

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of The Council

Date: Thursday, 21st July, 2016

Place: Council Chamber - Civic Suite

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

Start/End Time: 6.30 - 11.30 pm

156 Apologies for Absence

Apologies for absence were received from Councillors Van Looy, Ward and Willis.

157 Declarations of Interest

- **Councillor Arcscott**

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

- Minute 128 (Establishment of a Southend Education Board) – non-pecuniary interest – Governor at Our Lady of Lourdes Catholic Primary School;

- Minute 136 (Schools Progress Report) – non-pecuniary interest – Governor at Our Lady of Lourdes Catholic Primary School;

- **Councillor Assenheim**

- **Development Control Committee – 8th June 2016**

- Application No. 16/00504/FUL – Non-pecuniary interest – applicant is his GP;

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

- Minute 121 (Success Regime) – Non-pecuniary interest – member of Task & Finish Group re: Shoeburyness Health Centre;

- **Councillor Aylen**

- **Cabinet Committee – 16th June 2016**

- Minute 40 (Temporary Traffic Management Measures – The Fairways, A127 and Bellhouse Lane) – Non-pecuniary interest – Lives in the area affected;

- **Councillor Ayling**
Policy & Resources Scrutiny Committee – 14th July 2016
Minute 153 (Suggested in-depth Scrutiny Projects – 2016/17) – non-pecuniary interest – family member is a Police Special Constable;
- **Councillor Boyd**
People Scrutiny Committee – 12th July 2016
Minute 136 (Schools Progress Report) – non-pecuniary interest – Governor at Westcliff High School for Girls and South East Essex Academy Trust, South East Essex Teaching School Alliance;
- **Councillor Burzotta**
Place Scrutiny Committee – 11th July 2016
Minute 100 (Feed & Food Safety Service Plan 2016/17) – Pecuniary Interest – Family establishments/restaurants in the borough (withdrew);
- **Councillor Buckley**
Development Control Committee – 8th June 2016
Application No. 16/00546/FUL – non-pecuniary interest – lobbied for residents and lives in the vicinity;
- **Councillor Butler**
Cabinet Committee – 16th June 2016
Minute 40 (Temporary Traffic Management Measures – The Fairways, A127 and Bellhouse Lane) – Non-pecuniary interest – Lives in the area affected;
- **Councillor Byford**
Place Scrutiny Committee – 11th July 2016
Interests in all the referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;
- **Councillor Courtenay**
People Scrutiny Committee – 12th July 2016
Interests in all the referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;
- **Councillor Cox**
Place Scrutiny Committee – 11th July 2016
Interests in all the referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011;
Minute 93 (Petition: Alcohol Free Zone Westcliff Library) – non-pecuniary interest – DPPO in Shoeburyness referred to which includes the road where he lives;
People Scrutiny Committee – 12th July 2016
Minute 135 (Southend CCG) – non-pecuniary interest – daughter was receiving support through mental health services;

- **Councillor Davidson**

- **Audit Committee – 29th June 2016**

- Minute 76 (South Essex Homes: Annual Governance Statement and Support Reports) – Disclosable Non-pecuniary interest – Member of South Essex Homes Board (withdrew);

- **Councillor Evans**

- **Development Control Committee – 6th July 2016**

- Application No. 16/00460/FUL – Disqualifying Non-pecuniary interest – One of the objectors is a close personal friend (withdrew);

- **Councillor Flewitt**

- **Cabinet – 28th June 2016**

- Minute 56 (Annual Report – Regulation of investigatory Powers) – Non-pecuniary interest – JP on East London bench;

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

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

- **Policy & Resources Scrutiny Committee – 14th July 2016**

- Interests in all the referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011; Minute 146 (Debt Management) – Non-pecuniary interest – friends and family are tenants of South Essex Homes; Minute 153 (Suggested In-depth Scrutiny Projects – 2016/17) – Non-pecuniary interest – JP on East London bench;

- **Development Control Committee – 8th June 2016**

- Application No. 16/00546/FUL – non-pecuniary interest – lobbied for residents and lives in the vicinity; Application No. 16/00504/FUL – non-pecuniary interest – had referred the matter to the Committee and knows the lead architect;

- **Councillor Folkard**

- **Development Control Committee – 8th June 2016**

- Application No. 16/00184/FUL – Non-pecuniary interest – Customer of the business next door to the application;

- **Councillor D Garston**

- **Development Control Committee – 8th June 2016**

- Application No. 16/000328/FUL – Non-pecuniary interest – Resident of Bellway Court behind The Shore is well known to him;

- **Cabinet Committee – 16th June 2016**

- Minute 38 (West Leigh Area – Report on Ward Councillors Consultation for Parking Controls) – Non-pecuniary interest – Son lives in Salisbury Road;

Council – 21st July 2016

Agenda Item 20 (Notice of Motion: Estate Agent Fees) – non-pecuniary interest – is a landlord;

- **Councillor J Garston**

Cabinet Committee – 16th June 2016

Minute 38 (West Leigh Area – Report on Ward Councillors Consultation for Parking Controls) – Non-pecuniary interest – brother lives in Salisbury Road;

Place Scrutiny Committee – 11th July 2016

Minute 107 (West Leigh Area – Report on Ward Councillors Consultation for Parking Controls) – non-pecuniary interest – relatives live in one of the roads consulted;

- **Councillor Jones**

Development Control Committee – 8th June 2016

Application No. 16/00184/FUL – Non-pecuniary interest – Acquainted with the Church Elders;

Development Control Committee – 6th July 2016

Application No. EN/16/00027/UNAU_B – non-pecuniary interest – Friend lives in the vicinity;

People Scrutiny Committee – 12th July 2016

Minute 121 (Success Regime) – non-pecuniary interest – on patient participation group at GP surgery;

Minute 136 (Schools Progress Report) – non-pecuniary interest – Governor at Milton Hall primary school;

- **Councillor Lamb**

Cabinet – 28th June 2016

Minute 67 (Council Procedure Rule 46 – West Leigh Junior School) – Non-pecuniary interest – School Governor of the school;

- **Councillor Moring**

Policy & Resources Scrutiny Committee – 14th July 2016

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

- **Councillor Moyies**

People Scrutiny Committee – 12th July 2016

Minute 121 (Success Regime) – non-pecuniary interest – member of Task & Finish Group re: Shoeburyness Health Centre;

- **Councillor Mulroney**

Development Control Committee – 8th June 2016

Application No. 16/00460/FUL & 16/00467/FUL – Non-pecuniary interest – member of Leigh Town Council;

Cabinet – 28th June 2016

Minute 67 (Council Procedure Rule 46 – Elm Road Development Brief) – non-pecuniary interest – Member of Leigh Town Council who made representations to the brief;

Development Control Committee – 6th July 2016

Application No. 16/00460/FULH – Non-pecuniary interest – member of Leigh Town Council but not a member of its Planning Committee and the neighbour to the application is known to her;

Application No. 16/00832/FUL – Non-pecuniary interest – member of Leigh Town Council but not a member of its Planning Committee;

Policy & Resources Scrutiny Committee – 14th July 2016

Minutes 151 and 155 (Council Procedure Rule 46 re: Elm Road Development) – Non-pecuniary interest – member of Leigh Town Council who were consultees;

- **Councillor Nevin**

People Scrutiny Committee – 12th July 2016

Minute 121 (Success Regime) – non-pecuniary interest – previous employee at Southend Hospital; NHS Employee at Barts; 2 children work at MEHT; sisters work for the Department of Health and Basildon Hospital Trust;

- **Councillor Norman MBE**

Policy & Resources Scrutiny Committee – 14th July 2016

Minute 146 (Debt Management) – Non-pecuniary interest – Board Member South Essex Homes;

- **Councillor Phillips**

Place Scrutiny Committee – 11th July 2016

Minute 107 (West Leigh Area – report on Ward Councillor consultation for Parking Controls) – Disqualifying non-pecuniary interest – lives in one of the roads consulted (withdrew);

- **Councillor Robinson**

Place Scrutiny Committee – 11th July 2016

Minute 93 (Petition: Alcohol Free Zone Westcliff Library) – non-pecuniary interest – ward councillor and occasional user of the library;

- **Councillor Salter**
People Scrutiny Committee – 12th July 2016
 Interests in all the referred items; attended pursuant to the dispensation agreed at Council on 19th July 2012, under S.33 of the Localism Act 2011; Minute 121 (Success Regime) – non-pecuniary interest – husband is consultant surgeon at Southend Hospital and holds senior posts at the Hospital;

- **Councillor Terry**
People Scrutiny Committee – 12th July 2016
 Minute 135 (Southend CCG) – non-pecuniary interest – daughter has high functioning aspergers;

- **Councillor Van Looy**
Development Control Committee – 6th July 2016
 Application No. 15/01191/BC3 – non-pecuniary interest – daughter attends the college;

- **Councillor Walker**
Development Control Committee – 8th June 2016
 Application No. 16/00504/FUL – Non-pecuniary interest – Neighbour is known to him;

Development Control Committee – 6th July 2016
 Application No. 16/00460/FULH – non-pecuniary interest – a resident who lives close by is known to him;

- **Councillor Ware-Lane**
Audit Committee – 29th June 2016
 Minute 76 (South Essex Homes: Annual Governance Statement and Support Reports) – Non-pecuniary interest – daughter is an employee of South Essex Homes;

- **Councillor Waterworth**
Development Control Committee – 8th June 2016
 Application No. 15/0024_UNAU_B – Non-pecuniary interest – one of the objectors is known to him (withdrew)

- **Councillor Wexham**
Place Scrutiny Committee – 11th July 2016
 Minute 98 (Hackney Carriage Unmet Demand Survey) – non-pecuniary interest – son is a cabbie;
 Minute 107 (West Leigh Area – report on Ward Councillor Consultation for Parking Controls) – non-pecuniary interest – acquainted with residents in the area consulted;

- **Councillor Willis**

Place Scrutiny Committee – 11th July 2016

Minute 107 (West Leigh Area – report on Ward Councillor Consultation for Parking Controls) – non-pecuniary interest – acquainted with someone who lives in one of the roads consulted;

158 Communications

MJ Awards –Senior Leadership team of the Year Award

The Worshipful the Mayor informed Members that the Council's Corporate Management Team, headed by the Chief Executive, were awarded the Senior leadership Team of the Year at the prestigious MJ Awards on 16th June 2016.

The Worshipful the Mayor, on behalf of the Council, congratulated all officers involved.

RHS Hampton Court Flower Show – Youth Workx Garden Bronze Award

The Worshipful the Mayor informed Members that the Youth Offending Service received a Bronze Award in the CITY Gardens category at the RHS Hampton Court Flower Show on 5th July 2016.

The Worshipful the Mayor, on behalf of the Council, congratulated all those who supported and were involved in creating the garden.

159 Questions from Members of the Public

The relevant Executive Councillors responded to written questions received from members of the public.

160 Questions from Members of the Council

The relevant Executive Councillors responded to written questions received from Councillors Aylen, Ware-Lane, J Garston, Butler and D Norman MBE.

161 Minutes of the Special Meeting of Council held on Thursday, 21st April 2016

Resolved:-

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

162 Minutes of the meeting of Council held Thursday, 21st April 2016

Resolved:-

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

163 Minutes of the meeting of Annual Council held Thursday, 12th May 2016

Resolved:-

That the Minutes of the Annual Meeting held on 12th May 2016 be confirmed as a correct record and signed.

164 Minutes of the meeting of Council held Thursday, 19th May 2016

Resolved:-

That the Minutes of the meeting held on 19th May 2016 be confirmed as a correct record and signed.

165 Minutes of the meeting of Licensing Sub Committee A held Thursday, 28 April 2016

Resolved:

That the minutes of this meeting be noted.

166 Minutes of the meeting of Appeals Committee A held Wednesday, 1 June 2016

Resolved:

That the minutes of this meeting be noted.

167 Minutes of the meeting of Development Control Committee held Wednesday, 8th June 2016

Resolved:

That the minutes of this meeting be noted.

168 Minutes of the meeting of Cabinet Committee held Thursday, 16 June 2016

Resolved:

That the minutes of this meeting be noted.

169 Minutes of the meeting of Cabinet held Tuesday, 28 June 2016

Resolved:

That the minutes of this meeting be noted and the recommendations contained in Minutes 54, 55, 58 and 62, be adopted.

170 Minutes of the meeting of Audit Committee held, Wednesday 29th June 2016

Resolved:

That the minutes of this meeting be noted, subject to an amendment to Minute 78 (Head of Internal Audit Annual Report 2015/16) with the addition of the following paragraph:

'On consideration of the report, Members noted the staff shortages experienced by the Internal Audit Team and the impact on the service's targets during 2015/16 and the potential impact on the Audit Plan for 2016/17. Members also noted the update provided by the Corporate Director for Corporate Services on the ongoing review of the Internal Audit Service.'

171 Minutes of the meeting of Development Control Committee held, Wednesday 6th July 2016

That the Minutes of this meeting be noted.

172 Minutes of the meeting of Place Scrutiny Committee held, Monday 11th July 2016

Resolved:

That the minutes of this meeting be noted and the recommendations contained in Minutes 100, 101 and 102, be adopted.

173 Minutes of the meeting of Licensing Sub Committee B held, Tuesday 12th July 2016

Resolved:

That the minutes of this meeting be noted.

174 Minutes of the meeting of People Scrutiny Committee held, Tuesday 12th July 2016

That the Minutes of this meeting be noted (except for Minute 136 which was dealt with under Part II) and the recommendations contained in Minutes 125 and 128, be adopted.

175 Minutes of the meeting of Policy and Resources Scrutiny Committee held, Thursday 14th July 2016

On consideration of Minute 153 (Suggested In-depth Scrutiny Projects 2016/17), Members noted that the Place Scrutiny Committee and Policy & Resources Scrutiny Committee had recommended to Council the establishment of a Joint Working Party, comprising 8 Members, to investigate the case for additional enforcement resources for Southend. Therefore the matter was before the Council for determination.

Resolved:

1. That a Joint Place and Policy & Resources Scrutiny Committee Working Party be established to investigate the case for additional enforcement resources for Southend to comprise 10 Members in the proportion of 5 Conservative, 2 Labour, 2 Independent and 1 Southend Independence Group Member.
2. That the minutes of this meeting be noted and the recommendations contained in Minutes 142, 145, 147, 148 and 150, be adopted.

176 Notice of Motion - Estate Agent Fees

The Worshipful the Mayor informed Members that a minor amendment to the wording of the Notice of Motion had been made and tabled this evening.

Resolved:

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

‘We call upon this Council to investigate estate agent fees and practices.

The critical demand for temporary *accommodation coupled with high rent levels, agents fees and other charges*, has created a problem in the town.

It is therefore requested that the Council starts an investigation into this issue, working with SEAL and residents associations to get a clear and honest picture of what is happening & promote a better private rental culture to protect tenants and landlords interests.’

Proposed – Cllr Davies

Seconded – Cllr Callaghan

177 Establishment and Appointments to Holocaust Memorial Day Working Party

The Council considered a report of the Corporate Director for Corporate Services on the establishment of the Holocaust Memorial Day Working Party.

Resolved:

1. That the Holocaust Memorial Day Working Party be re-established and consequential changes be made to the terms of reference of the Cultural, Tourism and Events Working Party, as set out in Appendix 1 to the submitted report.
2. That the Members set out in the list circulated at the meeting, be appointed as members and substitutes of the Holocaust Memorial Day Working Party.

178 Changes to the appointments to LSCB and SAB Scrutiny Panel

Resolved:

That Councillor Walker be appointed to the LSCB/SAB Scrutiny Panel to replace Councillor Courtenay.

179 Appointments to Committees and Working Parties

Resolved:

That the appointments and changes to Committees, Working Parties, etc as set out on the list circulated at the meeting, subject to the addition of Councillors Bright and Assenheim to the membership of the Joint Place and Policy & Resources Programme Working Party, be approved.

180 Departure of Sally Holland, Corporate Director for Corporate Services

The Worshipful the Mayor informed Members that this would be the last Council meeting which Sally Holland, Corporate Director for Corporate Services, would be attending before leaving the Council.

The Worshipful the Mayor, on behalf of the Council, expressed her appreciation and thanks to Sally Holland for her sterling work and excellent service and wished her all the very best for the future.

181 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.

182 Minute 136 of People Scrutiny Committee held on Tuesday 12th July 2016

Resolved:

That minute 136 of People Scrutiny Committee held 12th July 2016, be noted.

183 Council Procedure Rule 1.7

During consideration of Minute 153 (Suggested In-depth Scrutiny Projects) of Policy & Resources Scrutiny Committee held 14th July 2016 the hour of 11.00pm having been reached, the Council:

Resolved:

That the remaining business on the agenda be proceeded with.

Chairman: _____