

Minutes of the Meeting of the Council held on 28 November 2018 at 7.00 pm

Present: Councillors Barbara Rice (Mayor), Terry Piccolo (Deputy Mayor), Qaisar Abbas, Abbie Akinbohun, John Allen, Alex Anderson, Russell Cherry, Colin Churchman, Gary Collins, Mark Coxshall, Jack Duffin, Tony Fish, Mike Fletcher, Leslie Gamester, Oliver Gerrish, Robert Gledhill, Garry Hague, James Halden, Graham Hamilton, Shane Hebb, Victoria Holloway (*arrived 7.20pm*), Deborah Huelin, Andrew Jefferies, Barry Johnson, Tom Kelly, Cathy Kent, John Kent, Angela Lawrence, Steve Liddiard, Susan Little, Ben Maney, Bukky Okunade, Jane Potheary, David Potter, Joycelyn Redsell, Gerard Rice, Elizabeth Rigby, Sue Sammons, Sue Shinnick, Peter Smith, Luke Spillman, Aaron Watkins and Lynn Worrall

Apologies: Councillors Tim Aker, James Baker, Clare Baldwin, Martin Kerin, Sue MacPherson and Pauline Tolson

In attendance: Lyn Carpenter, Chief Executive
Sharon Bayliss, Director of Commercial Services
Sean Clark, Director of Finance & IT
Jackie Hinchliffe, Director of HR, OD & Transformation
David Lawson, Assistant Director of Law & Governance
Detlev Munster, Assistant Director - Property & Development
Rory Patterson, Corporate Director of Children's Services
Julie Rogers, Director of Environment and Highways
Ian Wake, Director of Public Health
Karen Wheeler, Director of Strategy, Communications and Customer Service
Jenny Shade, Senior Democratic Services Officer
Lucy Tricker, Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

The Mayor invited Reverend Canon Darren Barlow to lead those present in prayer.

68. Minutes

The minutes of the Meeting of Council held on the 31 October 2018 were approved as a correct record.

Councillor Redsell requested further wording be added to her announcement of the recent trip made by the Royal British Legion Standard Bearers to Ypres in Belgium.

“That on the 8 August 2018 brought together the Standard Bearers in all of the United Kingdom and beyond. This was to celebrate the 90th pilgrimage and also the 100 years’ war. All the Standard Bearers from Essex were taken by coach to Ypres in Belgium. This was the British Legions largest membership event to take place in modern history. Most of the funds to send the standards were raised by their local club. Each club was asked to raise £1000 for the four day event. I would like to thank at this point in time, Port of Tilbury and Ensign Buses for their support to the Chadwell St Mary branch. Councillor Redsell stated what an experience for the young and old alike with 1113 branches attending and 1160 Standard Bearers on parade. A moving event for everyone remembering those who lost their lives so we could live ours. Also to remember those who returned. As the last post was played, poppies were released from the vault ceiling of the memorial. Surely those who attended will never forget the emotion that they felt at that moment. The memories will stay with them forever.”

69. Items of Urgent Business

No items of urgent business were received.

70. Declaration of Interests

No declaration of interests were received.

71. Announcements on behalf of the Mayor or the Leader of the Council

The Mayor invited all those present to reflect on and remember Thurrock’s fallen of World War One. Councillor Coxshall thanked Mr Perrin for raising such a good Motion and it had been fabulous to hear all the names being read out. The Mayor echoed Councillor Coxshall comment and thanked Mr Perrin on behalf of all the Members in the Chamber.

The Mayor sadly announced the passing of former Councillor Beverley Barton and a minute silence was held.

The Mayor was pleased to announce the launch of “Give a Gift” on Monday 26 November at Intu Lakeside and encouraged Members to take a star from her this evening so that a suitable gift could be donated.

The Mayor invited Council Gledhill to make any announcements he wished to make as Leader of the Council.

The Leader provided an update on Lower Thames Crossing and stated that despite the Council submitting a written request to Highways England to bring a final version of the consultation response to January Full Council for agreement unfortunately Highways England had insisting that it be submitted on the day the consultation closed on Thursday 20 December 2018. This had left the Council no choice but to arrange an Extraordinary meeting on Tuesday 11 December 2018 to present and discuss the report and the consultation response. The Leader stated that the Project Director of

Highways England had specifically told him in a meeting before the statutory consultation began, the Council's response could be submitted later and be submitted in January but stated that every time the Council speak to Highways England the story changed the very second that it did not suit them. This meant Officers had been given less time to view the thousands of pages of documentation including the consultation before developing the response. With the information given to the Council the same time as everybody else. The Leader encouraged every resident and business in the Borough to complete a response of the consultation.

The Leader was pleased to announce free Saturday parking over the Christmas period to ensure that small businesses had enough access to residents using those shops rather than going elsewhere in order to get their Christmas shopping. The Leader also announced that the Council had been working with the King Street car park owners in Stanford-le-Hope to provide two hours free parking on Saturdays over Christmas and the New Year period. The Leader stated that Thurrock had some excellent shops and small businesses and encouraged everybody to get out and use them.

The Leader stated it was fantastic to see more progress had been made to create much needed school spaces across Thurrock. Together with the Council's partners who had invested more than £70 million to create more than 3500 new school places across the Borough. The Leader further stated that at Cabinet last month, it had been agreed to spend another £7 million on the expansion at St Clere's school in Stanford-le-Hope and the recreation of temporary classrooms ahead of the opening of the proposed new Orsett Heath Academy in Grays.

The Leader referenced the new Harris Academy Riverside project which had been built in Purfleet and hosted a 'topping out' ceremony. This project would form part of the vital regeneration plan of Purfleet and was also another example on how the Council was getting community and structure in place for new housing.

The Leader stated that the successful education awards had been held last Thursday at the Civic Hall to celebrate teachers, support staff, governors, trusts and head teachers across Thurrock. With winners being announced across 14 award categories and the Leader congratulated all those that were not only nominated but also won.

And finally, the Leader gave a quick update on Clean it, Cut it, Fill it with 2591 fixed penalty tickets being issued for offences such as littering, dropping cigarette butts, anti-social behaviour and had prosecuted 163 people for not paying the fines. The Leader stated that further updates would be provided by the Portfolio Holder for Environment and Highways this evening and in the Leader's Portfolio Holder report being presented in January.

72. Questions from Members of the Public

A copy of the transcript of questions and answers can be viewed under the relevant meeting date at <http://democracy.thurrock.gov.uk/thurrock> and are attached at Appendix A at these minutes.

73. Petitions from Members of the Public and Councillors

The Mayor informed Members that, in accordance with the Council's petition scheme, the requisite notice had been given by two members of the public who wished to present a petition at the meeting.

Ms Morris presented a petition on the behalf of West Thurrock residents calling the Council to arrange and provide a better broadband facility by upgrading the service to superfast capability.

Mr Colley presented a petition with regard to the immediate end of the use of Uber operating in Thurrock unless they obtained a Thurrock operator's license.

Councillor Holloway arrived into the Council Chamber at 7.20pm.

74. Petitions Update Report

Members received a report on the status of those petitions handed in at Council Meetings and Council Offices.

75. Appointments to Committees and Outside Bodies, Statutory and Other Panels

The Mayor enquired whether Group Leaders wished for any changes to be made to the appointments previous made by Committees and Outside Bodies, statutory and other panels.

The Leader of the Council, Councillor Gledhill, informed the chamber that he wished to make the following changes:

For Councillor Maney to be removed from the Cleaner Greener and Safer Overview and Scrutiny Committee and replaced with Councillor Lawrence.

For Councillor Piccolo to be removed from the Planning Committee and replaced with Councillor Lawrence.

For Councillor Jefferies to be removed from the Planning Committee and replaced with Councillor Sammons.

For Councillor Hague to be removed from the Licensing Committee and replaced with Councillor Sammons.

For Councillor Sammons to be appointed as a substitute to the Health and Wellbeing Overview and Scrutiny Committee.

Councillor J Kent, Leader of the Labour Group, informed the chamber that he wished to make the following change:

From Councillor Abbas to be removed from the Lower Thames Crossing Task Force and replaced with Councillor Shinnick.

Councillor Spillman, Leader of the Thurrock Independent Group, informed the chamber he wished to make the following changes:

For Councillor Potter to be appointed as a member to the Planning Committee.

For Councillor Hamilton to be appointed as a member to the Planning Committee.

76. Report of the Cabinet Member for Environment and Highways

Councillor Watkins, Portfolio Holder for Environment and Highways, presented his portfolio holder report and stated that it was an honour to be presenting his second annual report on Environment and the first time for Highways. Councillor Watkins stated that the team had been very busy and stated the following achievements:

- That 50,000 street bins, 10.5 million residential and trade waste bins had been emptied
- That 1185 acres of grass had been cut
- That 3,837 pot holes had been filled
- That 5.2 miles of road had been resurfaced
- That significant investments had been made into the services including £0.939 million for Clean It Cut It Fill It
- That £8 million had been invested into Fleet Management
- That 29 new refuse collection vehicles and 5 gritting lorries had been procured
- That £50 million had been secured for the East Facing slips project which will improve traffic flows between Lakeside shopping centre and the A13
- That the Street Bin review had been completed with the type and design of new bins agreed and procurement completed
- That there are more Enforcement Officers carrying out duties
- That 2 Park Engagement Officers had been recruited with their role to consult and engage with residents and community groups
- That work would continue on the appearances of cemeteries
- That improvements would be made on congestion working with Smart Thurrock to provide better control and responsibility in managing road networks
- That work would continue on HGV and Parking Plans
- Working with C2C and TFL on the need for contactless payments at all Thurrock stations

Councillor Watkins reference to the sad news of two Enforcement Officers being attacked last week and wished them a speedy recovery and hoped that justice would be carried out.

Councillor Worrall thanked the Portfolio Holder for the report and questioned why the financial statement had been missed from the report. Councillor Watkins apologised for the oversight and would send this out to Members. Councillor Worrall further asked the Portfolio Holder to assure Members that the budget had not been overspent and asked what two steps were being taken to alleviate pressures on the budget. Councillor Watkins stated that waste disposal costs which were currently being discussed with contractors to get these costs back down and to address the issue of collection HGV drivers following the issues experienced in the summer.

Councillor Smith thanked the Portfolio Holder for the detailed report and had interest in the HGV Plan going forward. Councillor Smith stated that adversely more bin collections in Aveley and Purfleet were being missed and questioned was this as these collections were towards the back of the week. Councillor Watkins stated there had been pressure on the services particularly in the summer which had been recognised and plans were in place to address these. Councillor Watkins stated that in October 2018 the target rate was 99%.

Councillor Spillman requested a meeting with the Portfolio Holder and the Director of Public Health in relation to the concerns of air pollution in Tilbury.

Councillor Jefferies stated that improvements had been made on the Flowers Estate following the procurement of road sweeps and mowers but more could be done. Councillor Watkins stated that the service was in a good place but agreed more could be done and agreed to meet with ward councillors and residents of Flowers Estate.

Councillor C Kent stated the new junction between Lodge Lane and Bradleigh Avenue needed to be addressed as four accidents had already happened and residents should be move involved to ensure that junction changes are right. Councillor Watkins stated reviews are undertaken following any road junction change and would be happy to meet with ward councillors and residents.

Councillor Watkins stated he was very proud of the work undertaken by the teams in preparation for the Remembrance Weekend and particularly thanked Susan Newton for all her hard work. That Clean It Cut It Fill It would continue to be pushed forward and Bin It would improve

77. Report of the Cabinet Member for Communities

Councillor Huelin, Portfolio Holder for Communities, presented her Portfolio Holder report and stated the following achievements:

- That the Active Thurrock had met with over 40 clubs

- That work on local issues and plans for future development had been undertaken with the National Governing Bodies of Sport
- That funding for the Thurrock Museum and Coalhouse Fort projects had been allocated
- That the Thameside Theatre was now in a break even financial position
- That the Council had volunteers across a variety of services and had been the success of the hubs. Councillor Huelin thanked them for their hard work and stated what a privilege it had been working with the community
- That work continued with the library steering groups
- That 70% of indicators had been on target
- Further investments would be made to keep the budget balanced

Councillor Holloway questioned what approach had been undertaken and had staff been involved in the consultation as they were the key professionals. Councillor Huelin stated that staff had been involved and a resident survey had been undertaken with a full day workshops being provided for staff to attend.

Councillor Gerrish questioned the corporate performance element of the report and questioned that with a number of areas failing with challenges on under-performance how would the proposal to spend £10 million on a new Council Chamber affect the performance of services. Councillor Huelin stated that services were passing at 70% compared to the 46% when Labour were in Administration and stated that this figure proved that services were improving.

Councillor Spillman thanked the Portfolio Holder for the report and questioned the grant monies raised for the arts and cultural consultation. Councillor Huelin agreed to contact Councillor Spillman following the meeting to identify which grants were being referred to.

Councillor Jefferies raised concerns over the closure of libraries in the borough and asked the Portfolio Holder to reassure Members that no library would close. Councillor Huelin stated that library services would not close and remain in the community they are already in. Councillor Huelin stated that some of the library buildings may change but services would remain the same.

Councillor Cherry thanked the Portfolio Holder for the report but questioned why the Sports and Leisure Team had not met with Thurrock Rugby Clubs. Councillor Huelin stated the report highlighted just a few of those clubs spoken to and that of course the Sports and Leisure Team had been interacting with the rugby clubs. Councillor Huelin stated that all clubs were invited to attend the Active Thurrock User Group.

Councillor Worrall questioned what had happened to the Thameside Theatre Review as Members and those involved in the consultation had never been told of the outcome. Councillor Huelin stated a full consultation had taken place and reassured Members that the consultation had not been buried.

Councillor Huelin would be happy to meet with those who were involved in the consultation process and take up any issues raised.

78. Questions from Members

The Mayor informed the Chamber that 5 questions to the Leader had been received and 9 questions to Cabinet Members. Those not heard would either receive a written response or have the option to withdraw and resubmit.

A copy of the transcript of questions and answers can be found at Appendix A to these minutes.

Councillor Anderson withdrew his question and requested a written response.

At 8.24pm the mayor called time on this item.

Councillor Okunade requested a written response.

Councillor Shinnick requested a written response.

Councillor Smith requested a written response.

Councillor Fletcher withdrew his question.

Councillor Fletcher requested a written response.

Councillor J Kent withdrew his question.

Councillor J Kent requested a written response.

79. Reports from Members representing the Council on Outside Bodies

Councillor Abbas presented a report on behalf of the trustees of Citizens Advice Bureau Management Committee Thurrock and Basildon had made a decision in principal that both organisations would be merged so that a bigger organisation could help to generate more funding. Councillor Abbas stated the merger would not affect any service in Thurrock; neither would there be any closing of office based staff. It was felt by both Boards that this was an opportunity to improve the existing quality of services and to explore new ways of working that would allow management to support more people.

80. Minutes of Committees

The Minutes of Committees as set out in the Agenda were received.

81. Update on motions resolved at Council during the previous year

Members received an information report updating the progress in respect of Motions received at Council.

Councillor Duffin requested that all Members receive a copy of the reply letter from the Secretary of State in relation to Motion calling the Government to reverse the worrying trend of the 8% cuts per pupil since 2010 in their review of the national funding formula.

Councillor Redsell requested an update to her Motion following the Tree Strategy Report being presented at the Cleaner Greener and Safer Overview and Scrutiny Committee on the 6 December 2018.

82. Motion submitted by Councillor J Kent

The Motion, as printed in the Agenda was proposed by Councillor J Kent and seconded by Councillor Gerrish. The Motion read as follows:

Thurrock taxi trade is under huge pressure at the current time. Much of this pressure is being caused by the proliferation of Uber in the borough and there needs to be a level playing field for the long standing Thurrock Licensed Taxi Trade and Uber alike. To help achieve this Members call on the Authority to work with Uber London Limited and Transport for London to achieve a redrawing of the boundaries of Uber's geo fence which, currently, includes Thurrock as part of Greater London.

Councillor J Kent introduced the Motion by stating that the Thurrock Licensed Taxi Trade were under pressure and that having spoken to local drivers their takings were significantly down with some drivers leaving the borough and not being replaced. That there were a significant rise of Uber drivers in the borough who were not licensed or regulated by Thurrock Council. Councillor J Kent stated he was proud of the rigorous checks undertaken by the Licensing Team with vehicles being checked and drivers being vetted to protect the public. That currently there was not a level playing field for those Thurrock Licensed Taxi drivers with Uber drivers not abiding by the rules and parking up in Thurrock and accepting fares when being approached. Cllr J Kent summed up that the Motion accepted would demonstrate Thurrock Council supported the withdrawal of the geo fence around Thurrock and provide a level playing field for all those Licensing Taxi drivers in Thurrock.

A proposed amendment to the Motion had been submitted by Councillor Maney and seconded by Councillor Gledhill. The amended Motion read as follows:

Thurrock taxi trade is under huge pressure at the current time. Much of this pressure is being caused by the proliferation of Uber in the borough and there needs to be a level playing field for the long standing Thurrock Licensed Taxi Trade and Uber alike. To help achieve this members call on the Council to undertake a review of Uber's operations in Thurrock. In particular, officers are asked to:

- 1. Investigate the Thurrock Taxi Driver Association's assertion that Uber is acting unlawfully in Thurrock.*

2. *Consider the merits of inviting Uber to seek an Operator's license in Thurrock.*
3. *Explore whether the council should make representations to Government in respect of the need for a national licensing standard for taxi drivers / operators and consider whether this could be done in conjunction with neighbouring licensing authorities.*
4. *Consider whether representations should be made to TfL so as to encourage it to raise its licensing standards, to the extent that they better align with the higher tests set by Thurrock Council and many other local authorities outside of London.*
5. *Evaluate whether the Council should enter into dialogue with Uber over Thurrock's inclusion in the Greater London geo fence zone.*

That having undertaken the said review, officers bring a report to the Authority, including Members, before the end of the municipal year.

Councillor Maney introduced his amendment by thanking Councillor J Kent for raising this issue into the Council Chamber and giving Members the opportunity to debate.

Councillor Maney agreed that the local taxi trade was under pressure and that a level playing field was required. Councillor Maney stated the Amendment was not based on anti-Uber but the Council recognised a need for a level playing field and to ensure the local trade thrived but the Council needed to recognise that Uber was part of an established market. Councillor Maney stated the Amendment went a lot further to ask the Council to take an examination of the Uber operation in Thurrock and to report back on a wider range of issues. That the Council should be listening to local trade and obtaining clear legal barrister opinion that Uber was acting lawfully in the borough. Councillor Maney stated that the Council should be approaching Uber for formal discussions and the Council would expect Uber to apply for an operator's licence and be under the same regulatory control as the established trade and be based in Thurrock on a level playing field. That the Government needed to provide clarity on the current law and have representations being made with TFL stating that their standards need to be raised. Councillor Maney stated that it would not be enough to tell Uber to pack up and go away, the Council needed a reasonable argument to do this. Councillor Maney summed up by stating that he had asked Officers to prepare a more detailed response to this issue that will be brought back for Members attention.

Councillor Holloway stated that Uber were valued at \$92 billion who did not pay their drivers properly who recently went on strike in support of this. Councillor Holloway stated that taxi firms who pay their drivers properly should be encouraged into the borough so that those drivers could live properly in the borough.

Councillor Halden stated his support to the Amendment and to ensure that those that operate Uber in the borough are operating on a level playing field. That Thurrock Council had rigorous standards that apply to all operators.

Councillor Halden stated the original Motion only called on the good will and charity on those that the Council had no legislative power over to withdraw the geo fence.

Councillor G Rice stated that the Motion identified the heart of the problem and that a clear message should be sent for this to stop as Uber were illegal and not licensed by Thurrock Council.

Councillor Spillman stated he would not be supporting the Amendment and stated that Members did not need to raise a Motion for this but to let the Licensing Team do their job. That Members should be supporting local taxi drivers and with the Uber business model not being encouraged anywhere in the country, Thurrock Council should not be supporting the business model as it stands.

Councillor Hague stated his support to the Amendment and agreed that the consultation should take place with local taxi firms, Uber and TFL to ensure the safest and best taxi service locally.

Councillor Redsell stated her support to the Amendment with the Licensing Committee playing more of a role and be able to monitor progress better.

Councillor Coxshall stated his support to the Amendment and it was crucial to have the facts right before Uber was approached and the five points of the Amendment would enable this information to be provided.

Councillor Johnson stated his support to the Amendment that a level playing field was required to ensure that other driver's trade was not being restricted.

Councillor Gerrish stated he was aware of Uber operating in Thurrock and the main concern had to be to keep residents safe. Councillor Gerrish stated the motion was no criticism of those that used Uber or a criticism of those that drove for Uber but had concerns on the Uber business practices and that Thurrock Council should take the lead on protecting the licensing regime in Thurrock. The Motion proposed would have the capability to undertake a wider consultation and would not be supporting the Amendment.

Councillor Gledhill stated his support to the Amendment by stating that residents had a choice but acknowledged that local taxi trade were at a disadvantage. Councillor Gledhill had concerns with the taxi rules being so outdated. Councillor Gledhill stated that residents of Thurrock were protected when using local taxi trade and agreed that Uber should apply to have an operator's license so they operated under the same standards as local taxi drivers. Councillor Gledhill stated that Officers had already engaged with Uber in January 2018 and encouraged Members to vote for the Amendment.

Councillor Maney stated that the Motion as it stood would have no affect and Members should look long and hard in supporting the Amendment. That a sensible and evidence based approach would be the way forward, seeking

the appropriate legal advice and with the Licensing Committee playing an active role.

Councillor J Kent summed up by stating that some interesting debate had been heard this evening and it was clear that Members want the same thing. That more faith should be given to Officers who would be expected to obtain that evidence before agreeing any policy to work with Uber. Councillor J Kent stated that the geo-fence did not include Southend.

The Mayor called a vote on the Amended Motion.

Upon being put to the vote 21 Members voted for the Amendment with 22 Members voted against, whereupon the Mayor declared the Amendment lost and the original motion carried.

The meeting finished at 9.03 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**