framework. It also makes certain that contributions to public art which have already been received are not returned to the developer, that new contributions continue to be sought

for public art in accordance with our adopted policy framework and that any change to that framework goes through the appropriate route, allowing all relevant stakeholders to input into the process.

#### Other Options

The Council could decide to no longer seek planning obligations requiring contributions to public art from developers. However, it does, through policy KP3 in the Core Strategy, have a development plan policy basis to do so in certain circumstances. This is why such sums have been collected previously.

Note: This is an Executive Function

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

Cabinet Member: Cllr Mulroney

#### **617      Parking Strategy Adoption of Powers to Enforce Moving Traffic Offences by CCTV in Southend**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) setting out the background, benefits and issues associated with Moving Traffic Enforcement (MTE) and the new powers available to the Council as part of the Traffic Management Act 2004 allowing local authorities outside of London to enforce moving traffic contraventions.

Resolved:

1. That the submission of an application to the DfT to apply for a Designation Order for Southend City Council to enforce moving traffic offences, when the requirements noted by DfT have been met, be approved.

2. That the Council commission the resource required to undertake and ensure compliance with the tasks required prior to making an application for a Designation Order. These include but are not limited to:

- Surveys of existing road layout including road signs
- One-ways
- HGV / weight restrictions
- Parking pressures
- No right- or left-hand turns
- Schools suitable for School Streets to determine the top priority locations for Southend.

3. That authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with the Cabinet Member for Highways, Transport and Parking, to submit the application at the appropriate time for a Designation Order to the DfT.

4. That authority be delegated to the Executive Director (Neighbourhoods and Environment) in consultation with the Cabinet Member for Highways, Transport and Parking to implement City-wide moving traffic enforcement powers under Part 6 of the Traffic Management Act 2004 at the appropriate time.

5. That authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with with the Cabinet Member for Highways, Transport and Parking, the management of operational policy regarding camera locations and or any future camera enforcement locations.

6. That the setting of the penalty charge of moving traffic enforcement (when introduced) to be at the higher charge as outlined by DfT, be approved.

7. That it be acknowledged and noted that the required procurement process will be undertaken (where required) to ensure an appropriate provider is selected to undertake the scoping tasks associated for this project.

Reasons for decision:

To enable the Local Authority to apply for and adopt moving traffic enforcement powers for the City.

Other options:

None

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Wakefield

## **618 Enhanced Partnership with Bus Operators**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the Enhanced Partnership Plan (EPP) in line with the requirements of the Department for Transport (DfT) National Bus Strategy for England, 'Bus Back Better.'

Resolved:

That the Enhanced Partnership Plan (EPP), to start on 1 April 2023, as set out in Appendix 1 to the submitted report, be approved.

Reason for decision:

To adopt the Enhanced Partnership Plan as required by Government. Having an EPP in place will be a necessary pre-requisite to accessing future discretionary funding released through the National Bus Strategy. This funding could range from transitioning to zero emissions vehicles, to supporting additional services.

Other options:

This Authority could choose not to have an EPP, however this will affect future funding from DfT on any minor and major transport highway schemes, that Southend bids for. This will also affect any funding that DfT allocate to bus operators in the City and any reduction in funding to the operators will affect bus services in Southend.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Wakefield

## **619 Climate Change Programme**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting an update to Cabinet on the activities in the Council's Climate Change Programme.

Resolved:

That the update of the Council's climate positive activities as related to the five focus areas of the Green City Action Plan, be noted.

Reason for decision:

To update on the progress of the Climate Change programme.

Other Options:

None

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulroney

## **620 Heat Stress Strategy**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the first draft of the Urban Heat Strategy, part of the Council's suite of strategy documents that provide guidance on climate adaptation and resilience for development across the city.

Resolved:

1. That the the guidance and recommendations in the strategy, be noted.
2. That public consultation on the draft Urban Heat Strategy be undertaken, as the next step towards formal adoption by the Council, as a corporate strategy.
3. That authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with the Cabinet Member for Environment, Culture and Tourism, to adopt the Heat Stress Strategy post consultation.

Reasons for decision:

To go out to public consultation on the Urban Heat Stress Strategy as an important document for the authority, setting a strategic position for climate adaptation.

Other Options

The Urban Heat Strategy does not undergo a public consultation and the document is used as unadopted guidance.

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulroney

## 621 Grassland Management Policy

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting the Grassland Management Strategy which provides a framework for Southend-on-Sea City Council to improve the overall status and reduce losses in the diversity of pollinator species within the City.

Resolved:

1. That the Grassland Management Strategy, as set out at Appendix A to the submitted report, be approved.
2. That areas for grassland management be identified by officers in advance and engagement be undertaken with Ward Councillors, and residents' associations, with wider publicity, on these areas.
3. That greater City-wide publicity to change 'minds and hearts' and encourage a culture change be undertaken.
4. That onsite notices advising of the changes and benefits, be provided.
5. That officers continue to engage with Councillors and communities in areas proposed for grassland management regime changes.

Reasons for decision:

To allow the delivery of the Strategy and its wider action plans, with the outcome that we have a more sustainable environment in Southend-on-Sea and *"To see pollinators thrive, so they can carry out their essential service to people of pollinating flowers and crops while providing other benefits for our native plants, the wider environment, food production and all of us."*

Other options

Do nothing and retain the current management and maintenance standards – the impact would be that mowing regimes would not be conducive to enhancing local biodiversity.

Note: This is an Executive Function

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

Cabinet Member: Cllr Mulroney

## 622 Proposed Community Infrastructure Levy (CIL)

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) seeking agreement to spend up to £1 million from the Community Infrastructure Levy (CIL) Main Fund on enhancing Children's Play equipment in public parks within the City.

Recommended:

1. That the 'Parks Improvement Programme - Community Infrastructure Levy (CIL) Main Fund Application', as set out in Appendix 1 to the submitted report, be noted.
2. That up to £1 million from the CIL Main Fund to be spent on enhancing children's play provision in public parks within Southend City subject to sign-off of the process as set out in Resolution 3 below, be approved.
3. That authority be delegated to the Director for Planning, in consultation with the Cabinet Member for Environment, Culture and Tourism, to sign-off that the process has complied with the objectives of the CIL Governance Framework (Appendix 3 to the report) when spending the sum agreed under Resolution 2 above.

Reasons for recommendation:

1. The proposed works set out in the Parks Improvement Programme fall within the definition of infrastructure that can be CIL funded in accordance with the CIL Regulations 2010 (as amended) and the provision of children's play equipment was evidenced as an infrastructure priority within the Southend IDP.
2. At a time when the financial position is particularly challenging and funding may not be available from other sources, CIL funding that has previously been secured from new development in the City, can make a significant difference to the well-being of our residents by delivering the infrastructure needed to support development in the area.
3. If the use of CIL funding is agreed, it is the intention to commence works by May 2023. They will deliver substantial improvements to our children's play facilities across the City over a relatively short implementation period.

Other Options

Not to spend up to £1 million from the CIL Main Fund on improving and enhancing children's play provision. Whilst other funding sources may become available at some point, there is no guarantee as to if this would occur, when it would take place and the sums provided.

Note: This is a Council Function  
Eligible for call-in to: Place Scrutiny Committee  
Cabinet Member: Cllr Mulroney

**623 Car Cruise PSPO**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) highlighting that the existing car cruise injunction expires on 12<sup>th</sup> April 2023 and seeks consideration whether the Council should apply to extend this injunction or commence statutory consultation on changing this injunction to a Public Spaces Protection Order (PSPO).

Resolved:

1. That consultation be undertaken into the possibility of the Council implementing a Public Spaces Protection Order under Sections 60 & 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 in respect of the area and activities detailed in Appendix 2 to the submitted report.
2. That the proposed consultation process commences as soon as practically possible.
3. That authority be delegated to the Executive Director (Neighbourhoods and Environment) and Director of Public Protection to:
  - a) Finalise the draft PSPO to form part of the Consultation.
  - b) Agree the final form of the Consultation.
  - c) Explore and report back to Cabinet following the consultation additional resource requirements to effectively enforce the PSPO.

Reasons for decision:

1. The existing car cruise injunction is against “persons unknown”, and therefore there could be no realistic way of ensuring every participant in a cruise was aware about the injunction prior to attending the City.
2. The process for recording a breach against a person’s unknown under the current car cruise injunction is time consuming and does not enable a prompt deterrent response when breaches occur. The process of serving an FPN against a breach of a PSPO is dealt with far quicker and is more expedient to serve.

Other options:

1. To apply to the High Court to extend the existing car cruise injunction for a further period.
2. Not to renew the existing car cruise injunction or engage in the consultation process for a PSPO. This would result in the car cruise injunction expiring at midnight on 11th April 2023, and this enforcement power would no longer be available to Essex Police and the Council’s authorised officers for tackling ASB in the restricted area.

Note: This is an Executive Function

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

Cabinet Member: Cllr Terry

## **624 Southchurch Park Lake - Removal of Post and Rail**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) seeking approval to replace small sections of the shin rail around the eastern section of the lake in Southchurch Park based on an agreed risk assessment.



Resolved:

1. That the replacement of small sections of shin rail, with appropriate signage introduced, as identified from a risk assessment of areas of higher risk (e.g duck feeding station and end of path junctions on the eastern section), be approved.
2. That it be noted that the western section of the lake does not have a shin rail and is used by the local model boating club.

Reasons for Decision:

The shin rail fence had reached the end of its useful life and research has shown that elsewhere, in similar circumstances, such barriers are no longer deemed essential.

Other Options

1. Replace the entire eastern section with a new shin rail fence at a cost of approximately £25,000
2. Leave the entire eastern section open. This is however, not recommended, based on the attached risk assessment.
3. To use £10,000 of CIL money for the lake to be wholly fenced (as indicated by Ward Councillors).

Note: This is an Executive Function

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

Cabinet Member: Cllr Mulroney

## **625 The Private Rented Sector Housing Enforcement Policy 2022**

The Cabinet considered a report of the Executive Director (Neighbourhoods and Environment) presenting Southend on Sea City Council's Private Rented Sector Housing Enforcement Policy 2023 (PRSHEP 2023) for adoption following the public consultation.

Resolved:

1. That the consultation summary, set out at Appendix 2, to the submitted report, be noted.
2. That the Private Rented Sector Housing Enforcement Policy 2023, set out at Appendix 1 to the report, be approved.
3. That authority be delegated to the Executive Director (Neighbourhoods and Environment), in consultation with the Cabinet Members for Economic Recovery, Regeneration and Housing and Public Protection, to make minor modifications and updates to the Policy as required.

#### Reasons for Decision:

1. To ensure that all landlords and managing agents renting out accommodation in the private rented sector are dealt with in a fair, transparent and consistent manner.
2. To target the Council's resources to the areas of greatest demand whilst ensuring that statutory responsibilities are still met with respect to other tenure groups.
3. To strengthen the enforcement response by formally enforcing against substantial Category 2 hazards.
4. To set out how the Council intends to apply penalties under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 ('the Electrical Safety Standards Regulations).
5. To publish a statement of principle, so as to apply the financial penalties under the Carbon Monoxide Alarm (England) Regulations 2015

#### Other Options

1. To adopt the Policy in part rather than in full. The Policy is written in such a way that it targets the Council's resources to the areas of greatest demand whilst ensuring that statutory responsibilities are still met with respect to other tenure groups. In addition, it clearly sets out how the Council will exercise its power to deal with significant Category 2 hazards, which includes threats from uncontrolled fire (and smoke), which seeks to protect tenants. There is a risk that part adoption of the Policy will dilute the full effects and have an impact on Regulatory Service's ability to deliver, and ultimately protect those in greatest need.
2. Not to adopt the Policy.

Note: This is an Executive Function

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

Cabinet Members: Cllr Gilbert and Cllr Terry

## **626 School Arrangements for Community Schools**

The Cabinet considered a report of the Executive Director (Children & Public Health) concerning the school admission arrangements for community schools in the City.

#### Resolved:

1. That the Cabinet determines (i.e formally agrees) the Admission Arrangements for Community Schools as set out in Appendix 1 to the submitted report.
2. That it be noted that the Determined Coordinated Admission Scheme for the academic year 2024/25 was published on 31 December 2022.

Reasons for decision:

The determination of admission arrangements for community schools and the provision of a coordinated scheme is a statutory requirement.

Other options:

None.

Note: this is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Burton

## **627 Maintained School Term Dates**

The Cabinet considered a report of the Executive Director (Children and Public Health) presenting the proposed school term and holiday dates for the academic year 2023/24.

Resolved:

That the school term and holiday dates for 2023/2024, as set out in Appendix 1 to the submitted report, be approved for community schools and as a guide to all schools in the City.

Reason for Decision:

To approve the school term dates.

Other Options:

None

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Burton

## **628 Corporate Debt Management - Position to 30 November 2022**

The Cabinet considered a report of the Executive Director (Finance and Resources) providing an update on the current position of outstanding debt to the Council, as at 30<sup>th</sup> November 2022.

Resolved:

1. That the current outstanding debt position on 30 November 2022 and the position of debts written off to 30 November 2022 (Appendices A & B to the submitted report), be noted.

2. That it be noted that there is no approval requested to write off any individual irrecoverable debts that exceed £25,000 in this report (Appendix B to the report).

Reason for Decision:

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.

Other Options

None.

Note: This is an Executive Function

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

Cabinet Member: Cllr Collins

**629 Minutes of the Economic Recovery, Regeneration and Housing Working Party held Wednesday, 2 November 2022**

The Cabinet considered the recommendations of the Economic Recovery, Regeneration and Housing Working Party held 2<sup>nd</sup> November 2022, concerning actions related to the cost-of-living emergency.

Resolved:

That the recommendations of the Economic Recovery, Regeneration and Housing Working Party concerning cost-of-living emergency set out below, be approved:

1. That progress against the current range of actions and activities being developed or delivered by the Council and its partners in response to the cost of living emergency, be noted.
2. That a directory of local organisations currently operating donation and/or collection schemes for clothing, goods and products etc., be developed to support vulnerable residents to help mitigate some of the personal impacts of the cost of living emergency.
3. That the publication of appropriate information on the Council's website around 'eating on a budget', to support local residents with initiatives such as smart shopping, batch cooking and generating less food waste, to help address the healthy eating impacts of the cost of living emergency.

Reasons for decision:

To respond to the recommendations of the Working Party

Other options:

None

Note: This is an Executive Function

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

Cabinet Member: Cllr Gilbert

**630 Minutes of the Corporate Matters and Performance Delivery Working Party held Wednesday, 7 December 2022**

The Cabinet considered the recommendations of the Corporate Matters and Performance Delivery Working Party held 7 December 2022 concerning the Notices of Motion referred to the Working Party by Council.

Resolved:

That the recommendations of the Corporate Matters and Performance Delivery Working Party concerning the Notices of Motion set out below, be approved:

(a) Notice of Motion: Protected Characteristics for Care Experienced People

1. That the Notice of Motion seeking the treatment of care experience as a protected characteristic by the Council, be noted.

2. That it be noted that the points set out in the motion are either already addressed within current working practice or that action be taken to implement additional activity.

3. That it be noted that the following matters already reflect activity addressed within current working practices:

- Recognition that care experienced people are an oppressed group who face discrimination.
- That the Council has a duty to put the needs of care experienced people at the heart of decision-making through co-production and collaboration.
- That the Council proactively seeks out and listens to the voices of care experienced people when developing new policies based on their views.

4. That the following matters be further considered for implementation:

(a) That future decisions, services and policies made and adopted by the Council be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.

(b) That in the delivery of the Public Sector Equality Duty, the Council include care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a protected characteristic in services and employment.

(c) That the Council treat care experience as if it were a protected characteristic.

(d) That the Council formally call upon all other bodies to treat care experience as a protected characteristic until such time as this may be introduced by legislation.

(e) That the Corporate Parenting Group monitor and review the success of the Council's arrangements to help eliminate discrimination, harassment and victimisation of care experienced people.

Reasons for decision:

To respond to the Notice of Motion.

Other options:

None

Note: This is an Executive Function

Eligible for call-in to: People Scrutiny Committee

Cabinet Member: Cllr Mitchell

(b) Notice of Motion - Webcasting of Public Meetings

1. That the Notice of Motion in relation to the webcasting of public meetings held at the Civic Centre, be noted.

2. That it be noted that the Jubilee Room had already been set up to enable the webcasting of public meetings since the receipt of the Notice of Motion and before any public meetings previously held in the Council Chamber had been relocated to the Jubilee Room.

3. That no further action is therefore required in response to the Notice of Motion.

Reasons for decision:

To respond to the Notice of Motion

Other options:

None

Note: This is an Executive Function

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

Cabinet Member: Cllr Collins

**631 Minutes of the Environment, Culture and Tourism Working Party held Monday, 9 January 2023**

The Cabinet considered the recommendations of the Environment, Culture and Tourism Working Party held 9 January 2023 concerning a Notice of Motion referred to the Working Party by Council.

Resolved:

That the recommendations of the Environment, Culture, Tourism and Planning Working Party concerning the Notice of Motion set out below, be approved:

Notice of Motion: Play better: A vision for better play facilities in Southend

1. That the Notice of Motion, be noted.
2. That the continued improvement of play areas across the city, using CIL funding (where appropriate and when available), sponsorship and volunteers, be endorsed.
3. That a new 10 year Play Strategy to replace the previous 2007 Southend Play Strategy, be developed.

Reasons for decision:

To respond to the Notice of Motion.

Other options:

None

Note: This is an Executive Function

Eligible for call-in to: Place Scrutiny Committee

Cabinet Member: Cllr Mulroney

**632 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.

**633 Social Care Arrangements for Adult Mental Health**

The Cabinet considered a confidential report of the Executive Director (Adults and Communities) setting out the arrangements for the future delivery of statutory social care support under the Care Act (2014) for adult mental health service users in Southend.

Resolved:

That the recommendations set out in the submitted confidential report, be approved.

Reasons for decision:

As set out in the submitted report.

Other options:

As set out in the submitted report.

Note: This is an Executive Function

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

Cabinet Member: Cllr Mitchell

**Chair:** \_\_\_\_\_

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## **SOUTHEND-ON-SEA CITY COUNCIL**

### **Meeting of Appointments and Disciplinary Committee**

**Date: Monday, 23rd January, 2023**  
**Place: Committee Room 6 - Civic Suite**

# 16

**Present:** Councillor S George (Chair)  
Councillors C Mulroney (Vice-Chair), T Cox, M Davidson, I Gilbert,  
D Jarvis and I Shead

**In Attendance:** R Polkinghorne, J Chesterton and S Putt

**Start/End Time:** 11.45 am - 12.45 pm

#### **634 Apologies for Absence**

There were no apologies for absence at this meeting.

#### **635 Declarations of Interest**

There were no declarations of interest at this meeting.

#### **636 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.

#### **637 Interview for Director of Financial Services (Deputy Section 151 Officer)**

The Committee interviewed the candidate for the post of Director of Financial Services.

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 Financial Services be offered to Peter Bates.

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

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# **SOUTHEND-ON-SEA CITY COUNCIL**

## **Meeting of Place Scrutiny Committee**

**Date: Monday, 30th January, 2023**

**Place: Jubilee Room - Civic Suite**

# 17

**Present:** Councillor J Courtenay (Chair)  
Councillors J Warren (Vice-Chair), M Berry, M Borton, K Buck,  
S Buckley, T Cox\*, M Davidson, M Dent, L Hyde, A Jones, M Kelly,  
J Moyies, A Thompson, P Wexham and R Woodley  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** Councillors S George, P Collins, C Mulroney, M Terry, S Wakefield  
(Cabinet Members) and K Evans  
J Burr, A Richards, G Gilbert, N Hoskins, P Rabbitts, K Waters and  
T Row

**Start/End Time:** 6.30 pm - 11.00 pm

### **638 Apologies for Absence**

Apologies for absence were received from Councillor Jarvis (substitute: Councillor Cox) and Councillor Ward (no substitute).

### **639 Declarations of Interest**

The following interests were declared at the meeting:

(i) Councillors Collins, George, Mulroney, Terry and Wakefield (Cabinet Members)  
- Interest in the items referred direct; attended pursuant to the dispensation  
agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011;

(ii) Councillor Berry – Minute No. 643 (Use of Section 106 Contributions) –  
Southend City Council appointed board member of Southend on Sea Forum  
Management Ltd. which was mentioned during the debate on the basis that the  
Forum/Focal Point Gallery had submitted the planning application;

(iii) Councillor Borton – Minute No. 644 (Grassland Management Policy) –  
Trustlinks was one of the charities supported by her during her Mayoral year  
(2021-22) which was mentioned during the debate;

(iv) Councillor Buck – Minute No. 644 (Grassland Management Policy) – Allotment  
holder;

(v) Councillor Buck – Minute No. 645 (Thorpe 20mph Neighbourhood) – Has had  
significant levels of contact from local residents on this matter;

(vi) Councillor Dent – Minute No. 645 (Thorpe 20mph Neighbourhood) – Has had  
contact from multiple local residents on this matter;

(vii) Councillor K Evans – Minute No. 644 (Grassland Management Policy) – Chair of Leigh Town Council and son works for Trustlinks both of which were mentioned during the debate;

(viii) Councillor Hyde – Minute No. 644 (Grassland Management Policy) – Allotment holder;

(ix) Councillor A Jones – Minute No.640 (Questions from Members of the Public) – Son works in the Council's Strategic Transport Team which was mentioned;

(x) Councillor A Jones – Minute No. 644 (Grassland Management Policy) – Mention of bus stop greening, son works in the Council's Strategic Transport Team and antisocial behaviour in Toledo Road was mentioned in the debate, which is near to her property;

(xi) Councillor Mulroney – Minute No. 646 (Thorpe 20mph Neighbourhood) – Mention of Leigh 20mph scheme which is located where she lives;

(xii) Councillor Thompson – Minute No. 643 (Use of Section 106 Contributions) – Southend City Council appointed board member of Southend on Sea Forum Management Ltd. which was mentioned during the debate on the basis that the Forum/Focal Point Gallery had submitted the planning application;

(xiii) Councillor Warren – Minute No. 644 (Grassland Management Policy) – Allotment holder; and

(xiv) Councillor Woodley – Minute No. 646 (Thorpe 20mph Neighbourhood) – Member of BERA which was mentioned during the debate.

#### **640 Questions from Members of the Public**

The Committee noted the responses of the Cabinet Member for Public Protection and the Cabinet Member for Highways, Transport & Parking to two questions from by Mr David Webb.

#### **641 Minutes of the Special Meeting held on Thursday, 10th November, 2022**

Resolved:-

That the Minutes of the special meeting held on Thursday, 10<sup>th</sup> November 2022 be received, confirmed as a correct record and signed.

#### **642 Minutes of the Meeting held on Monday, 28th November, 2022**

Resolved:-

That the Minutes of the meeting held on Monday, 28<sup>th</sup> November 2022 be received, confirmed as a correct record and signed.

## **643 Use of Section 106 Contributions**

The Committee considered Minute No. 616 of Cabinet held on 12<sup>th</sup> January, 2023, which had been called-in to scrutiny, together with the report of the Executive Director (Growth & Housing) setting out the legality and wider implications of the motion of the Opposition Councillors ("Opposition Business"), referred to Cabinet by the Council on held on 15th December 2022.

The Committee discussed the matter in some detail and asked a number of questions which the Cabinet Member for Environment, Culture and Tourism and the Director of Planning responded to.

Resolved:-

1. That the matter be referred back to Cabinet for reconsideration on the basis that the report considered by Cabinet does not appear to address the points included in the motion in respect of the Development Control Committee being used to as a means implement Council policy and, in particular, the consultation and decisions should have been taken before the matter was referred to Development Control Committee for determination.

2. That, in accordance with Council Procedure Rule 39.2, the matter be referred to full Council for consideration. ||

Note: This is an Executive Function  
Cabinet Member: Cllr Mulroney

## **644 Grassland Management Policy**

The Committee considered Minute No. 621 of Cabinet held on 12<sup>th</sup> January 2023, which had been called-in to scrutiny, together with the report of the Executive Director (Neighbourhoods and Environment) presenting the Grassland Management Strategy which provides a framework for Southend-on-Sea City Council to improve the overall status and reduce losses in the diversity of pollinator species within the City.

The Committee discussed the matter in some detail and asked a number of questions that were responded to by the Cabinet Member for Environment, Culture & Planning and the Council's Head of Parks and Open Spaces. The Committee felt there were a number of anomalies in the report, particularly in respect of cost savings and the lack of consultation with Ward Councillors and Residents' Associations regarding the identification of appropriate areas prior to any decision being taken.

Resolved:-

1. That the matter be referred back to Cabinet for reconsideration.

2. That, in accordance with Council Procedure Rule 39.2, the matter be referred to full Council for consideration. ||

Note: This is an Executive Function  
Cabinet Member: Cllr Mulroney

**645 Southchurch Park Lake - Removal of Post and Rail**

The Committee considered Minute No, 624 of Cabinet held on 12<sup>th</sup> January 2023, which had been called-in to scrutiny, together with the report of Executive Director (Neighbourhoods and Environment) seeking approval to replace small sections of the shin rail around the eastern section of the lake in Southchurch Park based on an agreed risk assessment.

The Committee discussed the matter in some detail and asked a number of questions that were responded to by the Cabinet Member for Environment, Culture & Planning and the Council's Head of Parks and Open Spaces.

In response to questions regarding the breakdown of the cost of replacing the fencing in terms of the labour and material costs, the Cabinet Member for Environment, Culture and Tourism undertook to circulate the details after the meeting.

In response to questions regarding the possibility of allocating £15,000 capital funding to the scheme, the Cabinet Member undertook to speak with the Executive Director (Finance & Resources) on this matter.

Resolved:-

That the matter be referred back to Cabinet for reconsideration to enable discussions between the Cabinet Member and the Executive Director (Finance & Resources) to take place on the possibility of allocating capital funding to enable the fencing to be installed around the lake.

Note: This is an Executive Function  
Cabinet Member: Cllr Mulroney

**646 Thorpe 20mph Neighbourhood**

The Committee considered Minute No. 593 of Cabinet Committee held on 21<sup>st</sup> December 2022, which had been called-in for scrutiny, together with the report of the Executive Director (Neighbourhoods & Environment) that presented the results of the public consultation in respect of 20mph scheme proposals in Thorpe Ward.

Resolved:-

That the following decision of Cabinet Committee be noted:

"That neither Option A or B as set out in the public consultation be taken forward for construction at this time."

Note: This is an Executive function  
Cabinet Member: Cllr Wakefield.

**647 In-depth Scrutiny Project - Preparing Southend for the EV Revolution - Update**

The Committee noted an oral update on the progress that had been made in respect of the in-depth scrutiny project entitled “Preparing Southend for the EV Revolution.”

Resolved:-

That the report be noted.

This is a Scrutiny function.

**648 Council Procedure Rule 44.2**

During consideration of Minute No. 645 (Southchurch Park Lake – Removal of Post and Rail) and upon the hour of 10.00pm having been reached, the Committee:

Resolved:-

That, in accordance with Council Procedure Rule 44.2, all remaining items of business be dealt with at the meeting.

**Chair:** \_\_\_\_\_

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## **SOUTHEND-ON-SEA CITY COUNCIL**

### **Meeting of People Scrutiny Committee**

**Date: Tuesday, 31st January, 2023**

**Place: Committee Room 1 - Civic Suite**

# 18

**Present:** Councillor L Salter (Chair)  
Councillors N Folkard (Vice-Chair), T Cowdrey, T Cox, A Dear, K Evans, J Harland, L Hyde, B Hooper, A Jones\*, D Jones, J Moyies\*, K Murphy, M O'Connor, I Shead and A Thompson  
A Quinn (Southend Association of Voluntary Services), O Richards (Healthwatch Southend), T Watts (Southend Carers) (Co-opted Members)

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** Councillors L Burton, K Mitchell and S Wakefield (Cabinet Members), P Scott, A Green and L Gale (Essex Partnership University NHS Trust), A McKeever (Mid and South Essex Integrated Care Board), T Abell (East of England Ambulance Service NHS Trust), G Shuttleworth (Vecteo), N Hoskins, B Leigh, S Liebrecht and S Tautz

**Start/End Time:** 6.30 pm - 9.25 pm

#### **649 Apologies for Absence**

Apologies for absence were received from Councillor B Beggs (Substitute: Councillor J Moyies), Councillor M Berry (Substitute: Councillor A Jones) and Revd. Canon L Williams (Church of England Diocese) (Co-opted Member).

#### **650 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillors L Burton, K Mitchell and S Wakefield (Cabinet Members) - Interest in the called-in items, attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011.

(b) Councillor L Salter (Chair) - Minute 653 (Essex Partnership University NHS Trust) and Minute 654 (East of England Ambulance Service NHS Trust) - Husband is a consultant surgeon at Southend Hospital; Daughter is a consultant at Basildon Hospital; Son-in-law is a general practitioner in Southend-on-Sea.

(c) Councillor N Folkard (Vice-Chair) - Minute 654 (East of England Ambulance Service NHS Trust) - Relative employed at Broomfield Hospital.

(d) Councillor T Cowdrey - Minute 653 (Essex Partnership University NHS Trust) and Minute 658 (Social Care Arrangements for Adult Mental Health) - Employed as a registered social worker and is a member of the Mental Health Partnership Forum.

(e) Councillor K Evans - Minute 653 (Essex Partnership University NHS Trust) and Minute 658 (Social Care Arrangements for Adult Mental Health) - Family member is mentally handicapped; Employed by Essex County Council in the consideration of school appeals as member of Statutory Appeal Panel.

- (f) Councillor B Hooper - Minute 653 (Essex Partnership University NHS Trust) - Director of Blade Education, a not-for-profit company that works with local SEND children and MENCAP.
- (g) Councillor A Jones - Minute 654 (East of England Ambulance Service NHS Trust) - Friend operates a private ambulance service..
- (h) Councillor M O'Connor - Minute 54 (Essex Partnership University NHS Trust) - Family member has special educational needs and disabilities and is subject of an application for an Education, Health and Care Plan.
- (i) Councillor I Shead - Minute 658 (Social Care Arrangements for Adult Mental Health) - Family member is in receipt of adult social care services in another local authority area.
- (j) Councillor L Burton (Cabinet Member) - Minute 655 (Passenger Transport Services - Performance Monitoring) - Employed as a teacher at a school outside Southend-on-Sea that has pupils that are resident within the City.
- (k) Councillor K Mitchell (Cabinet Member) - Minute 653 (Essex Partnership University NHS Trust) - Vice-Chair of Mid and South Essex Integrated Care Partnership.

#### **651 Questions from Members of the Public**

The Committee noted the responses of the Cabinet Member for Adult Social Care and Health Integration and the Cabinet Member for Children, Learning and Inclusion, to question submitted by Mr David Webb, which would be sent to Mr Webb after the meeting as he was not able to be in attendance.

#### **652 Minutes of the Meeting held on 29 November 2022**

Resolved:

That the minutes of the meeting of the Committee held on 29 November 2022 be confirmed as a correct record and signed.

#### **653 Essex Partnership University NHS Trust**

The Committee received a presentation from Paul Scott (Chief Executive), Alex Green (Executive Chief Operating Officer) and Lynnbritt Gale (Partnership Director) of Essex Partnership University NHS Trust (EPUT), following the update made to the meeting on 11 October 2022 by the Cabinet Member for Adult Social Care and Health Integration with regard to mental health services provided by EPUT following the broadcast of the Channel 4 'Dispatches' programme in October 2022. The Chief Executive and Accountable Officer for the Mid and South Essex Integrated Care Board, Anthony McKeever, was also in attendance at the meeting for this item.

Mr Scott provided a formal update on the plans of the Trust to address the concerns raised in the media and in respect of a number of areas of focus around local performance that had been set out in a briefing note that had been prepared at the request of the Chair of the Committee and the Cabinet Member for Adult Social Care and Health Integration. Members noted that the response of the Trust to the matters set out in the briefing note, which had been circulated with the agenda for the meeting.

The Committee was advised that the care and safety of patients was the main priority for EPUT and that the Trust had taken immediate action to ensure patient safety in the wards identified by the 'Dispatches' programme, including the provision of ward visits, staffing

reviews and clinical reviews. Mr Scott reported that the Trust had commissioned a full internal inquiry in respect of the issues raised in the media and would continue to work with its regulators, safeguarding partners and partner organisations on the actions that were being taken in response. It was reported that, where the investigation had identified instances of potential misconduct, the Trust had instigated its conduct procedures.

Mr Scott also reported that enhanced management oversight and on-site presence was now in place and that a standalone process for the triage and handling of service user, family and carer contacts in relation to issues identified in the 'Dispatches' programme, had been implemented through the Patient Advice and Liaison Service and the Complaints Teams. The Committee was advised that, since January 2022, the Trust had appointed over 100 health care assistants (with over 60 enrolled on apprenticeships), but that there continued to be a lack of qualified mental health nurses across the country. At the request of the Committee, Mr Scott undertook to provide further detail around the apprenticeship levels for positions offered by the Trust.

The Chief Executive of EPUT advised the Committee that the new leadership team of the Trust had also focussed attention on its response to the recommendations arising from the health and safety prosecution in June 2021, working with the Essex Mental Health Independent Inquiry and delivering its new 'Safety First, Safety Always' safety strategy, alongside the creation of a culture that was open and safe for everyone, whilst also seeking to manage staffing pressures and increasing demand for mental health services.

On behalf of the Committee, the Chair thanked Mr Scott and his colleagues for their informative and comprehensive presentation.

Resolved:

1. That the ongoing response of Essex Partnership University NHS Trust to the matters identified in the 'Dispatches' programme of October 2022 and the current performance of the Trust, be noted.
2. That the Trust be requested to make a further report on its performance to a future meeting of the Committee.

Note: This is a Scrutiny function

#### **654 East of England Ambulance Service NHS Trust**

The Chief Executive of the East of England Ambulance Service NHS Trust (EEAST), Tom Abell, attended the meeting to provide an update on the current performance of the Trust and the present position with regard to the operation of ambulance services from Shoeburyness Ambulance Station.

The Committee was advised that that demands on ambulance services had increased over recent months, partly as a result of respiratory conditions, but that recent incidences of ambulance handover delays at Southend Hospital had improved as a result of the opening of the Ambulance Handover Unit at the Hospital, which was supported by frontline clinicians to minimise turnaround times. At the request of the Committee, Mr Abell undertook to provide detail on the level of Category 1 ambulance calls to the Trust for December 2022, that had failed to achieve the national response target.

The Committee was informed that the recommendations of the Care Quality Commission (CQC) arising from its inspection of the Trust in May 2022, had all been implemented.

Mr Abell confirmed that EEASt had no current plans to close Shoeburyness Ambulance Station and that ambulances would continue to operate and be staffed from the current site, whilst the undertaking of a resource profile for the Ambulance Station was completed.

On behalf of the Committee, the Chair thanked Mr Abell for his informative and comprehensive update.

Resolved:

1. That the current performance of the East of England Ambulance Service NHS Trust in Mid and South Essex, be noted.
2. That the position with regard to the current and future operation of ambulance services from Shoeburyness Ambulance Station, be noted.
3. That the Trust be requested to make a further report on its performance to a future meeting of the Committee.

Note: This is a Scrutiny function

#### **655 Passenger Transport Services - Performance Monitoring**

The Committee received a report in relation to the ongoing monitoring of the performance of the Vecteo Joint Venture Company established for the provision of passenger transport services.

In response to concerns raised by the Committee with regard to the proposed reporting frequency for future monitoring of the performance of passenger transport services, the Cabinet Member for Highways, Transport and Parking confirmed that he would be willing to continue to report the performance of Vecteo to the Committee on a quarterly basis going forward.

Resolved:

That the report be noted.

Note: This is a Scrutiny function.

#### **656 In-Depth Scrutiny Project 2022/23 - 'Providing First Class Services for Families with Children with Special Educational Needs & Disabilities'**

The Committee received an update on progress with regard to the in-depth scrutiny project for 2022/23.

Resolved:

That the report be noted.

Note: This is a Scrutiny function

#### **657 Exclusion of the Public**

The Committee was requested to agree the exclusion of the public from the meeting during consideration of Agenda Item 10 (Social Care Arrangements for Adult Mental Health), on the grounds that it involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972.

The Committee considered that consideration of this matter could be undertaken without the disclosure of exempt information.

Resolved:

That the public not be excluded from the meeting for the consideration of Agenda Item 10 (Social Care Arrangements for Adult Mental Health).

## **658 Social Care Arrangements for Adult Mental Health**

The Committee considered Minute 633 of the meeting of the Cabinet held on 12 February 2023, which had been called-in for scrutiny, together with a report of the Executive Director (Adults and Communities) setting out the arrangements for the future delivery of statutory social care support under the Care Act (2014) for adult mental health service users in Southend, which had been considered by the Cabinet on a confidential basis.

Resolved:

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

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

2. That the Executive Director (Adults and Communities) be requested to arrange for the report considered by the Cabinet to be published in a form that does not disclose exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972.

Note: This is an Executive Function  
Cabinet Member: Councillor K Mitchell

**Chair:** \_\_\_\_\_

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## SOUTHEND-ON-SEA CITY COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 1st February, 2023**

**Place: Council Chamber - Civic Suite**

# 19

**Present:** Councillor N Ward (Chair)  
Councillors M Borton (Vice-Chair), B Beggs\*, A Dear, M Dent,  
F Evans, D Garston, S Habermel, D Jarvis, A Jones, C Mulroney,  
M Sadza, A Thompson, C Walker and R Woodley  
(\*Substitute in accordance with Council Procedure Rule 31.)

**In Attendance:** K Waters, Ms A Greenwood, P Keyes, S Mouratidis, M Warren and  
T Row

**Start/End Time:** 2.00 pm - 3.00 pm

#### **659 Apologies for Absence**

Apologies for absence were received from Councillors Berry (no substitute), Buck (substitute: Councillor Beggs) and Shead.

#### **660 Declarations of Interest**

No interests were declared at the meeting.

#### **661 Supplementary Report**

The supplementary report by the Executive Director (Growth and Housing) will provide additional information (if any) on the items referred to on the Agenda and will be available on the morning of the meeting.

#### **662 22/01151/FULM - Laburnums, 20 Chalkwell Avenue, Westcliff on Sea (Chalkwell Ward)**

**Proposal: Demolition of the existing buildings, erect part two/part three storey building comprising 27no. retirement living apartments with associated landscaping, parking and vehicle access**

**Applicant: McCarthy Stone Retirement Lifestyles Ltd**

**Agent: The Planning Bureau**

Mr Nutman, a local resident, spoke as an objector to the application. Mr Butler, responded on behalf of the applicant's agents.

Resolved:-

(a) That the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of an AGREEMENT under SECTION 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- A financial contribution of £212,519 in lieu of onsite provision of affordable housing.
- The provision of Travel Packs for residents and Travel Plan Monitoring.
- £3,718.17 (27 x £137.71) index linked, towards biodiversity mitigation, management, protection or education (RAMS).
- Standard S106 Monitoring Fee.

(b) That the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below:

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 LSE-2721-03-AC-100 A (Location Plan, LSE-2721-03-AC-102 F (Site Plan and Streetscene), LSE-2721-03-AC-103 G (Proposed Ground and First Floor Plans), LSE-2721-03-AC-104 H (Proposed Second Floor and Roof plans), LSE-2721-03-AC-107 J (Proposed Elevations), LSE-2721-03-AC-111 A ( Existing Site Plan), PP/409/WESTCLIFF/F1 (Existing Plans and Elevations), MCSWESTC-01\_00A (Proposed Balcony Details).

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

03 Notwithstanding the details shown on the plans and materials schedule submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product specifications of the materials to be used on all the external elevations of the development, including walls including string course and decorative render, roof including chimneys, ridge and flat roof areas, balconies including balustrade, floor, underside, gable decoration, eaves, fascia and soffit, windows and doors including sills, dormers and rooflights, entrance porches, fascia and soffits and rainwater goods, driveway, paving and boundaries both walling and fencing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor above slab level shall take place unless and until full detailed design drawings and cross sections of the feature gables and porches including eaves and decoration and supports, window reveals and lintel details, roof edge



detail for the 2 storey flat roof section and flat roof area to the main roof and at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall 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 (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 The flat roof area of the two storey section of the development above the main entrance on the north side of the building hereby approved as shown on drawing No LSE-2712-3-AC-104-H shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with Core Strategy (2007) policies KP2 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be carried out prior to first occupation of the development. The details submitted shall include, but not be limited to:

- i. Existing and proposed finished site levels or contours.
- ii. Details of means of enclosure, of the site including any gates or boundary walls and fencing.
- iii. Hard surfacing materials for forecourt and parking area.
- iv. Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan. This shall include an extra heavy standard tree to the front of the site as shown on plan reference MCS23711 09C (Landscape Strategy).

The development shall also be carried out in full accordance with the tree protection measures shown on plan reference 1496-KC-XX-YTREE-TPP01RevA. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837.

Reason: In the interests of the 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)

07 The 21 car parking spaces, including 3 disabled spaces, and the associated amended vehicular accesses for the spaces to access the public highway at the

site as shown on approved plan LSE-2721-03-AC-102 F shall be provided and made available for use prior to the first occupation of any of the dwellings hereby approved. The car parking spaces and the associated vehicular access 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. Each parking space shall have access to an electric vehicle charging point.

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 (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021) and advice in the Southend-on-Sea Design and Townscape Guide (2009).

08 The development hereby approved shall not be occupied until space for at least 4 secure, covered cycle parking spaces to serve the residential development and its visitors have been provided within the buggy store shown on drawing LSE-2721-03-AC-103 G , or in such other on site location alternatively agreed under the scope of this planning condition, and have been made available for use in full accordance with the approved plans by occupiers of the development hereby approved and their visitors. The approved scheme shall be permanently retained for the lifetime of the development.

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

09 The development hereby approved shall not be occupied unless and until the refuse store to serve the development as shown on drawing LSE-2721-03-AC-103 G has been provided at the site in full accordance with the approved plans and the Waste Management Strategy reference LSE-2721-030AC-WMP rev A and made available for use by occupiers of the residential units hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling for the lifetime of the development.

Reason: To ensure that adequate refuse and recycling storage is provided and retained to serve the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

10 The renewable energy proposals for the development hereby approved shall be carried out in full accordance with the recommendations set out in section 4 of the Energy Statement by Focus dated May 2022 including the installation of 15.46kWp of PV cells or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. These renewables shall be implemented at the site prior to the first occupation of the development and retained in perpetuity thereafter.

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 (2021), Core Strategy

(2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

11 Prior to occupation of the development 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 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 whole development 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 (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

12 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 3 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 24 flats comply with building regulation M4(2) 'accessible and adaptable dwellings' standard

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

13 The development hereby approved shall be carried out in full accordance with the noise mitigation measures set out in paragraphs 4.43, 4.44 and 5.4 of the Acoustic Assessment by Cass Allen reference RP01-22212-R1 rev 1 dated 20.05.22 to ensure that the internal noise levels in habitable rooms within the approved flats are in accordance with the ProPG guidance and BS4142. These mitigation measures shall be implemented prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: To ensure the resulting noise from the traffic on the main roads and the service yard of Aldi on London Road to the north of the site would not be detrimental to living conditions of neighbouring and future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

14 Notwithstanding the details submitted within the Drainage Strategy Report by iDLtd reference IDL/1050/DS/001 dated March 2022 and Drainage Strategy Layout LSE-2721-03-DE-100 D and as shown on the plans otherwise submitted and otherwise hereby approved, no drainage works shall be constructed at the site until and unless a detailed design of a surface water drainage for the site, including the additional details specified below, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead

Local Flood Authority. The approved scheme shall be implemented at the site prior to the first occupation of the development. The scheme shall address the following matters:

- i. A construction method statement must be provided outlining how surface water will be managed at the site including during the construction phase. Details on the phasing of drainage installation relative to wider works shall also be provided.
- ii. An agreement in principle for Anglian Water for surface water discharge including:
  - a. Development hectare size
  - b. Proposed discharge rate (The minimum discharge rate is 2l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website <http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
  - c. Connecting manhole discharge location
  - d. Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Anglian Water Surface Water Policy can be found on their website).
- iii. Updated drainage modelling calculation outputs to be provided with the following parameters amended. Please note these are for review only given the system has been designed to a 1:100 year storm standard:
  - a. Cv values set to 1.0 for all storm simulations
  - b. Maximum rainfall amount set to the maximum allowed by the software or 500 mm/hr, whichever is lowest.
  - c. The Additional Storage factor should be set to 0 unless conclusive evidence is provided to justify why this has been modelled using 20 m<sup>3</sup>/ha

The drainage strategy and SuDS design statement must be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

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 (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

15 No development shall take place, including any works of demolition, until and unless a Construction/Demolition Method Statement and Management Plan 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

- v. a Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent.
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- vii. measures to mitigate noise disturbance during the development.

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and Development Management Document (2015) policies DM1 and DM3.

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 the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

17 The proposed site clearance and construction works shall be carried out in full accordance with the recommendations set out in Section 5.2 of the Ecological Impact Assessment by Greenlink Ecology Ltd dated 16.09.22 and Section 5 and Appendix 1 (Mitigation and Enhancement Plan) showing proposed habitat measures of the Biodiversity Enhancement Strategy by ACD reference MSC23711\_BES Rev A dated 08.12.22 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of biodiversity and to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM2 and DM3.

18 The finished levels at the site shall be as set out on plan reference LSE-2721-03-DE-103 Rev A before the dwellings are occupied.

Reason: 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-on-Sea Design and Townscape Guide (2009).

19 Each of the units hereby permitted shall be only occupied by:

- i. persons aged 60 years or older; or
- ii. persons living as part of a single household in the development with such a person or persons aged 55 years or older; or
- iii. persons who were living as part of a single household in the development with such a person or persons who have since died.

Reason: To define the scope of this permission with respect to parking provision, amenity space, general living conditions, the provision of affordable housing and infrastructure required to support the development together with impact on education infrastructure within the Clty, in accordance with Core Strategy (2007) Policies KP2, KP3, CP4, CP6 and CP8 and Policies DM1 and DM3 of the Development Management Document (2015).

20 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the building hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which confirm the positions and specifications of all windows in the proposed building that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. The windows to be obscure glazed and fixed shut up to 1.7m shall include the kitchen windows of units 9, 11, 12, 18, 27 as identified on approved drawing references LSE-2721-3-AC-103 Rev G and LSE-2721-3-AC-104 Rev H, and all landing and communal corridor windows facing north and south at first and second floor levels. Before the building hereby approved is occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

21 A privacy screen not less than 1.7m high above balcony floor level shall be fitted to the southern side of the balcony of unit 12 of the development hereby approved and as identified on approved drawing reference LSE-2721-3-AC-103 Rev G in accordance with details and specifications that have previously been submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The screen shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of people neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

22 Prior to first occupation of the development hereby approved, details of the acoustic properties of fencing on the application site's northern boundary, including the level of acoustic mitigation and performance achieved, shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall then be retained for the lifetime of the development in accordance with the details so approved.

Reason: To protect neighbouring occupiers from undue noise and disturbance arising from the passage of vehicles using the driveway within the approved development in accordance with the National Planning Policy Framework (2021),

policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

23 No external lighting shall be installed to serve the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: To protect neighbours' and future occupiers' residential amenity and in the interests of ecological protection in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

(c) In the event that the planning obligation referred to in part (a) above has not been completed before 11th February 2023 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for affordable housing, biodiversity mitigation or Travel Plan and Travel Information Packs and that, as such, the proposal would be unacceptable and contrary to Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

#### 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. 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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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 City.

3. This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution in relation to affordable housing, a financial RAMS contribution, the provision of Travel Plan and Travel Information Packs and monitoring of the agreement.

4. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions). Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

5. Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. It is recommended that the Council's Building Control Department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.

6. Should any contaminated ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed a scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the local planning authority. Please note that it is the applicant's responsibility to ensure a safe site in terms of land contamination and that the site cannot be determined as contaminated land in the future as defined by Part 2A of the Environmental Protection Act 1990.



**663      21/00290/UNAU\_B - 42 Tyrone Road, Thorpe Bay (Thorpe Ward)**  
**Beach of Planning Control: Erection of single storey side extension and a part-single- , part-two-storey rear extension**

Resolved:- That ENFORCEMENT ACTION be AUTHORISED to secure the following:

- (a) the removal from the site the side and rear extensions in their entirety, and
- (b) the removal 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 extensions.

**664      19/00204/UNAU\_B - 34 Retreat Road, Westcliff-on-Sea (Milton Ward)**  
**Beach of Planning Control: Erection of a rear balcony**

Resolved:- That ENFORCEMENT ACTION be AUTHORISED to secure the following:

- (a) the removal from the site the rear balcony in its entirety, and
- (b) the removal 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 5 months is considered reasonable for the removal of the unauthorised balcony and the materials resulting in compliance with this.

**Chair:** \_\_\_\_\_

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## SOUTHEND-ON-SEA CITY COUNCIL

### Meeting of Policy and Resources Scrutiny Committee

**Date: Thursday, 2nd February, 2023**

**Place: Council Chamber - Civic Suite**

# 20

**Present:** Councillor D Garston (Chair)  
Councillors D Nelson (Vice-Chair), M Borton, D Cowan, T Cowdrey, T Cox, J Courtenay\*, M Davidson, A Jones, A Line, R McMullan, J Moyies\*, M Sadza, I Shead, C Walker and P Wexham

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** T Breckels, J Chesterton, J Burr, T Dafter, S Ford, G Gilbert, G Halksworth, E Helm, S Meah-Sims, L Minnis, G Perry-Ambrose, A Richards and S Tautz

**Start/End Time:** 6.30 pm - 11.45 pm

#### **665 Apologies for Absence**

Apologies for absence were received from Councillor H Boyd (Substitute: Councillor J Courtenay) and Councillor F Evans (Substitute: Councillor J Moyies).

#### **666 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillors S George, L Burton, P Collins, I Gilbert, K Mitchell, C Mulroney, M Terry and S Wakefield (Cabinet Members) - Interest in the called-in items, attended pursuant to the dispensation agreed at Council on 19 July 2012, under S.33 of the Localism Act 2011.

(b) Councillors S George, L Burton, P Collins, I Gilbert, K Mitchell, C Mulroney, M Terry and S Wakefield (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.

(c) Councillor D Nelson (Vice-Chair) - Minute 671 (Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28) - Wife is employed by the National Health Service and family owns businesses in Southend-on-Sea.

(d) Councillor M Borton - Minute 671 (Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28) - Governor of Milton Hall School.

(e) Councillor M Borton - Minute 672 (Draft Housing Revenue Account Budget 2023/24 and Rent Setting) - Member of the Board of Directors of South Essex Homes.

(f) Councillor M Davidson - Minute 671 (Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28) and Minute 672 (Draft Housing Revenue Account Budget 2023/24 and Rent Setting) - Member of the Board of Directors of South Essex Homes.

(g) Councillor M Sadza - Minute 671 (Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28) - Member of the ACORN renters union.

(h) Councillor I Shead - Minute 671 (Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28) - Local allotment holder.

- (i) Councillor P Wexham - Minute 671 (Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28) and Minute 672 (Draft Housing Revenue Account Budget 2023/24 and Rent Setting) - Member of the Board of Directors of South Essex Homes.
- (j) Councillor K Mitchell (Cabinet Member) - Minute 671 (Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28) - Member of the Board of Southend Association of Voluntary Services (SAVS).
- (k) Councillor C Mulroney (Cabinet Member) - Minute 671 (Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28) - Member of Leigh-on-Sea Town Council.
- (l) Councillor M Terry (Cabinet Member) - Minute 670 (Car Cruise PSPO) - Resident of area covered by the proposed PSPO.
- (m) Councillor S Wakefield (Cabinet Member) - Minute 671 (Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28) - Owner of a local business in Southend-on-Sea; Sub-contractor for the Council.
- (n) Councillor K Evans - Minute 671 (Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28) - Member of Leigh-on-Sea Town Council; Family member is Operations Manager at the Trust Links mental health charity; Member of the Southend NetPark wellbeing project is known to the councillor.
- (o) A Richards (Officer) - Minute 671 (Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28) – Member of the Board of Porters Place Southend-on-Sea LLP.

#### **667 Questions from Members of the Public**

The Committee noted the response of the Cabinet Member for Corporate Matters and Performance Delivery to a question presented by Mr David Webb.

#### **668 Minutes of the Special Meeting held on 15 November 2022**

Resolved:

That the minutes of the special meeting of the Committee held on 15 November 2022 be confirmed as a correct record and signed.

#### **669 Minutes of the Meeting held on 1 December 2022**

Resolved:

That the minutes of the meeting of the Committee held on 1 December 2022 be confirmed as a correct record and signed.

#### **670 Car Cruise PSPO**

The Committee considered Minute 623 of the meeting of the Cabinet held on 12 January 2023, which had been called-in for scrutiny, together with a report of the Executive Director (Neighbourhoods and Environment) highlighting that the existing car cruise injunction would expire on 12 April 2023 and seeking consideration as to whether the Council should apply to extend the injunction or commence statutory consultation on changing the injunction to a Public Spaces Protection Order (PSPO).

At the request of councillors, the Cabinet Member for Public Protection confirmed that he would be willing to circulate the draft PSPO to all members of the Committee to enable them to make comment on the draft PSPO and to hold a meeting of the Public Protection Working Party as soon as possible to consider any feedback received, to inform the consultation on the PSPO.

Resolved:

That the following decisions of the Cabinet be noted:

“1. That consultation be undertaken into the possibility of the Council implementing a Public Spaces Protection Order under Sections 60 & 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 in respect of the area and activities detailed in Appendix 2 to the submitted report.

2. That the proposed consultation process commences as soon as practically possible.

3. That authority be delegated to the Executive Director (Neighbourhoods and Environment) and Director of Public Protection to:

- a) Finalise the draft PSPO to form part of the Consultation.
- b) Agree the final form of the Consultation.
- c) Explore and report back to Cabinet following the consultation additional resource requirements to effectively enforce the PSPO.”

Note: This is an Executive Function  
Cabinet Member: Councillor M Terry

#### **671 Draft Prioritising Resources to Deliver Better Outcomes - 2023/24 to 2027/28**

The Committee considered Minute 613 of the meeting of the Cabinet held on 12 February 2023, which had been referred directly to the Committee for scrutiny, together with a report of the Executive Director (Finance and Resources) presenting the draft General Fund Revenue Budget and capital investment priorities for 2023/24.

The Leader of the Council confirmed that the Cabinet would consider the views of the Committee in respect of the following matters, in proposing the Council's General Fund Revenue Budget for 2023/24 for adoption by the Council at its meeting to be held on 23 February 2023:

- (a) The dimming of street lights between the hours of 10.00pm and 6.00am (SOC-17).
- (b) The application of Council Tax Empty Property Relief for South Essex Homes (IGC-13).
- (c) The application of the convenience/transaction fee for the 'Mobon' car parking application (IGC-19).
- (d) The removal of free parking for councillors and whether this proposal would also apply to Honorary Aldermen of Southend-on-Sea (IGC-08).
- (e) The application of 'free' first hour parking at the Jones Memorial, Big Gunners, Little Gunners and Rayleigh Road car parks (IGC-12).
- (f) The increase in free parking at Chalkwell Park, Priory Park, Belfairs Park and Southchurch Park from two to three hours (IGC-17).
- (g) The reduction of councillor support arrangements (SOC-14), the move away from printed agenda etc. and the removal of the member courier service (SOC-06).
- (h) The reduction of the Corporate Training (Learning and Development) Budget (SOC-05).
- (i) The provision of funding for the Southend 'NetPark'.
- (j) The reduction of the grass-cutting programme in non-residential areas (SOC-15).

The relevant Cabinet Members undertook to provide written responses to questions raised by members of the Committee with regard to:

- (a) In relation to proposed Cost Avoidance and Overspend Reduction Initiative SOC-17 (Street Light Dimming), the process undertaken in 2017 to authorise the reduction in the light output operation of street lights, where they were currently already being dimmed between the hours of 10.00pm and 6.00am.
- (b) The arrangements in respect of proposed Budget Savings and Income Generation Initiative IGC-06 (Parking Charging Times and Associated Enforcement) for ensuring that income generated from extended charging hours for pay and display parking in Zone 1(a) would be ring-fenced for the delivery of the Council's transport strategies and objectives, and the level of additional income likely to be raised from the extended charging hours.
- (c) In relation to proposed Cost Avoidance and Overspend Reduction Initiative IGC-19 (Income Generation Capability), whether the card transaction fee for car parking payments made via the 'Mobon' pay by phone application, would also apply to the use of the 'Southend Pass.'
- (d) The location of the operation of the proposed mobile food market van offering low-price food items to residents in deprived areas, the eligibility criteria for the use of the food van and arrangements for monitoring its success in the tackling of health inequalities and improving health and wellbeing outcomes for local people.
- (e) In relation to proposed Budget Savings and Income Generation Initiative IGC-08 (Remove Free Parking for Elected Members), whether the removal of the existing free of charge parking permit for councillors would also apply to Honorary Aldermen of Southend-on-Sea.

During consideration of the matter the hour of 10.00pm having been reached the Committee, in accordance with Standing Order 44.2, agreed to proceed with the remaining business on the agenda.

Resolved:

1. That the following decisions of the Cabinet be noted:

"1. That it be noted that a detailed Medium Term Financial Strategy for 2023/24 – 2027/28 will be available for consideration in February 2023 and that the draft Medium Term Financial Forecast and estimated Earmarked Reserves Balances up to 2027/28 (Annexes 1 and 2 to Appendix 1 to the submitted report), be endorsed.

2. That the draft Section 151 Officer's statement on the robustness of the proposed budget, the adequacy of the Council's reserves and the Council's Reserves Strategy (Appendix 2 to the report), be noted.

3. That the appropriation of the sums to earmarked reserves totalling £0.706M (Appendix 3 to the report), be endorsed.

4. That the appropriation of the sums from earmarked reserves totalling £1.953M (Appendix 3 to the report), be endorsed.

5. That the use of £1M from the General Fund balances to support the core 2023/24 revenue budget which will be replenished over the life of the Medium Term Financial Plan (Annex 1 to Appendix 1 to the report), be endorsed.

6. That a General Fund Budget Requirement for 2023/24 of £143.875M and Council Tax Requirement of £97.499M (Appendix 4 to the report) and any required commencement of consultation, statutory or otherwise, be endorsed.
7. That it be noted that the 2023/24 revenue budget has been prepared on the basis of using £2M from accumulated Collection Fund surpluses to support the core budget and to allow for a smoothing of the budget gap.
8. That a Council Tax increase of 4.99% for the Southend-on-Sea element of the Council Tax for 2023/24, being 2.99% for general use and 2.00% for Adult Social Care, be endorsed.
9. That it be noted that the position of the Council's preceptors is to be determined:
- Essex Police – no indication of Council Tax position
  - Essex Fire & Rescue Services – no indication of Council Tax position
  - Leigh-on-Sea Town Council – proposed Band D precept decrease of 0.71%
10. That no Special Expenses be charged other than Leigh-on-Sea Town Council precept for 2023/24, be endorsed.
11. That the proposed General Fund revenue budget investment of £23.448M (Appendix 5 to the report), be endorsed.
12. That the proposed General Fund revenue budget savings and income generation initiatives for 2023/24 of £9.140M (Appendix 6a to the report), be approved.
13. That the proposed General Fund revenue cost avoidance and overspend reduction initiatives for 2023/24 of £1.628M (Appendix 6b to the report), be endorsed.
14. That the approach proposed for the development and implementation of a new transformation blueprint for the Council (Section 12) and to confirm the use of £1.5m from existing earmarked reserves over the next three years to support this programme of activity, be endorsed.
15. That the implementation of the new Adult Social Care Charging Policy from 1 April 2023 (Appendix 7 to the report), be endorsed.
16. That the proposed range of fees and charges for 2023/24 (Appendix 8 to the report), be endorsed.
17. That the Dedicated Schools Grant budget and its relevant distribution as recommended by the Education Board (Appendix 9 to the report), be endorsed.
18. That the Capital Investment Strategy for 2023/24 to 2027/28 (Appendix 10 to the report) and the Capital Investment Policy (Annex 1 to Appendix 10 to the report), be endorsed.
19. That the following be endorsed:
- (i) new schemes and additions to the Capital Investment Programme for the period 2023/24 to 2027/28 totalling £16.1M (£3.6M for the General Fund and £12.5M for the Housing Revenue Account) (Appendix 11 to the report)
  - (ii) new schemes subject to viable business cases totalling £5.6M for the General Fund (Appendix 11 to the report).

20. That the proposed changes to the current Capital Investment Programme that were considered for approval as part of the Resourcing Better Outcomes – Financial Performance Report – Period 8 earlier on this agenda (Appendix 12 to the report), be noted.

21. That the proposed Capital Investment Programme for 2023/24 to 2027/28 of £116.0M to be delivered by the Council and £53.1M to be delivered by Subsidiary Companies, Partners and Joint Ventures (Appendix 13 to the report) of which £57.8M is supported by external funding, be endorsed.

22. That the Minimum Revenue Provision (MRP) Policy for 2023/24 (Appendix 14 to the report) and the prudential indicators (Appendix 15 to the report), be endorsed.

23. That the operational boundary and authorised limits for borrowing for 2023/24 which are set at £390M and £400M respectively (Appendix 15 to the report), be endorsed.”

2. That the following recommendations be considered by the Cabinet:

(a) That in relation to proposed Cost Avoidance and Overspend Reduction Initiative SOC-17 (Street Light Dimming), all street lights be returned to full light output operation where they are currently already being dimmed between the hours of 10.00pm and 6.00am, and that appropriate budget provision be made to facilitate the return of such street lights to full operation.

(b) That in relation to proposed Budget Savings and Income Generation Initiative IGC-13 (Council Tax Empty Property Relief), properties managed by South Essex Homes (SEH) be exempted from the provision of a 100% discount for newly empty properties for two weeks to cover the period in-between tenants and that the discount period for properties managed by SEH remain at one month.

Note: This is an Executive Function, save that approval of the final budget following Cabinet on 14 February 2023 is a Council Function  
Cabinet Member: Councillors S George and P Collins

## **672 Draft Housing Revenue Account Budget 2023/24 and Rent Setting**

The Committee considered Minute 614 of the meeting of the Cabinet held on 12 January 2023, which had been referred directly to the Committee for scrutiny, together with a joint report of the Executive Director (Finance and Resources) and the Executive Director (Growth and Housing) setting out the Housing Revenue Account budget and rent setting for 2023/24.

The Cabinet Member for Economic Recovery, Regeneration and Housing undertook to provide a written response to a question raised by a member of the Committee with regard to the number of high-risk residential buildings (any building over eighteen meters or six storeys in height) within Southend-on-Sea and to request that South Essex Homes provide a briefing for all councillors in relation to current arrangements for compliance with the Building Safety Bill published in July 2020 and the Fire Safety Act 2021.

Resolved:

That the following decisions of the Cabinet be noted:

“1. That an average rent increase of 7% on all tenancies, be endorsed.

2. That an average rent increase of 7% on shared ownership properties, be endorsed.



3. That an increase of 10.1% for garage rents to £13.98 per week for tenants and £16.77 for non-tenants (being £13.98 plus VAT), a rise consistent with the standard approach taken across the Council's fees and charges (all variants on a standard garage will receive a proportionate increase), be endorsed.

4. That the South Essex Homes core management fee at £7,192,000 for 2023/24, be endorsed.

5. That the South Essex Homes proposals for average increases of 44.29% in service charges to reflect the estimated costs incurred for 2023/24, be endorsed.

6. That the South Essex Homes proposals for an average 104% increase in heating charges for sheltered housing tenants and for hostel tenants to reflect the estimated costs incurred for 2023/24, be endorsed.

7. That the following appropriations be endorsed:

- £60,000 to the Repairs Contract Pensions Reserve.
- £4,047,000 to the Capital Investment Reserve.
- £6,549,000 from the Capital Investment Reserve.

8. That, subject to resolutions 1 to 7 above, the HRA budget for 2023/24, as set out in Appendix 1 to the submitted report, be endorsed.

9. That the value of the Council's capital allowance from 2023/24 be declared as £49,512,000, as determined in accordance with regulation 16 of the Local Authorities (Capital Finance and Accounting) (England) Regulations."

Note: This is an Executive Function, save that approval of the final budget following Cabinet on 14 February 2023 is a Council Function  
Cabinet Member: Councillor I Gilbert

**673 Minutes of the Corporate Matters and Performance Delivery Working Party held Wednesday, 7 December 2022 - Item (b) Notice of Motion - Webcasting of Public Meetings**

The Committee considered Minute 630 of the meeting of the Cabinet held on 12 January 2023, which had been called-in for scrutiny, together with the recommendations arising from the meeting of the Corporate Matters and Performance Delivery Working Party held on 7 December 2022, concerning a Notice of Motion in respect of the webcasting of public meetings that had been referred to the Working Party by the Council.

It was noted that the call-in of Minute 630 of the meeting of the Cabinet did not concern any other business arising from the meeting of the Corporate Matters and Performance Delivery Working Party on 7 December 2022.

Resolved:

That the matter (Webcasting of Public Meetings) be referred back to the Cabinet for reconsideration as the Committee was concerned that it appeared that the infrastructure installed in the Jubilee Room (Committee Room 1) at the Civic Centre was not currently providing an acceptable webcasting facility, particularly in terms of external audio volume, and that it was considered that a review of the success of the use of the Jubilee Room for recent meetings should be undertaken.

Note: This is an Executive Function  
Cabinet Member: Councillor P Collins

**674 Association of South Essex Local Authorities - Joint Committee**

The Committee received the draft minutes of the meeting of the Joint Committee of the Association of South Essex Local Authorities (ASELA), held on 15 December 2022.

Resolved:

That the draft minutes of the meeting of the Joint Committee of the Association of South Essex Local Authorities held on 15 December 2022, be noted.

Note: This is a Scrutiny function

**675 In-Depth Scrutiny Project 2022/23 - 'Developing Strong Governance & Strengthening Joint Working between all Councillors and Officers'**

The Committee received an update on progress with regard to the in-depth scrutiny project for 2022/23.

Resolved:

That the report be noted.

Note: This is a Scrutiny function

**Chair:** \_\_\_\_\_

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## SOUTHEND-ON-SEA CITY COUNCIL

### Meeting of General Purposes Committee

**Date:** Thursday, 9th February, 2023  
**Place:** Committee Room 1 - Civic Suite

# 21

**Present:** Councillor A Line (Chair)  
Councillors A Jones (Vice-Chair), J Courtenay, T Cox, M Dent,  
K Evans, D Jarvis and M Kelly

\*Substitute in accordance with Council Procedure Rule 31.

**In Attendance:** Councillors  
R Harris

**Start/End Time:** 6.30 - 7.30 pm

#### **676 Apologies for Absence**

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

#### **677 Declarations of Interest**

There were no declarations of interest at this meeting.

#### **678 Minutes of the Meeting held on Wednesday, 5 October 2022**

Resolved:

That the Minutes of the Meeting held on Wednesday, 5 October 2022 be confirmed as a correct record.

#### **679 Review of the Constitution**

The Committee considered a report of the Executive Director (Strategy, Change and Governance) presenting the revised Council Procedure Rules and the Overview and Scrutiny Procedure Rules for adoption by Council.

The Rules had been reviewed following consultation with the political groups on the Council and the non-aligned Councillors and in the light of the feedback from the Informal meeting of the General Purposes Committee held on 16<sup>th</sup> January 2023. The report also presented the terms of reference for the Independent Remuneration Panel and dealt with the appointment of Deputy Electoral Registration Officers.

Resolved:

1. That the revised Overview and Scrutiny Procedure Rules and Council Procedure Rules (Appendices A and B to the submitted report), be adopted for implementation at the beginning of the Municipal Year 2023/24

2. That the Terms of Reference for the Independent Remuneration Panel (Appendix C to the report), be approved.

3. That the Electoral Registration Officer (ERO) be authorised to appoint Deputy Electoral Registration Officers to carry out his powers and duties either in full or part in accordance with section 52(2) of the Representation of the People Act 1983.

4. That the Council's Constitution be amended accordingly (to include the transfer of the relevant provisions in the existing Council Procedure Rules to other parts of the Constitution as appropriate).

## **680 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.

## **681 Freedom of the City Nomination**

The Committee considered a report of the Executive Director (Strategy, Change and Governance) relating to a nomination received from a member of the public, supported by the Group Leaders, to confer the Freedom of the City of Southend-on-Sea to Mr David Stanley BEM who has rendered eminent service to the City.

The Committee also considered a nomination to confer the title of Honorary Alderman on Mr Andrew Moring who had served for at least 15 years and who had rendered eminent services to the Council.

Resolved:

1. That, pursuant to Section 249(1) of the Local Government Act 1972, the Council be recommended to confer the title of Honorary Alderman Mr Andrew Moring. Further that a Special Council meeting be convened at a date to be determined, to confer the honour and present the Honorary Alderman badge.

2. That pursuant to Section 249(5) of the Local Government Act 1972, the Council be recommended to confer the Freedom of the City of Southend-on-Sea on Mr David Stanley BEM in recognition of the eminent and outstanding service he has rendered to the City of Southend-on-Sea. Further that a Special meeting of the Council be convened at a date to be determined, to confer the honour and to present the ceremonial scroll.

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

# Southend-on-Sea City Council

Report of Executive Director  
(Strategy, Change & Governance)

To  
Council  
On  
2<sup>nd</sup> March 2023

Agenda  
Item No.

23

Report prepared by: Colin Gamble and Giles Gilbert

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## Review of the Constitution

### Part 1 (Public Agenda Item)

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#### 1. Purpose of Report

- 1.1 This report sets out the recommendations of the General Purposes Committee on 9<sup>th</sup> February 2023 in relation to the Council Procedure Rules and the Overview and Scrutiny Procedure Rules. The Rules have been reviewed following consultation with the political groups on the Council and the non-aligned Councillors and in the light of the feedback from the Informal meeting of the General Purposes Committee held on 16<sup>th</sup> January 2023.
- 1.2 The General Purposes Committee also made recommendations relating to the terms of reference of the Independent Remuneration Panel and the appointment of Deputy Electoral Registration Officers.

#### 2. Recommendations

**The General Purposes Committee recommended to Council:**

**2.1 That the revised Overview and Scrutiny Procedure Rules and Council Procedure Rules (Appendices A and B) be adopted for implementation at the beginning of the Municipal Year 2023/24.**

**2.2 That the Terms of Reference of the Independent Remuneration Panel (Appendix C), be approved.**

**2.3 That the Electoral Registration Officer (ERO) be authorised to appoint Deputy Electoral Registration Officers to carry out his powers and duties either in full or in part in accordance with section 52(2) of the Representation of the People Act 1983**

**2.4 That the Council's Constitution be amended accordingly (to include the transfer of the relevant provisions in the existing Council Procedure Rules to other parts of the Constitution as appropriate).**

### 3. Background

- 3.1 At the meeting of the General Purposes Committee held on 5<sup>th</sup> October 2022, it was agreed that the first part of the review of the Constitution should focus on the Council Procedure Rules to be considered alongside the Overview and Scrutiny Procedure Rules. The Overview and Scrutiny Procedure Rules and the Council Procedures Rules were redrafted following consultation with the political groups and the non-aligned councillors and in the light of the feedback from the Informal meeting of the General Purposes Committee held on 16<sup>th</sup> January 2023. The General Purposes Committee met on 9<sup>th</sup> February to consider both sets of Rules. The revised Rules recommended for adoption by the Committee are set out at Appendices A and B to this report.

#### Overview and Scrutiny Procedure Rules

- 3.2 The report of the Centre for Governance and Scrutiny (CfGS), noted at the meeting of the Committee on 5<sup>th</sup> October, proposed a revised approach to scrutiny involving the increased use of pre-decision scrutiny. The report emphasized that this should lead to scrutiny more clearly demonstrating added value through the work carried out, and result in a significant reduction in the number of call-ins. The benefits of the earlier use of scrutiny were also recognised in the constitution review report produced by Bevan Brittan (considered by the General Purposes Committee, 21 July 2021) which considered that this could assist in building stronger relationships between the Executive and the rest of the Council, besides reducing the frequency of call-ins.
- 3.3 At the Informal meeting of the General Purposes Committee, it was considered that it would be helpful for some guidance to be produced on how the pre-decision scrutiny process would operate. Accordingly, revised guidance has been drafted and included as part of the proposed Overview and Scrutiny Procedure Rules.
- 3.4 Both the above-mentioned reports highlighted that the call-in provisions are not subject to any limitations and should be addressed as part of the constitution review. The proposed revisions to the Overview and Scrutiny Procedure Rules include the following provisions which should strengthen the current arrangements:
- The completion of a form for all decisions proposed to be called-in.
  - Prior to the scrutiny committee, a meeting to be held with the lead councillor responsible for calling-in a decision (with the other two signatories to the call-in request to be invited), the relevant Cabinet member, and the chair of the committee to discuss the issue.
  - The lead councillor to submit an outline case to be presented to the committee together with any supporting evidence not less than three working days before the date of the meeting.
- 3.5 The recommended Overview and Scrutiny Procedure Rules are set out at Appendix A.

## Council Procedure Rules

- 3.6. The reports by the CfGS and Bevan Brittan also referred to some longstanding provisions in the Council Procedure Rules which were considered to be in need of review. In particular, the reports drew attention to the reservation of minutes (standing order 7) which most local authorities had not carried out since the introduction of the new governance arrangements in 2000. This practice was felt to be unnecessary and led to duplication of work.
- 3.7. Another unusual practice identified in both reports is the arrangement which allows councillors to 'refer up' matters from the scrutiny committees to Council (standing order 39) for further consideration. This provision was also felt to be unnecessary as it delays effective decision-making and undermines the work of the committees.
- 3.8. By removing standing orders 7 and 39, there is scope to make changes to the Rules to provide more opportunity for debate on motions of relevance to the city. A new provision on Notices of Motion (requiring advance notice) is proposed which would allow motions to be debated rather than simply being referred, without debate, to the relevant Cabinet Working Party. The removal of the provision on Opposition Business would also allow more time for debate on motions.
- 3.9. Other changes to the Council Procedure Rules include:
- Giving the Mayor an opportunity to provide an update on his or her activities during the Municipal Year.
  - Providing the Leader with an opportunity to make a speech on the main areas of the work of the Cabinet. Opposition group(s) and Non-Aligned councillors to have the opportunity to respond.
  - Strengthening the question provisions (public and councillors) by granting express powers to the Monitoring Officer to reject questions where those questions are considered to be out of order, illegal, irregular or improper.
  - Improving the format and flow of the Rules by removing information that is better placed in other parts of the Constitution and changing the order of some of the provisions.
- 3.10. The recommended Council Procedure Rules are attached at Appendix B.

## Independent Remuneration Panel

- 3.11. Since 2007 Southend has shared a Joint Independent Remuneration Panel with Thurrock Council to review Members' Allowances and has met on the following occasions: June 2007, August 2010, June 2011, June 2015 and June 2019. Thurrock Council has recently notified this Council of its decision to end the joint arrangements and establish a new Independent Panel solely for that Authority. Therefore, the terms of reference for the Panel have been amended to reflect that Southend will not be working in collaboration with Thurrock Council in undertaking a review of Members' Allowances.
- 3.12. The revised terms of reference for the Southend Independent Remuneration Panel are set out at Appendix C.

## Electoral Registration Officer – Delegation of Powers

- 3.13 Under Section 8(2) of the Representation Act 1983, the Council must appoint an Electoral Registration Officer (ERO) to be responsible for compiling and maintaining the register of electors. This statutory post is held by the Chief Executive.
- 3.14 By virtue of Section 52(2) of the 1983 Act, the Council can appoint Deputy Electoral Registration Officers (DERO). The Council can also formally delegate the appointment of DEROs to the ERO. In accordance with the Electoral Commission guidance, and to ensure that there are officers available to discharge the electoral registration functions, it would be prudent to make arrangements for the ERO to be able to delegate his powers and duties.
- 3.15 It is therefore recommended that the ERO is given delegated authority to appoint other Council officers to carry out his powers and duties either in full or in part in accordance with provisions of the 1983 Act.

## **4. Other Options**

- 4.1 Not to adopt the recommended changes to the Constitution. However, this would mean losing an opportunity to enable councillors to improve the Council's decision-making processes, as well as a loss to the investment already undertaken in this work.

## **5. Reasons for Recommendations**

- 5.1 To ensure that the Council's Constitution is accurate and fit for purpose to effectively support the service delivery and decision-making responsibilities of the Council in a lawful manner.

## **6. Corporate Implications**

### **6.1 Contribution to the Southend 2050 Road Map**

This work supports the Council's condition for 'simple and effective governance', as well as to build an agile, collaborative and skilled workforce equipped to deliver Southend 2050 and the new Corporate Plan. The review complements work to improve effective working relationships between councillors and officers, which in turn enables more understanding of priorities, strengthened collaboration, and better outcomes towards the Southend 2050 roadmap.

### **6.2 Financial Implications**

There are no specific financial implications associated with this report. Improved decision-making processes will help enhance the efficiency and effectiveness and, therefore, the value for money achieved by the Council.



### 6.3 Legal Implications

The Local Government Act 2000 requires the Council to have and maintain a Constitution. The documents described in the report and set out as appendices form part of the Constitution.

### 6.4 People Implications

The review aims to contribute to the effective working relations between councillors and officers to help underpin the work to embed the Council's values and behaviours. However, no specific people implications are noted in relation to this report.

### 6.5 Consultation

Consultation with councillors was undertaken and the feedback has been taken into account in reviewing the documentation (Council Procedure Rules and Overview and Scrutiny Procedure Rules).

### 6.6 Equalities and Diversity Implications

Revisions to the Constitution will reflect the Council's approach to equality and inclusivity, including the use of gender-neutral language.

## 7. Appendices

Appendix A – Overview and Scrutiny Procedure Rules

Appendix B – Council Procedure Rules

Appendix C – Terms of Reference – Independent Remuneration Panel

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## Part 4(a) – Council Procedure Rules (“Standing Orders”)

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## Part 4(a) – Council Procedure Rules (“Standing Orders”)

### Introduction

These Procedure Rules (also known as ‘Standing Orders’) set out the rules for the conduct of meetings of the Council. They are intended to ensure proper decision making, fair and orderly debate and to guide the Mayor where issues of contention might arise.

#### 1. Interpretation

- 1.1 The Mayor shall be the final authority in the interpretation of these Rules and his/her ruling shall not be open to discussion.

#### 2. Meetings of the Council

- 2.1 The Annual Meeting of the Council shall be held on the second Thursday in May or such other day as the Council may from time to time determine. The Appointments Council meeting shall be held as soon as possible after the Annual Meeting.
- 2.2 There shall be not less than five other ordinary meetings of the Council in each Municipal Year on such dates as the Council may determine.
- 2.3 The annual and ordinary meetings of the Council shall be held in the Council Chamber, Southend-on-Sea, or at such other place as the Mayor, or in his / her absence the Deputy Mayor, shall determine and, except where the Council otherwise resolves, shall commence as follows:

Annual Meeting	3.30pm
Ordinary Meetings	6.30pm

- 2.4 Meetings convened for a special purpose shall be held at a time and place to be determined by the Mayor, or in his / her absence the Deputy Mayor in consultation with the Chief Executive.
- 2.5 Except in the case of an Extraordinary Meeting convened on a requisition by Councillors pursuant to paragraph 3(2) of Schedule 12 to the Local Government Act 1972, the Chief Executive may (subject in the case of the Annual Meeting to the provisions of paragraph 1(2) of the 12th Schedule to the Local Government Act 1972) in consultation with the Mayor:
- (a) alter the date of the holding of the Annual Meeting or the date or time of any Ordinary or extraordinary meeting of the Council;
  - (b) cancel an Extraordinary Meeting if, after consulting with the leaders of the political groups the Chief Executive is satisfied that the reason for holding the meeting no longer exists or has been overtaken by events;
  - (c) any reference to the Chief Executive in this Rule 2.5 shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in his or her absence.
- 2.6 At a meeting of the Council the Mayor, if present, shall preside.

- 2.7 If the Mayor is absent from a meeting of the Council, or if he / she is unable to act or the office of Mayor is vacant, then the Deputy Mayor shall preside.
- 2.8 If the Mayor and Deputy Mayor are both absent or unable to preside, then another Councillor chosen by the Councillors shall preside.

### **3. Annual Council – Appointment of Mayor and Deputy Mayor**

- 3.1 The matters to be considered at the Annual Meeting shall be:
- a) receive any apologies for absence from councillors;
  - b) receive any declarations of interest from councillors;
  - c) elect a Mayor;
  - d) elect a Deputy Mayor; and
  - e) hear speeches from the incoming Mayor and outgoing Mayor.

### **4. Appointments at Special Council Following Annual Council**

- 4.1 The matters to be considered at the Appointments meeting shall be:
- a) elect a Leader of the Council if this needs to be dealt with. Details of the Leader's term of office are set out in **Part 2 – Article 7.03**;
  - b) receive notice from the Leader of the Council who he or she is appointing as Deputy Leader of the Council;
  - c) receive notice from the Leader of the councillors he or she is appointing to the Cabinet together with details of the portfolios;
  - d) appoint councillors and where appropriate substitute councillors (including Chairs and vice-Chairs) to committees;
  - e) appoint councillors to Working Parties, Forums, Panels and other bodies;
  - f) agree a timetable of meetings for all Committees etc for the Municipal Year; and
  - g) agree the scheme of delegation or such part of it as the constitution determines it is for the Council to agree.

### **5. Ordinary Meetings**

- 5.1 The matters to be considered at ordinary meetings shall be:
- a) elect a person to preside if the Mayor and Deputy Mayor are absent;
  - b) receive any apologies for absence from councillors;
  - c) approve the minutes of the last Ordinary meeting of the Council and of any subsequent Extraordinary meeting that may have been held;
  - d) receive declarations of interests from councillors;
  - e) receive any announcements from the Mayor and/or a speech on his/her ceremonial activities
  - f) Receive any announcements from the Chief Executive;
  - g) deal with any business required by law;
  - h) receive questions from, and provide answers to, the public in accordance with Rule 13 below (limited to 30 minutes);
  - i) receive questions from, and provide answers to, councillors in accordance with Rule 14 below (limited to 30 minutes);

- j) hear a speech from the Leader providing an update on the main areas of work of the Cabinet. Responses from the leader(s) of the opposition group(s), non-aligned councillors and a response from the Leader (limited to 30 minutes)
- k) deal with petitions in accordance with Rule 19;
- l) receive any reports relating to matters reserved to the Council;
- m) debate motions on notice in the order in which they have been received;
- n) consider any other business specified in the summons to the meeting.

## **6. Council Tax Setting Meeting**

- 6.1 At the meeting at which the council tax for any year is to be set, the order of business shall be:
- a) elect a person to preside if the Mayor and Deputy Mayor are absent;
  - b) receive any apologies for absence from councillors;
  - c) approve the minutes of the last Ordinary meeting of the Council and of any subsequent Extraordinary meeting that may have been held;
  - d) receive declarations of interests from councillors;
  - e) receive any announcements from the Mayor;
  - f) receive Council budget questions from, and provide answers to, the public in accordance with Rule 13 below (limited to 30 minutes);
  - g) receive Council budget questions from, and provide answers to, councillors in accordance with Rule 14 below (limited to 30 minutes);
  - h) consider proposals from the Leader in relation to the Council's budget;
  - i) recorded vote on the Council's budget;
  - j) set the council tax.

## **7. Extraordinary Meetings**

- 7.1 An Extraordinary meeting of the Council may be called at any time by the Mayor. In determining the date of the Extraordinary Council Meeting, where this has been requisitioned by five councillors, the Mayor shall have regard to the nature and urgency of the item of business which is the subject matter of the requisition. An Extraordinary meeting may consider any of the matters specified in Rule 5.1 above (business at Ordinary Council meetings) except questions by the public or councillors.
- 7.2 If the Mayor refuses to call an Extraordinary meeting of the Council after receiving a requisition for that purpose signed by five councillors or if, without so refusing, the Mayor does not call an Extraordinary meeting within seven days of receiving a requisition, then any five councillors, on that refusal or on the expiration of those seven days, may forthwith call an Extraordinary meeting of the Council.
- 7.3 In addition to the Mayor and any five Councillors, the Chief Executive or the Monitoring Officer, as a matter of urgency, may call an Extraordinary meeting of the Council at any time.
- 7.4 The business to be conducted at an Extraordinary meeting shall be restricted to the item of business contained in the request for the Extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Mayor (or person presiding) may at his or her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

## **8. Council Quorum**

- 8.1 The Council shall not carry out any business at their meetings unless at least one quarter of the total number of councillors are present (i.e. 13 councillors).
- 8.2 If no quorum is present 15 minutes after the start time of a Council meeting, or if during the course of a meeting it becomes inquorate, the meeting shall be adjourned. Any outstanding business at a Council meeting shall be held over to a time to be fixed by the Mayor or to the next ordinary Council meeting.

## **9. Quorum at Cabinet, Committees, Working Parties, etc.**

- 9.1 Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the total number of Councillors of the Committee are present, subject to not less than 3 Councillors being present in any case.
- 9.2 The Quorum in respect of the Cabinet, Working Parties, Forums, Panels and other bodies shall be as set out in the Constitution and Terms of Reference of Cabinet, Committees etc. (Part 3 – Schedule 2).

## **10. Duration of meetings of Council**

- 10.1 Meetings of the Council will close three and a half hours after the time of the start of the meeting as advertised on the Agenda, except as determined below.
- 10.2 The Mayor may, at his or her discretion, suspend the meeting for such period of time that he or she considers necessary. If the meeting is suspended, for whatever reason, the length of time of the suspension will be added back to the meeting so that the meeting is in session for three and a half hours without the need to extend the meeting.
- 10.3 Meetings of Council shall terminate in the manner set out below unless:
- a) the business of the meeting has been completed before the end of three and a half hours after the meeting commenced; or
  - b) by resolution passed before the closure time, the Council resolves to extend the meeting beyond that time.
  - c) No meeting of the Council, except the Budget meeting, shall continue beyond 11pm, save where required to deal with the matters as set out below.
- 10.4 When the meeting is to terminate, business will determined as follows:
- a) The Mayor will advise the Council that the procedure to terminate the meeting is to be applied;
  - b) Any speech in progress shall be immediately concluded;
  - c) The Mayor will put any motion or recommendation then under consideration to the vote without further discussion;
  - d) All remaining business before the Council, including recommendations, motions and amendments shall be put to the vote without discussion. All remaining business will be taken as proposed and seconded as necessary.

## **11. Duration of Meetings of Cabinet, Committees and Sub-Committees**

- 11.1 Subject to 11.2 below, no meeting of the Cabinet, a Committee or Sub-committee shall exceed three and a half hours in duration, unless it is decided by a simple majority to proceed with the consideration of the business remaining on the Agenda. If it is decided not to continue, the meeting shall deal with the matter under discussion and dispose of any item which the Chair shall decide to be urgent. The remaining non-urgent items shall stand adjourned to the next ordinary meeting of the Cabinet, Committee or Sub-Committee or to a further meeting to be held on such day and at such time as the Chief Executive shall determine in consultation with the Chair of the body concerned.
- 11.2 Rule 11.1 shall not apply to meetings dealing with matters in relation to planning, licensing, staff appointments/appeals and meetings dealing with code of conduct determination hearings.

## **12. Mayor's Speech**

- 13.1 At ordinary meetings of the Council (except the Annual Meeting and Budget Meeting), the Mayor may provide an update on his/her ceremonial activities undertaken since the previous update to the Council meeting.

## **13. Residents' Question Time**

- 12.1 At each ordinary meeting of the Council, there shall be 30 minutes for members of the public to ask questions. No questions may be asked at the Annual Council meeting or any Extraordinary meeting.
- 12.2 The procedure in relation to such questions shall be as follows:
- a) A person resident in Southend may, if the question has been submitted in writing to the Committee Section (email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)) not later than 12.00 hrs, 9 clear working<sup>1</sup> days before the date of the meeting of the Council, ask the relevant Cabinet Member any question(s) on any matter which the Council has powers or duties or which directly affects the Council. The question shall not exceed 150 words in length.
  - b) The Monitoring Officer may reject a question if it:
    - (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
    - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
    - (iii) is defamatory, frivolous or offensive;
    - (iv) is substantially the same as a question which has been put at a Council meeting in the last 6 months;
    - (v) requires the disclosure of confidential or exempt information.
  - c) The Mayor shall call the questions in the order that they have been received and the member of the public submitting the question shall then read it out. If the questioner is not present when the question is called, a written reply shall be provided.

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<sup>1</sup> Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting



- d) There shall be no speech or discussion allowed on any question or reply.
- e) Not more than two questions may be asked by any one person at any one meeting.
- f) If there is insufficient time (30 minutes) to answer all public questions, a written reply will be sent to the questioner.

## 14. Councillors' Questions

14.1 There will be a period of up to 30 minutes for councillors to ask questions and obtain answers from the Leader and Cabinet Members.

14.2 The procedure for councillors' questions shall be as follows:

- a) A councillor may ask the relevant Cabinet Member any question(s) on any matter which the Council has powers or duties or which directly affects the business of the Council provided that:
  - (i) Questions are submitted in writing to the Committee Section ([committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)) not later than 5 clear working days<sup>1</sup> before the date of the meeting.
  - (ii) Questions do not exceed 150 words in length; and
  - (iii) The number of questions which may be asked by any councillor at a meeting shall be limited to two;
- b) The Monitoring Officer may reject a question if it:
  - (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
  - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
  - (iii) is defamatory, frivolous or offensive;
  - (iv) is substantially the same as a question which has been put at a Council meeting in the last 6 months;
  - (v) requires the disclosure of confidential or exempt information.
- c) The question put by a councillor and the answer shall be taken as read. However, if a councillor does not wish to ask a supplementary question, then his or her question may be dealt with orally.
- d) No discussion shall take place on any question or answer.
- e) Not more than one supplementary question may be asked on any written question and only the councillor who asked the original question can ask a supplementary question.
- f) A supplementary question must be a question and not include a statement and arise directly out of, and related to, the question or reply. The Mayor may reject a supplementary question if he or she considers that it is inappropriate.
- g) Where a written question is addressed to a Cabinet Member and the desired information is contained in any of the Council's publications, it shall be deemed a sufficient reply if the publication containing the information is indicated.
- h) Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is circulated to councillors.
- i) If the councillor asking the question is not present at the meeting, the question and answer shall be circulated in writing to councillors.

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<sup>1</sup> "Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

## **15. Leader's Speech**

- 15.1 At ordinary meetings of the Council (except the Annual Meeting and Budget Meeting), the Leader of the Council may give an update report on the work of the Council. The Leader may make a speech of up to four minutes. The Leader(s) of the opposition group(s) and non-aligned councillors may each make a speech in response of up to four minutes. The Leader of the Council may reply with a speech of up to four minutes. The total time for speeches shall not exceed 30 minutes.

## **16. Question Time at Meetings of Scrutiny Committees and the Health & Wellbeing Board**

- 16.1 Immediately following the item "Approval of Minutes" there shall be a period not exceeding 15 minutes for questions by members of the public (not including councillors) at each meeting of the Scrutiny Committees and the Health & Wellbeing Board. The procedure in relation to such questions shall be as follows:
- (a) A person resident in Southend may, if the question has been submitted in writing to the Chief Executive at the Civic Centre, Victoria Avenue, Southend-on-Sea not later than 3 clear working days<sup>1</sup> before the date of any Scrutiny Committee / Health & Wellbeing Board, ask any question relating to the business of the Committee / Board, provided that if it is a special meeting of the Committee / Board the question must relate to business included in the agenda for that meeting. In the case of a Scrutiny Committee the relevant Cabinet Member shall respond. In the case of the Health & Wellbeing Board the Chair or as appropriate a member of the Board shall respond.
  - (b) The Chief Executive shall be solely responsible for the selection of questions to be answered. Any question may be edited by the Chief Executive to bring it into proper form and to secure reasonable brevity. The Chief Executive shall be responsible for deciding the extent (if at all) to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A to the Local Government Act 1972.
  - (c) If the person asking the question is present at the meeting he / she shall be given the opportunity of putting the question which will then be responded to. The questioner also shall be given the answer in writing. Neither the question nor the response shall be the subject of debate.
  - (d) If the person asking the question is not present at the meeting, the question and the answer shall be circulated in writing to Councillors and sent to the questioner.
  - (e) Not more than one question may be asked by any one person at any one meeting.

## **17. Public Participation in Respect of Planning Applications**

- (a) If a planning application is to be determined by the Development Control Committee, then if an objector wishes to address the Committee in respect of that application, he / she must give written notice of that request by 12.00 noon on the last working day before the relevant meeting.

- (b) An applicant or supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.
- (c) Speakers will be limited to three minutes and only one speaker for and one speaker against the planning application will be permitted to address the relevant meeting. Local groups / organisations (or their representatives) will not be afforded the opportunity to address the Committee in respect of a planning application.
- (d) Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined.
- (e) Where more than one person wants to speak for or against a planning application, then a spokesperson must be appointed. Where a spokesperson cannot be agreed, then the Chair will decide who shall speak. Where more than one person wants to respond in support of a planning application then the applicant has priority.
- (f) An objector or applicant / supporter may be represented by an agent at the Committee.
- (g) Once an objector has given the requisite notice to speak on a planning application which is to be determined by the Committee, then the applicant will be notified of the fact and the date and time of the relevant meeting and be afforded the opportunity to address that meeting in response.

## **18. Public Participation in Respect of Traffic Regulation Orders<sup>1</sup>**

- (a) Where objections have been received to an advertised Traffic Regulation Order and are being considered by the Traffic Regulations Working Party an objector may address the Working Party in person in respect of that Traffic Regulation Order. He / she must give written notice of that request by 12:00 noon on the last working day before the relevant meeting of the Working Party.
- (b) A supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.
- (c) Where more than one person wants to speak for or against a Traffic Regulation Order then a spokesperson must be appointed. Where a spokesperson cannot be agreed then the Chair will decide who shall speak.
- (d) Speakers will be limited to a maximum period of three minutes and only one speaker for and one speaker against the proposed Traffic Regulation Order will be permitted to address the meeting.
- (e) Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined. The Chair may however seek clarification of any points made by any speaker.
- (f) The use of visual aids will not be permitted and copies of speakers' comments and / or additional written information cannot be circulated at the meeting.

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<sup>1</sup> **Note:** This section relates only to those objections to Traffic Regulation Orders which are not regulated under the requirements of section 10 of the Local Authorities' Traffic Orders (Procedure) (England) Regulations 1996.

## **19. Presentation of Petitions**

- 19.1 At the meeting of the Council any Councillor may present a petition. The Councillor presenting the petition shall satisfy himself/herself that the petition is proper to be received.
- 19.2 All petitions must be received by the Committee Section (email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)) at least 12 clear working days<sup>1</sup> before the meeting either in paper or electronic form (created through the use of the Council's online e-petitions facility).
- 19.3 A petition can be presented at Council if:
- (a) It contains the signatories and addresses of anyone who lives, works or studies in the City (including under 18s);
  - (b) It is relevant to some matter in relation to which the Council has functions, or which affects the area of the Council, or part of it, or the inhabitants of the area or some of them; and
  - (c) It asks for action to be taken or ceased.
- 19.4 A petition shall not be presented at Council if:
- (a) It is submitted in connection with a planning or licensing decision or any matter where there is a statutory right of appeal or review. Such petitions will be dealt with under the relevant statutory provisions;
  - (b) It relates to a matter which is currently the subject of a formal public consultation process being undertaken by the Council;
  - (c) It criticises the conduct of a named individual;
  - (d) It is vexatious or abusive or otherwise inappropriate;
  - (e) It is identical or similar to a petition submitted in the past 6 months; or
  - (f) It is an electronic petition which has not been created using the Council's online e-petitions facility.
- 19.5 The presentation of the petition shall be limited to not more than one minute and shall be confined to reading out, or summarising the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the Councillor thinks fit.
- 19.6 Petitions shall be presented in the order in which notice of them is received by the Committee Section.
- 19.7 The Council shall refer petitions signed by 100 or more persons to the Cabinet, Cabinet Committee or relevant Scrutiny Committee as it thinks fit. The Council shall refer petitions signed by less than 100 persons to the Chief Executive or relevant Executive Director for response as appropriate.

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<sup>1</sup> "Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

## **20 Motions on Notice**

- 20.1 Except for motions which can be moved without notice under Rule 21, written notice of every motion, identifying one councillor as the proposer and at least one councillor as the seconder, must be delivered to the Chief Executive not later than 12:00hrs on the ninth clear working day<sup>1</sup> before the date of the Council meeting. Any amendments to a motion must be submitted to the Chief Executive at least 24 hours before the Council meeting.
- 20.2 The Monitoring Officer may reject a motion if it:
- (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
  - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
  - (iii) is defamatory, frivolous or offensive;
  - (iv) is substantially the same as a motion which has been put at a Council meeting in the last 6 months.
- 20.3 Motions on Notice will be included on the agenda in the order that they are received.
- 20.4 No councillor shall move more than one Motion on Notice at the same meeting.
- 20.5 No motions for debate under this rule of procedure are permitted for the meeting of the Annual Budget debate or at the Annual Meeting.
- 20.6 The total time permitted for consideration of each motion (Executive matters) for debate shall be no more than 30 minutes. The period shall include any speeches by the mover and seconder of the motion in question. If after 22 minutes the debate has not concluded the Mayor shall invite the Cabinet Member to respond before the proposer has the opportunity to conclude the debate. The normal rules of debate will apply. Following a vote on the motion (or amended motion), it will be referred to Cabinet for decision.
- 20.7 If a subject matter of the motion falls within the remit of full Council, the normal rules of debate will apply. The total time for debate for each such motion shall be no longer than 45 minutes. A vote will be taken to determine the matter (or refer it to a future meeting).
- 20.8 If there is not sufficient time to debate any motion before the Council then it shall be dealt with in accordance with Rule 10.4
- 20.9 Where a notice of motion is before Council and the mover wishes to subsequently withdraw it, he or she may do so with the consent of the seconder.
- 20.10 For the avoidance of doubt there will be no provisions for questions.
- 20.11 Notices of motion cannot relate to a matter which is currently the subject of a formal public consultation process being undertaken by the Council.

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<sup>1</sup> "Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

## **21. Motions without notice**

21.1 The following motions may be moved without notice:

- a) to appoint a chair of the meeting (if the Mayor is absent) and to invite the Deputy Mayor, if present, to take the chair;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or councillor arising from an item on the summons for the meeting;
- f) to move a motion arising from a report of an officer, a committee or the Cabinet (including the recommendation of that report);
- g) to withdraw a motion;
- h) to amend a motion or recommendation;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to extend the time limit of speeches;
- l) that the meeting or debate or motion be adjourned;
- m) point of order
- n) point of personal explanation
- o) that the meeting continue beyond three and a half hours in duration (subject to Rule 10);
- p) to suspend or vary a particular Council Procedure Rule (except those of statutory effect);
- q) to exclude the public and press under section 100(A) of the Local Government Act 1972;
- r) that a councillor named not be further heard.

## **22. General Limitations to all Motions**

22.1 The following limitations shall apply to all forms of motion and amendment.

- a) No motion shall be moved to the same effect as any motion that has been debated within the preceding year. This is provided that this Rule shall not apply to a motion to adopt a recommendation of the Cabinet or a committee.
- b) An amendment shall be relevant to the motion and shall be either to:
  - (i) leave out words;
  - (ii) leave out words and insert or add others;
  - (iii) insert or add words;
  - (iv) refer a subject of debate to the Cabinet or to a committee for consideration or re-considerationas long as the effect of (i) to (iii) is not, in the opinion of the Mayor, to negate the motion or materially change the content or purpose of the motion. Where the proposer of an amendment is unsure whether the amendment complies with the above Rule, they are to seek the early views of the Monitoring Officer before the amendment is formally submitted.
- c) In relation to motions without notice (Rule 21), upon any councillor seeking to propose a motion or an amendment, they shall state the terms of such motion or amendment and shall not be permitted to speak in support until they have done so.

- d) The Mayor will allow such time as he or she considers appropriate on the original substantive motion to allow the proposer and seconder to make their speeches and for others to contribute.
- e) The right of reply shall not extend to the mover of any amendment.
- f) Except as otherwise specifically provided by these Rules, no councillor shall address the Council more than once on any motion or amendment.

## **23. Rules of Debate**

- 23.1 Councillors shall alert the Mayor that they wish to speak and, if two or more councillors do so, the Mayor will select one of them to speak in which case all other councillors shall be silent.
- 23.2 When any councillor has been called to speak by the Mayor, other councillors shall remain silent unless making a point of order or personal explanation.
- 23.3 Whenever the Mayor speaks or rises from his or her chair, every other councillor shall sit and be silent and the Mayor shall be heard without interruption.
- 23.4 Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed. The Mayor may also require an amendment to be written down and handed to him/her before it is discussed.
- 23.5 No speech may exceed 4 minutes without the consent of the Mayor except:
  - a) At the Council Tax Setting meeting, the Leader of the Council shall be allowed unlimited time to set out his or her priorities or to propose the Budget.
  - b) The Leader(s) of the Opposition Group(s) shall also be allowed unlimited time to reply to a Leader's speech at the Council Tax Setting Meeting.
- 23.6 A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order, the Mayor shall call that councillor to order and may tell him or her to stop speaking.
- 23.7 A councillor may speak only: -
  - a) on motions or amendments; or
  - b) to ask or answer questions under Rules 13 and 14; or
  - c) to raise a point of order; or
  - d) to make a personal explanation, or
  - e) where the Mayor gives permission to a councillor to speak.
- 23.8 No one may speak more than once on any motion (including a recommendation of the Cabinet or a committee) except: -
  - a) the proposer of a motion who has a right of reply to the unamended motion / amended motion;
  - b) a councillor may speak on a proposal to amend a motion on which he or she has already spoken.
- 23.9 In the exercise of a right of reply, a councillor shall confine his or her speech to answering points made by previous speakers, and the exercise of that right shall close the debate on the particular motion or amendment then under discussion.

- 23.10 The right to reply is preserved if a closure motion or an adjournment motion is carried.
- 23.11 When an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 23.12 Where a formal amendment to the **Budget proposals** is to be submitted to the Council's Annual Budget Setting Meeting (ABSM) then at least 48 hours prior to the meeting, that proposed amendment shall be submitted to and discussed in confidence with the Executive Director (Finance and Resources), pursuant to Budget & Policy Framework Procedure Rule 7: The Executive Director (Finance & Resources) will confirm in writing that the proposed amendment will not produce an unbalanced or unsound budget, if he or she is satisfied that this is the case.
- 23.13 Such a formal amendment, setting out the details in clear terms (and in a form which the Executive Director (Finance and Resources) has confirmed in writing would not produce an unbalanced or unsound Budget) must be submitted in writing to the Chief Executive by 6.30 pm on the day before the ABSM and will be publicly available.

## **24. Points of Order and Personal Explanation**

- 24.1 A councillor may at any time raise a point of order but when so doing he or she shall specify the particular Rule or statutory provision which he or she alleges has been breached or on which he or she otherwise relies, specifying in the case of a Rule the number and the relevant paragraph and the way in which he considers it has been breached.
- 24.2 Any councillor speaking at the time a point of order is raised, shall fall silent.
- 24.3 A councillor making a personal explanation shall be entitled to be heard forthwith. Any councillor speaking at the time a personal explanation is to be made shall immediately fall silent.
- 24.4 A personal explanation may only be made by a councillor who –
- a) has spoken earlier in the debate then in progress who wishes to correct a misstatement he or she has made; or
  - b) wishes to correct a statement made about him or her by the person then speaking; or
  - c) wishes to correct a misquotation by the person then speaking of facts originally put by him or her earlier in the debate.
- 24.5 The ruling of the Mayor on a point of order or on the right to make a personal explanation shall be final, and shall not be open to debate.

## **25 Voting in Council Meetings**

- 25.1 Unless this constitution provides otherwise, any matter will be decided by a simple majority of those councillors entitled to vote and present in the room at the time the question was put. Voting will normally be determined by a show of hands (or where



practical, by electronic means). Subject to Rule 25.2, each councillor entitled to vote shall have one vote.

- 25.2 In the case of an equality of votes, the Mayor shall have a second or casting vote and may exercise it at his or her discretion.
- 25.3 Where immediately after a vote is taken at a meeting, if any councillor so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that councillor cast his or her vote for or against the matter before the Council or whether he or she abstained from voting.
- 25.4 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require a recorded vote to be taken on any decision related to the making of a calculation under sections 42A, 42B, 45 to 49 and 52ZJ of the Local Government Finance Act 1992 or the issuing of a precept under Chapter 4 of Part 1 of that Act at a meeting of the Council at which it makes such a calculation or issues such a precept. The procedure for such a vote is set out in 25.6.
- 25.5 In addition to Rule 25.4, if at a meeting any councillor, supported by six other councillors present demand a recorded vote by raising their hand and saying “named vote”, prior to the Mayor calling a vote, to indicate such demand, the names “for” or “against” the motion or amendment or abstaining from voting i.e. “not voting” will be taken down in writing and entered into the minutes.
- 25.6 The procedure for a recorded vote shall be as follows:
- a) The Mayor shall put the motion to a vote and the Chief Executive shall call out the names of councillors and record their votes or abstentions.
  - b) Each councillor shall answer “For”, “Against” or “Not Voting”.
  - c) The Mayor shall declare the result of the vote and the vote of each councillor shall be recorded in the minutes.
- 25.7 Where three or more persons are nominated for any position and there is not a majority in favour of one person, the person having the least number of votes shall be disregarded and a fresh vote taken, and so on, until there is a majority in favour of one person.

## **26. Voting in Cabinet, Committees, Working Parties, Forums, Panels and Other Bodies**

- 26.1 Any matter at meetings in Cabinet, Committee, Working Party, Forums, Panels and other bodies shall be determined by a show of hands (or where practical, by electronic means) by a majority of the members present and voting. If at a meeting any councillor, supported in the case of the Cabinet or Committee by three other members and in the case of a Working Party, Forum, Panel or body by one other member, demand a recorded vote by raising their hand and saying “named vote”, prior to the Chair calling a vote, to indicate such demand, the names “for” or “against” the motion or amendment or abstaining from voting i.e. “not voting” will be taken down in writing and entered into the minutes.
- 26.2 Where immediately after a vote is taken by a show of hands, if any member so requires there shall be recorded in the Minutes of the proceedings of that meeting how that member gave his/her vote or whether he or she abstained from voting.

## **27. Councillor's Conduct**

- 27.1 If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor not be heard further. If seconded, the motion will be voted on without discussion.
- 27.2 If the councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 27.3 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he or she thinks necessary.

## **28. Disturbance by the Public**

- 28.1 If a member of the public interrupts proceedings, the Mayor will warn the persons concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.
- 28.2 If there is general disturbance in any part of the meeting room open to the public, the Mayor may call that part to be cleared.

## **29. Exclusion of Public**

- 29.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this constitution or Rule 28.

## **30. Substitute Councillors**

- 30.1 Each political group may nominate any number of its members to be appointed by the Council to act as Substitute Councillors on each Committee in the circumstances set out below. A member of the Council not aligned to a political group shall be entitled to appoint non-aligned Councillors to his or her place on each committee.
- 30.2 A member of a Committee shall, if he / she wishes a Substitute Councillor to attend a meeting of that Committee in his / her place, give the Chief Executive written notice by sending an e-mail to [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk) no later than 3 hours before the time fixed for the meeting that he / she is unable to attend and that the Substitute Councillor named in the substitution notice will attend in his / her place, save that if the absence is Covid related and evidence to that effect is provided in writing, then notice can be given up to the commencement of the meeting.
- 30.3 If a Councillor is indisposed, then he or she may give written notice to the Chief Executive that for a specified period of time his or her Group Leader or another nominated Councillor (in the case of non-aligned Councillors) will deal with the appointment of Substitute Councillors on his / her behalf. In such circumstances the specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.

- 30.4 The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Committee for the duration of that meeting and for the duration of any adjournment of it, and that the Substitute Councillor shall be a full member of the Committee for the same period. If a Councillor for whom a substitute has been notified in accordance with sub-paragraph (2) above and not revoked subsequently attends any part of the relevant meeting he / she shall do so as an observer only, but may be permitted to speak in accordance with Standing Order 34.2.
- 30.5 A substitution notice given in respect of any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice as prescribed in sub-paragraph (2) above.
- 30.6 The Chief Executive shall give notice of Committee meetings in the usual way to all members of the Committee and to all Substitute Councillors.
- 30.7 These arrangements shall apply in the same way in respect of Sub-Committees, Working Parties, Forums, Panels, and other bodies but not the Cabinet or Cabinet Committee which are regulated by Rule 30.8.
- 30.8 The Leader shall appoint a substitute for each of the Cabinet Members in order to cover his / her portfolio in the event he or she is absent or disqualified for whatever reason. All the substitutes shall be drawn from amongst the other Cabinet Members. The same arrangements will apply to Cabinet Members in the Cabinet Committee.

## **31. Meetings of the Cabinet**

### **31.1 In respect of any meeting of the Cabinet:**

- (a) The meeting shall be summoned by the Chief Executive.
- (b) The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the digest of Cabinet proposals and the subsequent Cabinet minutes in accordance with the arrangements set out in the Constitution (see Scrutiny Procedure Rules in **Part 4(e)**).
- (c) Every agenda shall be approved by the Chief Executive and shall where applicable be set out in two parts;

Part 1 – Those items to be discussed in public, and

Part 2 – Those items in respect of which, in the opinion of the Chief Executive, the meeting is not likely to be open to the public.

## **32. Meetings of Committees and Working Parties, etc**

### **32.1 In respect of any meeting of the Council, a Committee, Working Party, Forum, Panel or other body:**

- (a) The meeting shall be summoned by the Chief Executive.
- (b) The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the Minutes of the meeting.
- (c) Every agenda shall be approved by the Chief Executive and shall (where applicable) be set out in two parts:

Part I – Those items to be discussed in public, and

Part II – Those items in respect of which, in the opinion of the Chief Executive, the meeting is likely not to be open to the public.

- (d) Subject to (c) above, every Councillor shall be entitled to require an item of business to be placed on the agenda of any meeting of a Committee, Sub-Committee or Working Party, provided:
  - It is relevant to the business of that Committee, Sub-Committee or Working Party;
  - The Councillor has been unable to resolve the matter through normal channels; and
  - Written notice is given to the Chief Executive at least nine clear days (of which Sunday may be one) before the meeting.

On receipt of such a valid notice the Chief Executive will ensure that the item is included on the next available agenda, but no report shall be prepared unless, exceptionally, the Chief Executive deems this appropriate.

32.2 The Chief Executive may summon a special meeting of a Committee at any time or on the requisition in writing of the Chair or of a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business than that set out shall be considered at that meeting.

32.3 The Chief Executive with the agreement of the Chair (or in his absence the Vice-Chair) of any Committee may:

- (a) alter the date or time of any ordinary or Special Meeting of a Committee; or
- (b) cancel a Special Meeting of a Committee if, after consulting the Chair or, in his absence the Vice-Chair, both of them are agreed that the reason for convening the Special Meeting no longer exists or has been overtaken by events;

provided that the date and time of a Special Meeting of a Committee convened on a requisition by the Chair or of a quarter of the members of the Committee shall not be changed nor shall such a meeting be cancelled otherwise than in addition to the consultation referred to above at the written request of the Chair or of all of the Councillors requisitioning the meeting as the case may be.

- 32.4 In this Procedural Rule, any reference to the Chief Executive shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in his/her absence.

### **33. Working Parties**

- 33.1 There shall be 2 types of working party:

- i) Those that report exclusively to the Executive ("Cabinet Working Parties")
- ii) Those that report to the Council ("Council Working Parties")

#### Cabinet Working Parties

- 33.2 A Cabinet Working Party may comprise any Councillor apart from the Mayor and Deputy Mayor.
- 33.3 Each Cabinet Working Party shall be appointed by the Council and shall include at least 3 Councillors. They may also include officers and Co-opted Members in appropriate cases.
- 33.4 Each Cabinet Working Party shall be chaired by the Leader or such other Cabinet Member as the Leader shall appoint. A Vice-Chair will be elected at the first meeting in each municipal year.
- 33.5 Cabinet Working Parties shall report directly and exclusively to the Cabinet and shall act in an advisory capacity only.

#### Council Working Parties

- 33.6 Each Council Working Party shall include at least 3 Councillors. They may also include Officers and Co-opted Members in appropriate cases.
- 33.7 With the exception of Scrutiny Working Parties / Panels which will be drawn from the membership of the parent Committee (and report to that parent Committee):
- Each Council Working Party shall be appointed by the Council.
  - The Council will appoint the Chair and Vice-Chair of all Council Working Parties.
  - A Council Working Party may comprise any Councillors, (except that a Cabinet Member shall not be a member of a Working Party which reports to or through a Scrutiny Committee) together with Co-opted Members and Officers.
  - Council Working Parties shall report to the Council, either directly or through a Committee.

### **34. Attendance at Cabinet, Committee & Working Party Meetings by Councillors**

#### Cabinet

34.1 A Councillor may attend a meeting of the Cabinet, but will only be entitled to speak on an item if he / she:

- (a) is a Cabinet Member; or
- (b) has been permitted by the Chair to speak.

For the avoidance of doubt only a Cabinet Member is permitted to vote on any item.

#### Committees and Sub-Committees

34.2 Subject to the interest rules in the Code of Conduct (**Part 5(a)**) and the provisos set out in (a) and (b) below, a Councillor may attend a meeting of any Committee or Sub-Committee, but will only be entitled to speak on an item if he / she:

- (a) is a member of the Committee or Sub-Committee (or duly appointed substitute); or
- (b) has been permitted by the Chair to speak; or
- (c) has placed the item on the agenda under Rule 32.1(d) (but calling in an item is not sufficient); or

For the avoidance of doubt, only a member of the relevant Committee or Sub-Committee is permitted to vote on any item.

#### **Provisos**

- (a) A Councillor may not attend a meeting of a Committee / Sub-Committee meeting in private, to deal with employment issues and appeals and education appeals unless he / she is a member of that Committee / Sub-Committee, a duly appointed substitute for that meeting or has a legal right to attend.
- (b) A Councillor who attends a Committee or Sub-Committee, of which he or she is neither a member nor a duly appointed substitute, should sit apart from Committee / Sub-Committee members and shall only be entitled to speak for a maximum of 5 minutes on any item.

#### Working Parties, Panels & Forums Meeting in Public

34.3 Subject to the interest rules in the Code of Conduct (**Part 5(a)**) and the proviso set out below, a Councillor may attend a meeting of any Working Party / Panel / Forum meeting in public, but will only be entitled to speak on an item if he / she:

- (a) is a member of the Working Party / Panel / Forum (or duly appointed substitute); or
- (b) has been permitted by the Chair to speak; or
- (c) has placed the item on the agenda under Standing Order 32.1(d)

For the avoidance of doubt, only a member of the relevant Working Party / Panel / Forum is permitted to vote on any item.

### **Proviso**

A Councillor who attends a Working Party / Panel / Forum, of which he or she is neither a member nor a duly appointed substitute, should sit apart from Working Party / Panel / Forum members.

### **Working Parties, Panels & Forums Meeting in Private**

34.4 Subject to the interest rules in the Code of Conduct (**Part 5(a)**) and the proviso set out below, a Councillor may attend a meeting of a Working Party / Panel / Forum meeting in private but only if he / she:

- (a) is a member of the Working Party / Panel / Forum; or
- (b) has been permitted by the Chair to attend; or
- (c) has placed an item on the agenda under Standing Order 32.1(d), in which case the Councillor can be present for that item and shall have the right to speak; or
- (d) can demonstrate a 'need to know' in respect of an item, in which case the Councillor can be present for that item, but has no right to speak.

For the avoidance of doubt, only a member of a Working Party / Panel / Forum is permitted to vote on any item.

### **Proviso**

A Councillor who attends a Working Party / Panel / Forum, of which he or she is neither a member nor a duly appointed substitute, should sit apart from Working Party / Panel / Forum members.

## **35. Standing Orders to apply to Cabinet, Committees, etc**

35.1 The following Standing Orders of the Council shall also apply to Cabinet, Committees, etc. as indicated:

23. Rules of debate, except those that relate to length of speeches (23.5), speaking more than once (23.8) (Cabinet and Committees).

25.7. Voting on appointments (Cabinet and Committees).

27/28. Disorderly conduct (Cabinet and Committees).

29. Power to exclude the public (Cabinet and Committees).

## **36. Suspension and Amendment of Council Rules**

36.1 In respect of business at Council meetings, any Rule, except those of statutory effect, may be suspended on a motion which may be moved without notice, provided at

least one half of the whole number of councillors are present. Suspension can only be for the duration of the meeting.

- 36.2 At meetings of the Cabinet, Committees, Working Parties, Forums, Panels and other bodies Procedural Rules shall not be suspended.
- 36.3 Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.



## Part 4(e) – Overview & Scrutiny Procedure Rules

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## **Part 4 (e) – Overview and Scrutiny Procedure Rules**

### **1. What will be the number and arrangements for Overview and Scrutiny Committees?**

The Council's scrutiny function is performed by the scrutiny committee as set out in Article 6 and will appoint to them as it considers appropriate.

### **2. Who may sit on the Scrutiny Committee**

All Councillors except members of the Cabinet and Mayor may be members of the scrutiny committee. However, no Councillor may be involved in scrutinising a decision in which they have been directly involved.

The People Scrutiny Committee shall include within its membership the following Co-opted Members:

- 1 x Church of England diocese representative (voting);
- 1 x Roman Catholic diocese representative (voting);
- 2 x Parent governor representatives (voting);
- 3 x Non-voting Co-opted Members: one appointed by SAVS (through election amongst voluntary organisations in the City), one appointed by Healthwatch Southend and the other appointed by the Carers Forum; and
- 2 x Observers appointed by Southend Youth Council

### **3. Meetings of the Scrutiny Committee**

A schedule of meetings will be published. Additional meetings may be called from time to time as and when appropriate. A meeting may be called by the Chair of the Scrutiny or by any five members of the Committee or by the Chief Executive if he or she consider it necessary or appropriate.

### **4. Quorum**

The quorum for a scrutiny committee shall be five. The quorum must be maintained for the duration of the meeting.

### **5. Who chairs the Scrutiny Committee?**

Chairs and vice chairs of the scrutiny committees will be drawn from among the opposition Councillors sitting on the committee.

### **6. Work programme**

The scrutiny committees will be responsible for setting their own work programme (having due regard to Council resources) and in doing so they

shall consider the wishes of members on that committee. The work programme should include requests from the Council and the Cabinet for advice. Part of the work programme may be undertaken by small Working Parties of the scrutiny committee. Appendices 2 and 3 provides guidance on setting a work programme.

In addition to the more in-depth scrutiny work undertaken by the working parties during the municipal year, the committee may wish to undertake pre-decision scrutiny on decisions in their final form before their consideration at Cabinet. Appendices 3 and 4 sets out how pre-decision scrutiny works in practice.

## **7. Agenda items**

Any elected Councillor may give written notice to the Chief Executive that they wish an item relevant to the functions of the scrutiny committee and relating to a Councillor Call for Action (CCfA) in their ward which cannot be resolved through normal channels, to be included on the agenda for the next available meeting of the committee (in accordance with the Local Protocol on CCfA in Part 5(g) of the Constitution). On receipt of such a notice the Chief Executive will assess whether it is validly submitted and complies with the guidance issued by the Secretary of State. If he or she is satisfied that it is valid, he or she shall arrange for investigation and submission of an initial report on the matter for consideration on the next available agenda.

The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where they do so, the scrutiny committee shall report their findings and any recommendations back to the Cabinet and / or Council. The Council and / or the Cabinet shall consider the report of the scrutiny committee within one month of receiving it.

The People Scrutiny Committee will consider referrals made by Healthwatch Southend.

## **8. Policy review and development**

The role of the scrutiny committees in relation to the Council's Budget and Policy Framework is set out in the Budget and Policy Framework Procedure Rules (Part 4(c)).

In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, scrutiny committees or sub-committees may make proposals to the Cabinet for developments in so far as they relate to matters within their Terms of Reference.

Scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## **9. Reports from the Scrutiny Committee**

Once it has formed recommendations on any matter, a scrutiny committee may prepare a formal report and submit it for consideration by the Cabinet (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

If a scrutiny committee cannot agree on one single final report to the Council or Cabinet on proposals on any matter as referred to above, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

The Council or Cabinet shall consider the report of the scrutiny committee normally within 8 weeks of it being submitted.

## **10 Making sure that scrutiny reports are considered by the Cabinet**

The agenda for Cabinet meetings shall include an item entitled "Issues arising from scrutiny". The reports of scrutiny committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within one month of the scrutiny committee completing its report.

Only one report every three months may be submitted by each scrutiny committee to the Cabinet.

Scrutiny committees will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a scrutiny committee following a consideration of possible policy / service developments, the committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

## **11. Rights of Scrutiny Committee members to documents**

In addition to their rights as Councillors, members of scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4(b).

Nothing in this paragraph prevents more detailed liaison between the Cabinet and scrutiny committees as appropriate depending on the matter under consideration.

## **12. Councillors and officers giving account**

The scrutiny committee will confine its questions to the particular issue on the agenda. Scrutiny committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. This power does not relate solely to scrutiny of decisions taken and can be used to ask a Cabinet Member, for example, about forthcoming issues, provided due notice is given. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Cabinet Member, the Head of Paid Service and / or any senior officer to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and / or
- (iii) their performance,

and it is the duty of those persons to attend if so required.

Where any Councillor or officer is required to attend a scrutiny committee under this provision, the chair of that committee will inform the Chief Executive. The Chief Executive shall inform the Councillor or officer in writing giving at least 15 working days' notice of the meeting at which he or she is required to attend. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Councillor or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the Councillor or officer arrange an alternative date for attendance to take place within a maximum of 15 days from the date of the original request.

### **13. Attendance by others**

A Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and / or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

### **14. Call-in**

Only key decisions can be called-in, urgent key decisions cannot be called in.

Call-in should only be used in exceptional circumstances. Exceptional circumstances are where a decision has been made which is either outside the policy framework or contrary to, or not wholly consistent with the budget, or the decision was not taken in accordance with the principles set out in Article 13.02. The right to call-in should not be abused.

Where a decision is made by the Cabinet, the decision shall be published in a Digest, including where possible by electronic means, and shall be available at the main offices of the Council as soon as possible after the Cabinet meeting. The Digest will be sent to all Councillors.

The published decision will bear the date on which it is published and will specify that the decision will come into force and may be implemented at 4.00pm on the fifth working day after the publication of the decision (not including the date of publication), unless called-in under these provisions.

During this period, the Chief Executive shall call-in a decision for scrutiny by the relevant scrutiny committee if so requested by at least 3 members of the Council (not including Cabinet Members) or voting co-opted members and providing the request complies with the requirements set out in the reasons for call-in below. For the purposes of this provision the education co-opted members referred to in paragraph 3 of these Rules shall only be entitled to request the call-in of a decision relating to education matters.

Councillors requesting that a decision be called-in for scrutiny shall complete a call-in form (attached at Appendix 1) either electronically or on paper and indicate one councillor as the lead councillor for the call-in and send it to the Chief Executive.

The councillors requesting the call-in must include reason(s) why the decision should be scrutinised.

A reason for call-in shall not be valid if:-

- (i) the reason for call-in does not relate directly to the decision;
- (ii) the reason for call-in is answered by information already to be found in the report relating to the decision;
- (iii) the reason for call-in is to obtain information which does not directly relate to the reasons for taking the decision which is being called in;
- (iv) the reason for call-in relates to a decision which is yet to go to statutory consultation. However, the reason for call-in may be valid if it relates to the basis of or criteria for the consultation;
- (v) the reason for call-in relates to a previous policy or strategy decision which has been subject to the call-in process within the previous six months;
- (vi) there was sufficient time for pre-decision scrutiny.

On receipt of a call-in form the Chief Executive will arrange for:

- (a) the call-in form to be acknowledged in writing;
- (b) consideration that the call-in is valid within these Rules;

If the call-in is valid:

- (c) Cabinet to be formally notified in writing of the receipt of a call-in; and
- (d) the Chair of the scrutiny committee to be informed (if the Chair is not a party to the call-in).

If the call-in form states that the decision is outside of the budget and policy framework of the Council, the Chief Financial Officer or Monitoring Officer (as appropriate) will prepare a report for the scrutiny committee upon the matter.

Prior to the meeting of the scrutiny committee arranged to consider the call-in item, the Chair shall arrange an informal meeting with the lead councillor calling in the decision and the lead Cabinet Member to discuss the issue. All members who have signed the call-in request will be invited to the informal meeting, providing the number of signatories does not exceed three.

Where at the informal meeting stage assurances are given by, or agreements reached with the lead Cabinet Member, then those assurances or agreements must subsequently be confirmed in writing.

A report of any call-ins that are withdrawn as a result of an informal meeting will be included on the Agenda for the next meeting of the scrutiny committee.

If the call-in is not withdrawn as a result of the informal meeting or an informal meeting is not held it will go to the scrutiny committee.

The committee should normally meet within 10 clear working days of the notice of call-in. Wherever possible scheduled meetings of the committee will be used. Where this is not possible the Chief Executive will liaise with the parties concerned to arrange a special meeting.

A decision may not be called-in where the scrutiny committee scrutinised the decision before it was taken and made recommendations to Cabinet and those recommendations have been accepted by Cabinet either in whole or without significant addition or modification.

To facilitate the proper scrutiny of the decision being called-in, the lead councillor shall provide the scrutiny committee members with an outline of the case to be presented and any supporting evidence not less than three working days prior to the date of the scrutiny committee meeting.

Where a decision has been called-in and none of the councillors who have called-in the decision attends, the scrutiny committee will have the option of confirming the decision without any further discussion.

The Chair of the scrutiny committee shall primarily confine the debate at the meeting to the reasons stated on the call-in form.

The options available to the scrutiny committee in respect of a called in matter are as follows:

- a) To note the Cabinet's decision – in which case the decision takes effect immediately
- b) To refer the matter back to the Cabinet for reconsideration – in which case the Cabinet shall reconsider the matter within 28 days, normally at its next planned meeting. The Cabinet may then determine the matter as it thinks fit and the decision takes effect on publication of the fresh decision, there being no further call-in.
- c) Refer Cabinet's decision to the Council where the Chief Financial Officer/ Monitoring Officer's report confirms that the decision is outside of the budgetary and policy framework.

If a matter is referred to the full council in accordance with paragraph (c) above, the Chief Executive, in consultation with the Mayor, shall call an extraordinary meeting of the council within seven working days.

Essentially the same procedures also apply to the call-in of key decisions by the Cabinet Committee and officers. However, in the latter case if the scrutiny committee refers the matter back, it will be considered again by the officer who will refer the matter to Cabinet.



## **15. Call-In and Urgency**

The call-in procedure set out above shall not apply or shall cease to apply where the decision being taken by the Cabinet is urgent or becomes urgent during the call-in process. A decision is urgent if any delay likely to be caused by the call-in process is likely to seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the Cabinet, the decision is or has become an urgent one, and therefore not, or no longer subject to call-in.

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## **16. Procedure at Scrutiny Committee meetings**

Scrutiny committees shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest;
- (iii) consideration of any matter referred to the committee in relation to call-in of a decision;
- (iv) responses of the Cabinet to reports of the scrutiny committees; and
- (v) the business otherwise set out on the agenda for the meeting.

Where the scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

Following any investigation or review, the committee / sub-committee shall prepare a report for submission to Cabinet and / or Council as appropriate and shall make its report and findings public.

## **Appendix 1**

This form may be used to request a call in of any key decision (except urgent decisions) taken by the Cabinet or an officer acting under delegated powers.

This form must be completed by at least 3 voting members of the committee and must be delivered to the Chief Executive by 4pm of the fifth working day following publication of the decision.

We, the undersigned, request that the following decision be scrutinised by the .....Scrutiny Committee for the reasons set out below:-

The decision of the Cabinet on .....20.. item ..... ; or  
The decision contained in the Record of Decisions Taken Under Delegated Powers, Reference No..... dated .....

Reasons for call in:

Names

1. ....

2. ....

3. ....

Please indicate the lead representative who must present the case at the scrutiny committee meeting.

### **Scrutiny work programme**

At the first meeting of each scrutiny committee in the municipal year, the committee will set their work programme (having due regard to Council resources) and in doing so they shall consider the wishes of members on that committee. Part of the work programme may be undertaken by small Working Parties of the scrutiny committee.

The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Executive to review particular areas of Council activity. Where they do so, the scrutiny committee shall report their findings and any recommendations back to the Executive. The Executive shall consider the report of the scrutiny committee at the next available meeting.

The Committees should anticipate that during the municipal year they may wish to undertake pre-decision scrutiny or call-in a decision and accordingly it is advisable leave sufficient time within the planned work programme for these eventualities.

### **Issues suitable for scrutiny**

The following criteria can help to determine a scrutiny committee's programme. A topic does not need to meet all of these criteria in order to be scrutinised, but they are intended as a guide for prioritisation.

- Is the issue a priority area for the Council?
- Is it a key issue for local people?
- Will it be practicable to implement the outcomes of the scrutiny?
- Are improvements for local people likely?
- Does it examine a poor performing service?
- Will it result in improvements to the way the Council operates?
- Is it related to new Government guidance or legislation?

Other points also need to be taken into account when considering whether to review a particular issue:

- Is the subject specific – so that those undertaking the scrutiny can understand exactly what they are scrutinising?
- Is it achievable within the timescale allowed?

The following criteria may also be helpful in identifying what issues are not suitable for scrutiny:

- The issue is already being examined by another body.
- The matter is sub judice or prejudicial to the Council's interests.
- The matter relates to a specific case falling within the complaints procedure.
- The issue relates to an individual disciplinary matter or grievance.

It will be important for members to:

- Ensure that the programme includes a balance of different types of work, including short, medium and long term reviews.
- Issues could be considered at single meetings, or may need to be the subject of a longer term, more in-depth scrutiny review;
- Have regard to the ongoing work of the scrutiny committees, including performance monitoring, budget scrutiny, crime and disorder scrutiny and consideration of the Corporate Plan;
- Ensure that the scrutiny committees retain sufficient capacity to respond to issues that may arise within the year, including pre-scrutiny and call-ins;
- Take into account the resources available to support scrutiny.

The scrutiny chairs will need to consider how best to carry out the pieces of work in discussion with relevant officers and the scrutiny team.

### PRE-DECISION SCRUTINY

#### What is pre-decision scrutiny?

1. Pre-decision scrutiny applies to scheduled Cabinet business and provides the opportunity for consultation with non-Executive Members on fully developed proposals, where a clear recommendation exists, before decisions are taken by the Cabinet. This provides scrutiny Councillors with the ability to make comments on a proposed decision before it is made, thereby giving scrutiny a valuable opportunity to influence decision-making through debate and challenge.
2. Pre-decision scrutiny is usually undertaken two or three weeks before a key decision is made at Cabinet. This provides councillors on scrutiny committee to consider and make recommendations on decisions in their final form.
3. The range of possible outcomes may include support for a decision, a different view on the way forward, the flagging up of concerns, or a view that the decision should be deferred pending further work, etc.
4. It does not mean that decisions will necessarily be changed or withdrawn, however it gives an opportunity for those decisions to be more informed. Pre-decision scrutiny can be viewed as non-Executive Members performing a 'critical friend' role in relation to the Executive.

#### What pre-decision scrutiny is not

5. Pre-decision scrutiny does not replace decision-making. It is not intended to blur the lines of accountability, which will always rest with the Executive.
6. Pre-decision scrutiny is not the same as general service or policy development / formulation. Separate to pre-decision scrutiny there will be occasions where scrutiny is already involved at an earlier point in the development of policy or service proposals.
7. Pre-decision scrutiny is not a call to carry out an in-depth inquiry into a matter. It refers to a one-off consultation on a specific report.

#### Who undertakes pre-decision scrutiny?

8. Pre-decision scrutiny is about accountability for decision-making. The scrutiny of decisions and holding the Council's Executive to account is a role that is carried out by the Council's three Scrutiny Committees.
9. The selection of matters for pre-decision scrutiny should have regard to whether the matter has already featured in scrutiny work plans.

### **Impact on work plans**

10. Pre-decision scrutiny is only one of a variety of roles and possible activities that scrutiny may be involved in, and any desire to undertake pre-decision scrutiny will need to be balanced with other activities.
11. Pre-decision scrutiny does not automatically require scrutiny to carry out any in-depth work. The presumption is that a single meeting is sufficient to formulate views. Should the committee feel that more work is necessary then it will need to recommend that to Cabinet. If the committee wishes to carry out any aspect of work in relation to the proposed decision, it will need to state this in its response to the Cabinet.
12. An item for pre-decision scrutiny need not automatically pose a significant impact on the existing work programme, the committee will however have to manage its work to take into account referrals or requests for pre-decision scrutiny.

### **Impact on the Executive**

13. The committee will depend on the cooperation of the Executive in facilitating the involvement of scrutiny. Pre-decision scrutiny will have an impact on existing decision-making procedures, and the time of both councillors and officers involved in the production of Cabinet reports. Pre-decision scrutiny would be facilitated by forward planning and a degree of flexibility on decision-making timetables.

### **The process**

14. The process for pre-decision scrutiny is summarised in the attached flow-chart (Appendix 4). The process is based on a selective approach through identification of items from the City Council's Forward Plan.
15. Only one scrutiny committee may undertake pre-decision scrutiny.

### **Identification / Selection**

16. The City Council publishes its Forward Plan on the Council's website and it will be included with each scrutiny agenda. Scrutiny councillors should use this information as the source from which selections for pre-decision scrutiny are made. Where the chair of a scrutiny committee or a group leader expresses a desire to pre-scrutinise a matter it will be added to the work programme. The relevant Cabinet Member will be made aware of any requests for pre-scrutiny.
17. In some circumstances pre decision scrutiny will not be appropriate. The Chief Executive will be entitled to decline a request for pre-decision scrutiny provided one of the following criteria is met:

- The matter is not the subject of a Cabinet decision-making report
- The matter has already been subject to extensive consideration by scrutiny
- Where pre-decision scrutiny would require that an urgent matter is delayed and that this delay would be detrimental to the interests of the Council
- Whether there is any constitutional or legal reason why pre-decision scrutiny should not take place

### **Notification**

18. The relevant Cabinet Member and relevant Director will be notified of those matters identified for pre-decision scrutiny at the earliest opportunity and advice sought on timing / implications.
19. The relevant Director will advise on the decision-making timetable.

### **Inclusion in Work Plan**

20. Where possible those matters that have been considered appropriate for pre-decision scrutiny will be included in the work plan.
21. At the same time the committee will have to consider the implication on its own time to undertake meaningful pre-decision scrutiny and will need to manage and modify its work programme accordingly.

### **Consideration**

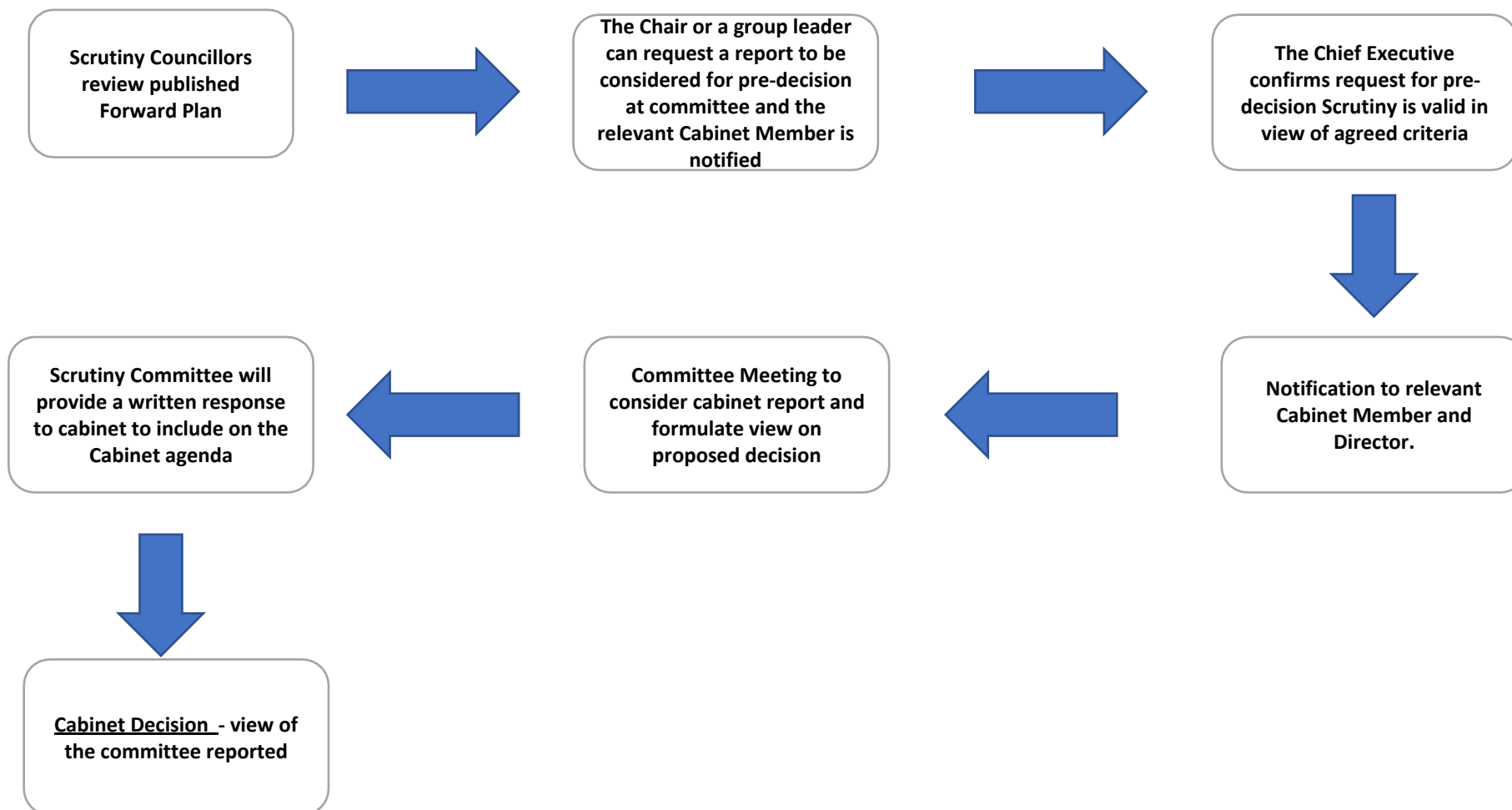
22. Pre-decision scrutiny will normally be based on the report which is to be submitted to Cabinet. The relevant Cabinet Member would be expected to attend the committee to answer questions / provide clarification on the report. The committee can request relevant officers to attend to provide advice and assist the committee in their consideration.
23. Best practice evidence strongly emphasises the need for a constructive and non-party political approach. There would be an expectation of responsible, evidence-based scrutiny. In general, the committee would be expected to focus on:
  - The reasons for the proposed decision and robustness of the process
  - Whether the report outlines all the known or potential implications (including policy/budget issues) and risks
  - Whether the report adequately examines all the available options
  - Whether there has been adequate consultation on the proposals
24. Meetings will be open to the public (unless an exemption applies).

## **Decision**

25. The Committee will inform cabinet in writing of their considerations, this will be included on the Cabinet agenda. Otherwise, the chair of the committee will be invited to address the Cabinet during consideration of the report to outline the views of the committee prior to decision.
26. Where possible the Cabinet report should include a section on the outcome from the committee meeting and if necessary, demonstrate how the views expressed by the committee have been addressed.



# Pre-decision scrutiny



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### 9.4 Independent Remuneration Panel

#### 9.4.1 Introduction

- (a) Local Authorities (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations") require councils to establish and maintain an independent remuneration panel.
- (b) The purpose of this panel is to make recommendations to the authority about the allowances to be paid to elected Councillors.
- (c) The 2003 Regulations provide for independent remuneration panels to have the following functions:
  - To make recommendations to the authority as to the amount of basic allowance which should be payable to its elected Councillors.
  - To make recommendations to the authority about the roles and responsibilities for which a special responsibility allowance should be payable and as to the amount of each such allowance.
  - To make recommendations as to whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
  - To make recommendations as to the responsibilities or duties in respect of which a travelling and subsistence allowance should be available and the amount of such an allowance.

#### 9.4.2 Membership

3 independent members. Elected Councillors cannot be members of the panel.

#### 9.4.3 Quorum

3

#### 9.4.4 Terms of Reference

- (a) To make recommendations to the Council on matters relating to Councillors' Allowances
- (b) To make recommendations to Leigh-on-Sea Town Council on its Councillors' Allowances Scheme, if that Council so requires.

#### 9.4.5 Reports of the Panel

The Council must have regard to the recommendations made to it by the Independent Remuneration Panel when making or amending its Councillors' Allowances Scheme.

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# Southend-on-Sea City Council

Report of Executive Director  
(Strategy, Change and Governance)

To  
Council

On  
2<sup>nd</sup> March 2023

Agenda  
Item No.

24

Report prepared by: Colin Gamble

## Review of Committee Proportionality

Part 1 (Public Agenda Item)

### 1. Purpose of Report

- 1.1 The Council is required by the Local Government and Housing Act 1989 to review the balance on its committees in any circumstances set out in the Regulations under the 1989 Act. The formation of the Residents First Group on the Council has triggered a review of committee proportionality and the results of this exercise are set out in this report.

### 2. Recommendations

- 2.1 To note the adjustments to the allocation of places following the review of committee proportionality (paragraph 3.6).
- 2.2 To approve the revised appointments to the committees required (to be circulated at the meeting)

### 3. Background

- 3.1 The rules governing the allocation of seats on committees are set out in the Local Government and Housing Act 1989 and the associated Regulations. Following the formation of the Residents First Group on the Council, a review of committee proportionality has been undertaken in accordance with the legal requirements.

#### Council Make Up

- 3.2 The political composition of the Council is now as follows:

21 Conservative	(41.18%)
15 Labour	(29.41%)
5 Independent	(9.80%)
6 Liberal Democrat	(11.76%)
2 Residents First	(3.92%)
2 Non-Aligned	(3.92%)
51	

### Entitlement to Seats on Committees

- 3.3 There are 131 seats in total on the committees. The seat entitlement is as follows:

Conservative – 54 Seats	$(21 / 51 \times 131 = 53.94)$
Labour – 39 Seats	$(15 / 51 \times 131 = 38.53)$
Independent - 13 Seats	$(5 / 51 \times 131 = 12.84)$
Liberal Democrats – 15 Seats	$(6 / 51 \times 131 = 15.41)$
Residents First – 5 Seats	$(2 / 51 \times 131 = 5.14)$
Non-Aligned – 5 Seats	$(2 / 51 \times 131 = 5.14)$

### The Principles for Allocation of Seats

- 3.4 The principles for the allocation of places on committees between political groups are set out in Section 15(5) of the Local Government and Housing Act 1989. These principles are as follows and rank in priority order:

1. There shall be no one-party committees (S.15(5)(a).
2. The majority party on the Council must have a majority of seats on all committees (S.15(5)(b).
3. The places on committees must be distributed proportionally among the political groups according to their respective size (S.15(5)(d).
4. S.15(5)(d) is subject to a further requirement in S.15(5)(c) that the distribution of places on individual committees must be adjusted so that proportionality is observed across all committees taken as a whole, even if this means departing from proportionality on a particular committee.

- 3.5 Regulation 16 (3) of the Local Government (Political Groups) Regulations (made pursuant to paragraph 3 (2) of schedule 1 of the 1989 Act) deals with the treatment of Councillors who do not belong to a political group on the Council. The Regulations stipulate that if there are any seats remaining unallocated to a political group after applying the principles in S.15(5) of the 1989 Act, then the Council must allocate those seats to a Councillor who is not a member of a political group.

### Adjustments Required

- 3.6 The impact of the political balance calculations is as follows:

- (a) The number of seats allocated to the Conservative Group and Liberal Democrats Group has not changed.
- (b) The Labour Group needs to lose 2 seats: Policy and Resources Committee and Licensing Committee (Also to nominate councillors to fill the places on other committees vacated by Councillor Cowdrey: People Scrutiny Committee, Appeals B Committee and Standards Committee).

- (c) The Independent Group needs to lose 2 seats: Policy and Resources Scrutiny Committee and People Scrutiny Committee. (Also to nominate councillors to fill the places on other committees vacated by Councillor Stafford: Appeals Committee A and Appeals Committee B).
  - (d) The Residents First Group needs to make appointments to the following committees: Place Scrutiny Committee, Policy and Resources Scrutiny Committee, People Scrutiny Committee, Development Control Committee and Licensing Committee.
  - (e) A place on each of the following committees has been allocated to the Non-aligned councillors after the adjustments which have been made: Policy and Resources Scrutiny Committee, People Scrutiny Committee, Appeals Committee B, General Purposes Committee and Licensing Committee.
- 3.7 Arising from the above, it is also necessary to appoint to the chair positions on Appeals Committee A and Appeals Committee B as the current chairs (Councillor Stafford – Appeals Committee A and Councillor Cowdrey – Appeals Committee B) no longer have a place on those committees.
- 3.8 Discussions have taken place with the affected Group Leaders and Councillor K Evans (for the Non-Aligned Councillors) on the required adjustments to the committees. A list of the revised appointments to the committees for approval will be circulated at the Council meeting.

#### **4. Background Papers**

None

#### **5. Appendices**

None

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## Calendar of Meetings 2023-2024

### 2023

#### MAY

##### ANNUAL COUNCIL

##### COUNCIL (Appointment of Committees etc

Place Scrutiny Committee – Cycle 1

People Scrutiny Committee – Cycle 1

Policy & Resources Scrutiny Committee – Cycle 1

3.30pm

6.30pm

6.30pm

6.30pm

6.30pm

Thursday, 11<sup>th</sup> May

Thursday 18<sup>th</sup> May

Tuesday 30<sup>th</sup> May

Wednesday 31<sup>st</sup> May

Thursday 1<sup>st</sup> June

# 25

#### JUNE

Development Control Committee

Southend Health and Wellbeing Board

**CABINET** – Cycle 1

2.00pm

5.00pm

6.30pm

Wednesday, 7<sup>th</sup> June

Thursday, 8<sup>th</sup> June

**Monday, 19<sup>th</sup> June**

#### JULY

Place Scrutiny Committee – Cycle 2

People Scrutiny Committee – Cycle 2

Development Control Committee

Policy and Resources Scrutiny Committee – Cycle 2

Shareholder Board

**COUNCIL** – Cycle 1

Audit Committee

**CABINET** – Cycle 2

6.30pm

6.30pm

2.00pm

6.30pm

6.30pm

6.30pm

6.30pm

6.30pm

Monday, 3<sup>rd</sup> July

Tuesday, 4<sup>th</sup> July

Wednesday, 5<sup>th</sup> July

Thursday, 6<sup>th</sup> July

Wednesday, 12<sup>th</sup> July

**Thursday, 13<sup>th</sup> July**

Wednesday, 19<sup>th</sup> July

**Monday 24<sup>th</sup> July**

#### AUGUST

Development Control Committee

Place Scrutiny Committee – Cycle 3

Development Control Committee

People Scrutiny Committee – Cycle 3

Policy & Resources Scrutiny Committee – Cycle 3

2.00pm

6.30pm

2.00pm

6.30pm

6.30pm

Wednesday 2<sup>nd</sup> August

Tuesday 29<sup>th</sup> August

Wednesday, 30<sup>th</sup> August

Wednesday, 30<sup>th</sup> August

Thursday 31<sup>st</sup> August

#### SEPTEMBER

Southend Health and Wellbeing Board

**COUNCIL** – Cycle 2

Development Control Committee

Traffic Regulations Working Party & Cabinet Committee

**CABINET** – Cycle 3

5.00pm

6.30pm

2.00pm

6.30pm

6.30pm

Wednesday, 6<sup>th</sup> September

**Thursday, 7<sup>th</sup> September**

Wednesday, 13<sup>th</sup> September

Thursday, 14<sup>th</sup> September

**Monday, 18<sup>th</sup> September**

#### OCTOBER

Shareholder Board

Development Control Committee

**COUNCIL** – Cycle 3

Audit Committee

Place Scrutiny Committee – Cycle 4

People Scrutiny Committee – Cycle 4

6.30pm

2.00pm

6.30pm

6.30pm

6.30pm

6.30pm

Monday, 16<sup>th</sup> October

Wednesday, 18<sup>th</sup> October

**Thursday 19<sup>th</sup> October**

Wednesday, 25<sup>th</sup> October

Monday, 30<sup>th</sup> October

Tuesday, 31<sup>st</sup> October

#### NOVEMBER

Development Control Committee

Policy & Resources Scrutiny Committee – Cycle 4

Traffic Regulations Working Party & Cabinet Committee

**CABINET** – Cycle 4

Development Control Committee

2.00pm

6.30pm

6.30pm

6.30pm

2.00pm

Wednesday, 1<sup>st</sup> November

Thursday, 2<sup>nd</sup> November

Monday, 6<sup>th</sup> November

**Monday, 20<sup>th</sup> November**

Wednesday, 29<sup>th</sup> November

#### DECEMBER

Place Scrutiny Committee – Cycle 5

People Scrutiny Committee – Cycle 5

Policy & Resources Scrutiny Committee – Cycle 5

Southend Health and Wellbeing Board

Development Control Committee

**COUNCIL** – Cycle 4

6.30pm

6.30pm

6.30pm

5.00pm

2.00pm

6.30pm

Monday 4<sup>th</sup> December

Wednesday, 6<sup>th</sup> December

Thursday, 7<sup>th</sup> December

Tuesday, 12<sup>th</sup> December

Wednesday, 13<sup>th</sup> December

**Thursday, 14<sup>th</sup> December**

## 2024

### JANUARY

Development Control Committee	2.00pm	Wednesday, 3 <sup>rd</sup> January
Audit Committee	6.30pm	Wednesday, 10 <sup>th</sup> January
<b>CABINET (including initial Council Budget consideration) – Cycle 5</b>	<b>6.30pm</b>	<b>Thursday, 11<sup>th</sup> January</b>
Development Control Committee	2.00pm	Wednesday, 31 <sup>st</sup> January

### FEBRUARY

Policy & Resources Scrutiny Committee (Budget)	6.30pm	Thursday, 1 <sup>st</sup> February
<b>COUNCIL – Cycle 5</b>	<b>6.30pm</b>	<b>Thursday, 8<sup>th</sup> February</b>
Place Scrutiny Committee – Cycle 6	6.30pm	Monday, 12 <sup>th</sup> February
<b>CABINET (Council Budget)</b>	<b>6.30pm</b>	<b>Tuesday, 13<sup>th</sup> February</b>
People Scrutiny Committee – Cycle 6	6.30pm	Wednesday, 14 <sup>th</sup> February
Policy & Resources Scrutiny Committee – Cycle 6	6.30pm	Thursday 15 <sup>th</sup> February
Traffic Regulations Working Party & Cabinet Committee	6.30pm	Monday, 19 <sup>th</sup> February
Shareholder Board	6.30pm	Wednesday, 21 <sup>st</sup> February
Development Control Committee	2.00pm	Wednesday, 28 <sup>th</sup> February
<b>COUNCIL (Budget)</b>	<b>6.30pm</b>	<b>Thursday, 29<sup>th</sup> February</b>

### MARCH

<b>CABINET – Cycle 6</b>	<b>6.30pm</b>	Monday, 4 <sup>th</sup> March
Southend Health and Wellbeing Board	5.00pm	<b>Tuesday 5<sup>th</sup> March</b>
Development Control Committee	2.00pm	Wednesday 6 <sup>th</sup> March
<b>COUNCIL – Cycle 6</b>	<b>6.30pm</b>	<b>Thursday, 21<sup>st</sup> March</b>

### APRIL

<b>(NB: Maundy Thursday 28<sup>th</sup> March, Good Friday 29<sup>th</sup> March, Easter Monday 1<sup>st</sup> April)</b>		
Development Control Committee	2.00pm	Wednesday, 3 <sup>rd</sup> April
Audit Committee	6.30pm	Wednesday, 24 <sup>th</sup> April

### MAY

<b>ANNUAL COUNCIL</b>	<b>3.30pm</b>	<b>Thursday, 9<sup>th</sup> May</b>
<b>COUNCIL (Appointment of Committees etc.)</b>	<b>6.30pm</b>	<b>Thursday 16<sup>th</sup> May</b>
Development Control Committee	2.00pm	Wednesday, 29 <sup>th</sup> May

### NOTE:

**Holocaust Memorial Day Commemoration Service – 27 January 2024**

*School Term Dates:*

Summer Term starts Monday 17<sup>th</sup> April 2023 to Friday 21<sup>st</sup> July 2023.

*Half Term: 30<sup>th</sup> May to 2<sup>nd</sup> June, and May Bank Holiday, 1<sup>st</sup> May, Coronation Holiday 8<sup>th</sup> May, Spring Bank Holiday 29<sup>th</sup> May 2023*

Autumn Term starts Friday 1<sup>st</sup> September 2023 to Wednesday 20<sup>th</sup> December 2023

*Half Term: 23<sup>rd</sup> October to 27<sup>th</sup> October 2023 Summer Bank Holiday 28<sup>th</sup> August 2023*

Spring Term starts Thursday 4<sup>th</sup> January 2024 to Thursday 28<sup>th</sup> March 2024  
*Half Term: 19<sup>th</sup> February to 23<sup>rd</sup> February, Easter Bank Holidays 29<sup>th</sup> March & 1<sup>st</sup> April 2024*

School Summer Term 2023 starts Monday 15<sup>th</sup> April 2024

**Note:**

***Lib Dem Conference: 23 – 26 September 2023***

***Conservative Conference: 1 – 4 October 2023***

***Labour Conference: 8 – 11 October 2023***

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