

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Planning, Transport, Regeneration Overview and Scrutiny Committee

The meeting will be held at **7.00 pm** on **12 March 2019**

Committee Room 1, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Martin Kerin (Chair), Peter Smith (Vice-Chair), Alex Anderson, Andrew Jefferies, Terry Piccolo and Jane Potheary

Substitutes:

Councillors Qaisar Abbas, Mike Fletcher, Graham Hamilton and Sue MacPherson

Agenda

Open to Public and Press

	Page
1. Apologies for Absence	
2. Minutes	5 - 10
To approve as a correct record the minutes of the Planning, Transport, Regeneration Overview and Scrutiny Committee meeting held on 8 January 2019.	
3. Items of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4. Declaration of Interests	
5. c2c and Network Rail Service Update	
A presentation/verbal update will be provided at the meeting.	

- | | | |
|-----------|-----------------------------|----------------|
| 6. | Planning Obligations | 11 - 18 |
| 7. | Work Programme | 19 - 20 |

Queries regarding this Agenda or notification of apologies:

Please contact Wendy Le, Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **4 March 2019**

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non-pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Planning, Transport, Regeneration Overview and Scrutiny Committee held on 8 January 2019 at 7.00 pm

Present: Councillors Martin Kerin (Chair), Alex Anderson, Andrew Jefferies, Terry Piccolo and Jane Potheary

Apologies: Councillors Peter Smith (Vice-Chair)

In attendance: Steve Cox, Corporate Director Place
Rebecca Ellsmore, Regeneration Programme Manager
Brian Priestley, Regeneration Programme Manager
Paul Rogers, Programme Manager Major Schemes
Dan Ambrose, Kier Representative
Wendy Le, 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.

22. Minutes

Regarding the Fees and Charges Pricing Strategy 2019/20 report on 6 November 2018, the Chair asked the Committee to agree the recommendations as no further comments had been made post meeting. The Committee agreed the recommendations.

The minutes of the Planning, Transport, Regeneration Overview and Scrutiny Committee meeting held on 6 November 2018 were approved as a true and correct record.

23. Items of Urgent Business

There were no items of urgent business.

24. Declaration of Interests

Councillor Hamilton declared a non-pecuniary interest as he was a substitute for the Planning Committee.

25. Grays South Regeneration Project: Delivering the Pedestrian Underpass

Presented by the Regeneration Programme Manager, the report informed the Committee of the process of the pedestrian underpass. The project was in a position to begin the next design stage.

In the design process of the underpass, Councillor Anderson asked for assurance that the design included measures to prevent the underpass from

becoming a hub for anti-social behavior. The Regeneration Programme Manager answered that certain parameters would be set such as the height and width of the underpass and installing CCTV. Network Rail would be drafting the technical design and Thurrock Council would add in the finishing touches. There were 3 design stages to follow:

1. Design in principle and approval.
2. Applying for planning permission.
3. Consultations with the public and businesses.

Voicing concerns on anti-social behavior, Councillor Potheary understood why residents would be concerned on a underpass as there was already one in Grays. These concerns had to be taken into consideration for the design of the Grays South underpass. Referring to paragraph 5.3, Councillor Potheary queried when the last consultation had been. Agreeing with the concerns of anti-social behavior on a underpass, the Regeneration Programme Manager went on to say the last consultation had taken place prior to the April 2017 Cabinet report. The service was scheduled to open consultation with the local business community again in February 2019.

Continuing on, the Regeneration Programme Manager said the membership of the town party had changed since the last consultation and had been supportive of the proposed underpass at the time. However, overtime, the Grays barrier crossing would become busier as c2c would be adding on more frequent train services and there would be more freight trains passing as the Tilbury Port and DP World becomes busier. As a result, the barrier would close more often than the current times of every 5 – 12 minutes. The Grays barrier crossing was also known as one of the most dangerous crossings in the Eastern England region and businesses at the time had agreed there had to be an alternative. Although there was a bridge to cross when the barrier closed, making this bridge higher was not possible because it would require more ramps. Having an underpass would give more free flow to pedestrians. Safety issues would be implemented within the design which included CCTV linked to the Council and lighting which was important as well.

Councillor Potheary agreed there had been issues with the Grays barrier crossing and remembered when the local community had fought against the closing of the barrier. Many residents depended on the barrier crossing to get into Grays town centre otherwise they would have to take a much longer route around. As the report mentioned the Thurrock Council civic offices extension, Councillor Potheary sought assurance that the proposed underpass did not depend on the extension of the civic offices. The Regeneration Programme Manager reassured the Committee that the underpass would not depend on the extension of the civic offices.

Councillor Piccolo declared a non-pecuniary interest as he attended the town meetings. As Network Rail was constantly 'changing the goal post' in regards to funding, Councillor Piccolo queried how dependent the Council was on for the funding. Confirming that the funding from Network Rail did increase and decrease from time to time, the Regeneration Programme Manager said the

Council did have a commitment of £1.5 million funding from Network Rail. There was no assumed funding thereafter but the Council would push for further funding from Network Rail.

Concerned on the proximity of the proposed underpass to the main road, Councillor Hamilton questioned if this had been taken into consideration. The works of the underpass would affect the taxi rank, bus station and the high street. In response, the Regeneration Programme Manager stated works would affect the main road which was Crown Road as well as Station Approach and the high street. The design that had been taken to Cabinet in December 2017 had shown the underpass going underneath Crown Road. However, the design team would think of a solution to keep disruption to a minimum for bus routes, taxi ranks and pedestrian flows.

Councillor Hamilton asked if there would be plans in the Local Plan to show what would be underneath the grounds where the proposed underpass was to be built. The Regeneration Programme Manager answered utility plans showed the location of cables and wires. There were survey works underway to identify ground conditions which would go into the stages of design. Councillor Hamilton went on to ask if anything in particular would be found to which the Regeneration Programme Manager responded that a tunnel would be dug so there was the consideration of reaching water so a water pump may be used. Archaeological finds were also considered so the survey results would show what was underneath.

As the project would affect two of the Committee Members because they were Ward Councillors for the affected area, the Chair was pleased with the information given. Regarding general engagement strategy, the Chair asked how the service department was engaging with residents. He suggested the service engage with the Seabrooke Residents Association Group as they would welcome the consultation. The Regeneration Programme Manager confirmed the service would be engaging with the Seabrooke Residents Association Group. A website would also be set up to have ongoing engagement with residents and would need to talk with businesses as well as statutory consultees.

With concerns on some elderly residents who were not familiar with the use of websites, the Chair suggested face-to-face interactions as a solution. Giving assurance, the Regeneration Programme Manager answered face-to-face interaction would be on a regular basis and that the website was to support this and for those who were not available to attend meetings.

In regards to the existing underpass, Councillor Piccolo asked if these could be made more secure. There were 3 underpasses in Grays:

1. The underpass within Grays train station
2. The underpass near the Aldi supermarket
3. The underpass running under Crown Road and into Grays town centre.

Councillor Piccolo clarified that he referred to the Crown Road underpass that led into Grays town centre which many people were not aware of. He

wondered whether this underpass was publicised. The Regeneration Programme Manager replied that the underpass was only under Crown Road and not the railway line which was why another underpass was needed to resolve the issue of the Grays barrier crossing. He added that the underpass also needed updating.

Referring to the steepness of the Derby Road bridge, Councillor Potheary mentioned that the Thurrock Disability Group and Coalition Group should be considered in the design as well. Agreeing with this, the Regeneration Programme Manager would confirm with Network Rail that there was no alternative to the barrier crossing.

RESOLVED:

That the Planning, Transport, Regeneration Overview and Scrutiny Committee are asked to comment on the approach to managing the delivery of the next stages of the Grays South Regeneration Project set out in this approach.

26. A13 Widening - Scheme Update

Presented by the Programme Manager Major Schemes, the report detailed that:

- the Department for Transport had confirmed funding of £66.057m for the A13 Widening scheme;
- land had been compulsorily acquired;
- that a detailed designer and contractor had been appointed;
- that a Communications Plan had been approved; and
- that preparatory works were ongoing.

Regarding traffic lights to be installed on the Orsett Cock, Councillor Piccolo asked if these would be intelligent traffic lights. Confirming this was so, the Kier Representative said traffic flow would be monitored through the intelligent traffic lights. Councillor Piccolo continued on to congratulate Kier on their persistency in inviting the Stanford Le Hope community forum to Kier information events and meetings regarding the scheme. The Kier Representative said the community forums were a good source of information and welcomed any suggestions that came from the local community.

Councillor Potheary queried on the overall benefit of the scheme and asked if the service was confident that there would be enough traffic at leaving Stanford Le Hope to allow traffic to flow more freely going from two lanes into three lanes. In reply, the Kier Representative said it was not just the volume of traffic but the size of vehicles that came from DP World. A modelling of the scheme had been drafted which showed the overall benefit of the scheme. Councillor Potheary went on to ask if there were figures or a forecast to evidence the benefits. Answering that a number of reports had been carried out by Aecom, the Programme Manager would share some of these with the Committee.

RESOLVED:

That the Planning, Transport, Regeneration Overview and Scrutiny Committee noted the progress on the A13 Widening Scheme.

27. Grays Town Centre Traffic Flow Update

The Principal Projects Engineer gave a presentation relating to the report which gave a clearer view of the design of the two way traffic flow to be implemented.

Commenting that the one way traffic system around Grays town centre had caused delays and congestions, Councillor Potheary stated the project had been signed off by Cabinet in September 2015. She went on to say phase 1 of the project had finished in March 2016 and the next phase had started in October 2018 so questioned why there had been an 18 month wait in between. The Principal Projects Engineer explained that the 2015 Cabinet report envisaged a period of monitoring of the phase 1 schemes before implementing the phase 2 schemes. Adding to this, the Corporate Director explained there had been a need to see if there were any impacts to phase 1 which had been reviewed via modelling of the phase.

Councillor Potheary thought it was puzzling that the two way traffic system implementation at Crown Road had been delayed by the Grays Town Centre Traffic Flow scheme because there had been support for the Crown Road two way traffic flow and it had been signed off by Cabinet in September 2015. As there had been improvement works within the multi-storey car park, the Principal Projects Engineer said modelling works had required justification of the Crown Road two way traffic flow.

Continuing on, Councillor Potheary noticed the Crown Road two way traffic flow had since 'disappeared' and questioned its progress. There had been detailed discussions on bus routes in the area but not on the project itself. Explaining that bus operators were not in favour of a two way traffic flow, the Principal Projects Engineer said the service was in discussions with bus operators to resolve this. Councillor Potheary mentioned that the original proposal had been to create a bay for buses to stop at in Stanley Road. The Corporate Director answered the service would look back on the proposal and check what had changed which would be brought back to the Committee in a future meeting.

The Chair commented that some of the residents in Grays could give a history of the roads. He went on to ask what measures would be undertaken to ensure there would be minimal disruptions to local residents. The Principal Projects Engineer answered advanced notices of 3 months would be given on temporary road closures when islands were to be removed. The website would also be used as a form of communication. Agreeing that giving advanced notice would help people on school runs, the Chair questioned the measures that would be taken to minimise disruption to residents at home.

The Principal Projects Engineer answered early warning would be given on engineering works and the service would ensure residents had access to their property.

Regarding speed limits, Councillor Hamilton questioned if the limit would remain at 30mph and whether there would be a no stopping zone. In answer, the Principal Projects Engineer confirmed the speed limit would stay at 30mph and certain areas would be kept clear to ensure access. There were no yellow box junctions in place but these could be implemented if necessary.

RESOLVED:

That the Planning, Transport, Regeneration Overview and Scrutiny Committee noted the update on the project progress.

28. Work Programme

The Chair asked for:

- A future update on the A13 Widening Scheme.
- A future update on the Grays South Regeneration Project in terms of community engagement.

Councillor Potheary requested an update from C2C and Network Rail in terms of service progress and impacts.

The meeting finished at 8.18 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**

12 March 2019	ITEM: 6
Planning, Transport, Regeneration Overview and Scrutiny	
Planning Obligations	
Wards and communities affected: All	Key Decision: N/A
Report of: Leigh Nicholson, Strategic Lead of Development Services	
Accountable Assistant Director: Andy Millard, Assistant Director of Planning, Transportation and Public Protection	
Accountable Director: Steve Cox, Corporate Director of Place	
This report is Public	

Executive Summary

At the meeting of Full Council held on 30th January 2019, the following motion was agreed:

Full Council requests that Planning, Transport & Regeneration Overview & Scrutiny Committee, under its remit on regeneration, planning and growth look into how Section 106 money is scoped, allocated and spent. This would help ensure democratic oversight of benefits achieved and decision processes followed.

This initial report provides an overview of the mechanisms that are currently in place to secure and allocate developer contributions for infrastructure in Thurrock. Further reports on this matter will be produced for the Committee as work on the Local Plan progresses.

1. Recommendation:

1.1 To note and comment on the report.

2. Introduction and Background

2.1 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development. S106 agreements are often referred to as 'developer contributions'.

2.2 The common uses of planning obligations are to secure affordable housing, and to specify the type and timing of such accommodation; and to secure financial contributions to provide infrastructure.

2.3 How contributions can be sought is tightly bound in legislation, via the Community Infrastructure Levy Regulations 2010. The 3 key tests that any agreement must legally meet are as follows:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly related in scale and kind to the development

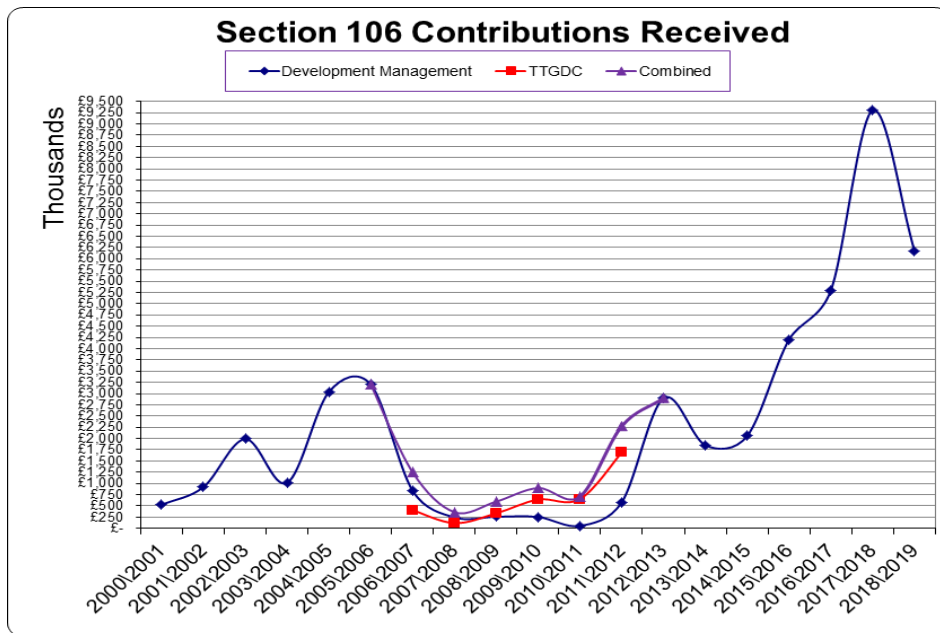
3. Issues, Options and Analysis of Options

3.1 Historically, Councils, including Thurrock, sought contributions on a tariff basis with financial sums calculated on the basis of the number of new dwellings proposed or based upon the amount of commercial floorspace proposed. In Thurrock, the Council operated a Planning Obligation Strategy (adopted in 2012) for this purpose. Contributions secured under the Planning Obligation Strategy were 'pooled' together to provide meaningful amounts which were then presented to the Council's S.106 Panel for allocation to specific infrastructure projects.

3.2 In April 2015 the Government introduced pooling restrictions upon Local Authorities. Regulation 123 of the CIL regulations prevents councils from being able to pool more than five contributions from different developments per infrastructure project. At the meeting of Cabinet on 11 March 2015 the Council agreed to abandon the Planning Obligation Strategy in favour of an Infrastructure Requirement List (IRL).

3.3 Since then and pending the preparation of a new Community Infrastructure Levy, or 'CIL' which is to be developed alongside the emerging Local Plan, developer contributions have been sought by the Council in accordance with the Core Strategy (as amended) including Policy PMD16 – Developer Contributions. The Council currently uses the IRL in the negotiation of Section 106 Agreements. The IRL provides an up to date list of physical, social and green infrastructure to support new development in Thurrock on a ward by ward basis. Communities can suggest projects that would provide improved or increased community or social infrastructure. The Council's process for handling nomination requests is set out in Appendix 1.

3.4 The IRL is regulation 123 compliant and ensures that no more than five contributions are secured against any one infrastructure project. The content of the IRL is also informed by the Council's priorities.



3.5 The graph above illustrates the amount of s.106 secured by the Council from 2000 to date.

3.6 At the time of writing, the Council is in receipt of £25,381,299 from s.106 obligations. 93% (£23,666,520) has been committed to infrastructure projects. 7% (£1,714,779) is presently pending commitment via the s.106 Panel. Members of the public can view developer contributions at: <https://www.thurrock.gov.uk/how-we-are-doing/planning-infrastructure-payments>.

3.7 Recently, expenditure has been committed to the expansion of Thurrock schools (notably Woodside Primary School, Somers Heath, Ockendon Academy and St Cleres) in addition to highway works within the Lakeside Basin and Purfleet and the Aveley Hub.

3.8 Expenditure is monitored by the Council's s.106 Panel. The Panel, which meets monthly, comprises representatives from across the Authority (including transport, education and health) who scrutinise the allocation of developer contributions and monitor trigger points within s.106 agreements to ensure developer contributions are committed and appropriate timescales are agreed to deliver infrastructure projects to mitigate the impact of new development. The process is set out in Appendix 1.

4. Reasons for Recommendation

4.1 The Council must secure planning obligations in accordance with current government legislation. The IRL provides a transparent and compliant mechanism to secure developer contributions and through robust monitoring the Council is able to ensure all contributions are committed to infrastructure projects necessary to mitigate the impact of new development. The use of the

IRL has been endorsed by Cabinet until such time that a CIL charging scheme is introduced as part of a new Local Plan.

5. Consultation (including Overview and Scrutiny, if applicable)

None.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The use of s106 agreements contributes either directly or indirectly to all corporate priorities.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accountant

There are no direct financial implications arising from this report.

7.2 Legal

Implications verified by: **Tim Hallam**
Deputy Head of Law and Governance
(Regeneration)

Contained in the body of the report.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Strategic Lead, Community Development and
Equalities

There are no implications of this report which only covers the process of how Section 106 contributions are processed.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None.

9. Appendices to the report

- Appendix 1 – Section 106 process flow chart

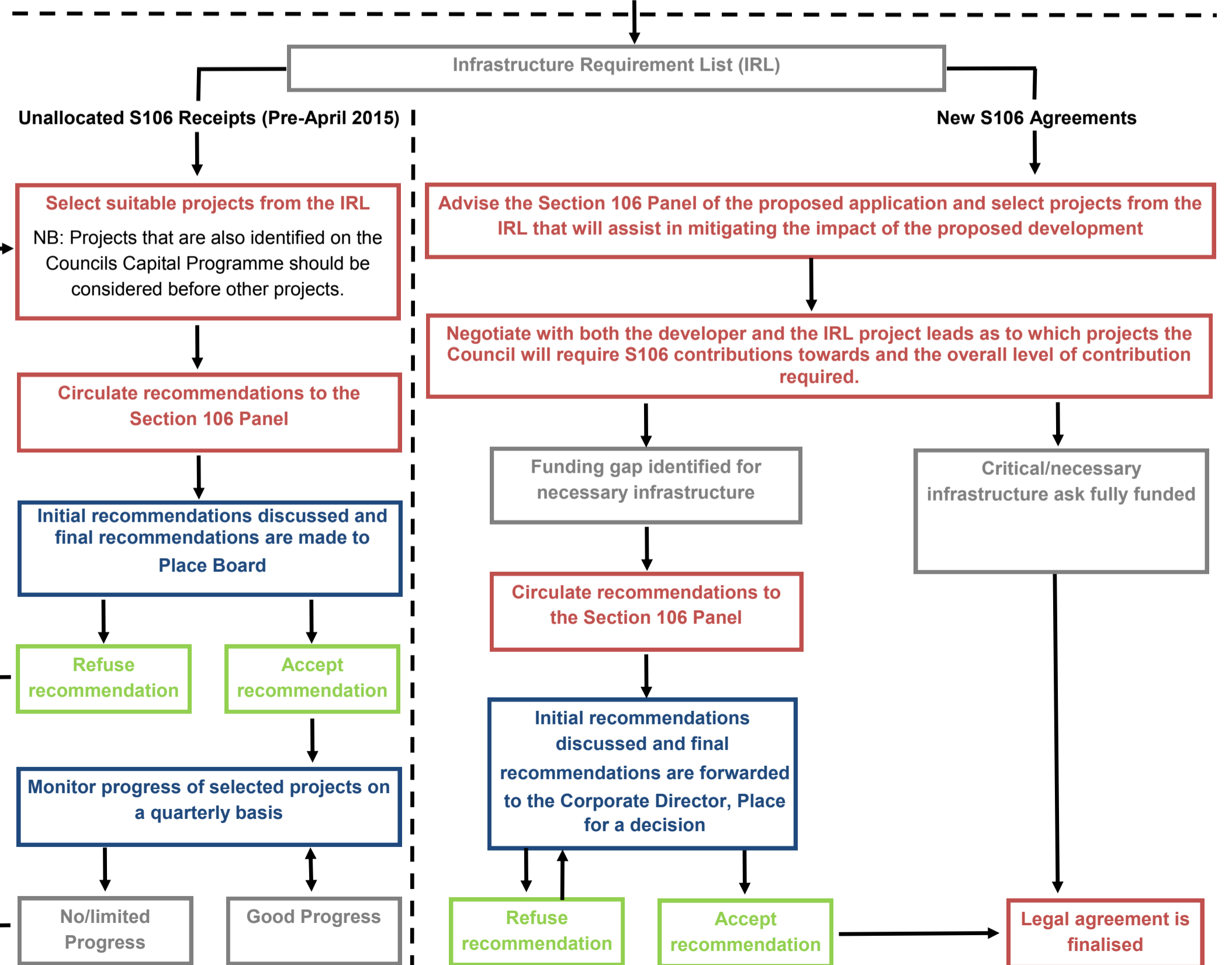
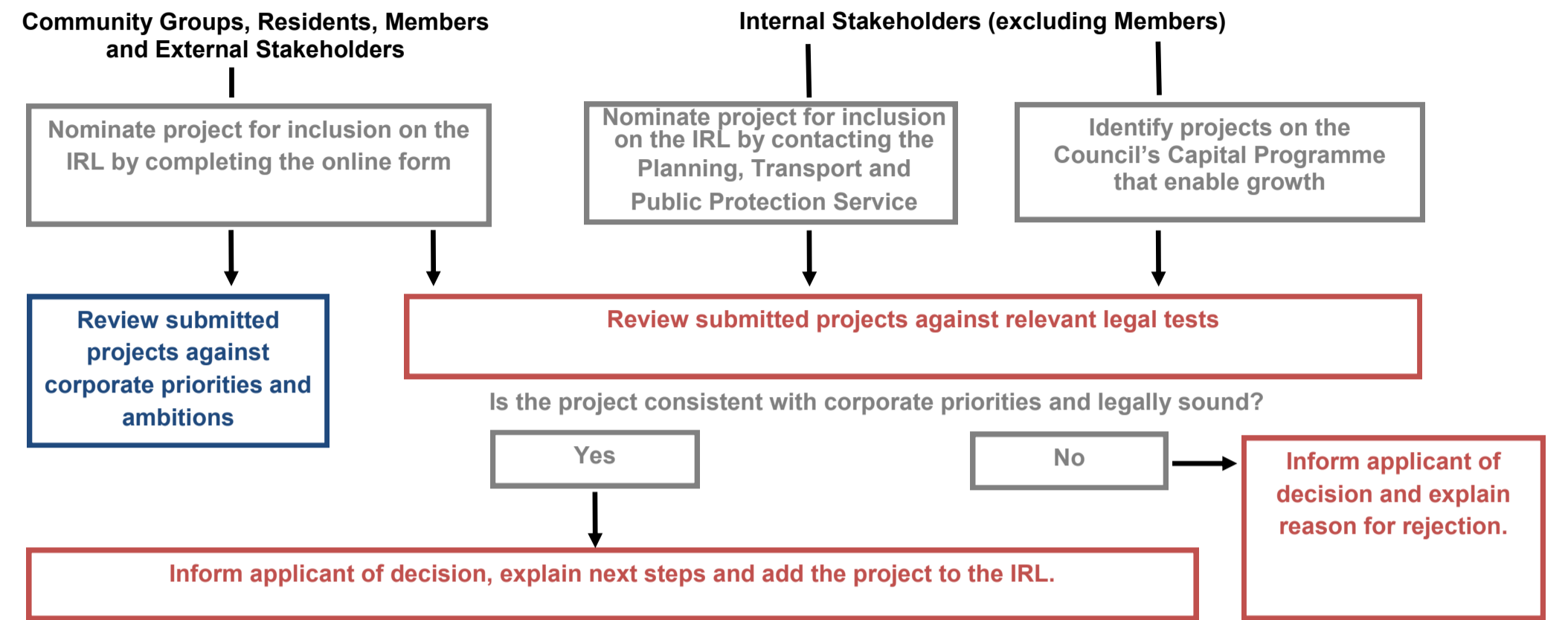
Report Author:

Leigh Nicholson

Strategic Lead, Development Services

Planning, Transport and Public Protection

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Work Programme

Committee: Planning, Transport, Regeneration Overview and Scrutiny Committee

Year: 2018/2019

Dates of Meetings: 4 July 2018, 11 September 2018, 6 November 2018, 8 January 2019, 12 March 2019

Topic	Lead Officer	Requested by Officer/Member
4 July 2018		
Local Plan Update		Members
11 September 2018		
Tilbury IMC Report	Rebecca Ellsmore	Officer
Bus Shelter Procurement Paper	Andrew Austin	Officer
C2C and Network Rail to attend in relation to contingency plans, communications etc.	Matt Kiely	Members
Procurement for Bus Route 11 & 374		Officers
Work Programme	Democratic Services	Standard Item
Extraordinary Meeting 17 October		
Thurrock Local Plan Issues and Options (Stage 2)	Andrew Millard	
Establishment of a Task Force in relation to the Local Development Plan	Andrew Millard	Members
6 November 2018		
Briefing: Purfleet Centre Update	Rebecca Ellsmore	Members

Work Programme

Fees and Charges Pricing Strategy 2019/20	Andrew Austin	Officer
Work Programme	Democratic Services	Standard Item
8 January 2019		
Grays South Regeneration Project: Delivering the pedestrian underpass	Brian Priestly, Rebecca Ellsmore	Members
A13 Widening - Scheme Update	Paul Rogers, Detlev Munster	Officers
Grays Town Centre Traffic Flow Update	Ayesha Basit, Paul Rogers	Members
Work Programme	Democratic Services	Standard Item
12 March 2019		
c2c and Network Rail Service Update	Chris Atkinson (c2c)	Members
Local Industrial Strategy		Officers
Planning Obligations	Leigh Nicholson	Motion from Full Council
Work Programme	Democratic Services	Standard Item
TBC		
Highways, Maintenance, Efficiency Programme (HMEP) and Asset Management	Julie Rogers	<i>Removed by Officer</i>
Freight Services Update	Andrew Millard	
Stanford le Hope Hub Interchange Update	Paul Rogers, Ayesha Basit	