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SOUTHEND-ON-SEA CITY COUNCIL

**Cabinet**

**Date: Thursday, 14th March, 2024**

**Time: 6.30 pm**

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

**Contact: Colin Gamble**

**Email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)**

**AGENDA**

**1 Apologies for Absence**

**2 Declarations of Interest**

**3 Waste Collection Contract Procurement**

Report of Executive Director (Environment and Place) to follow

Please be advised that this item contains a confidential appendix that is exempt by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**4 Community Based Supported Living Procurement (Pages 3 - 8)**

Report of Executive Director (Adults and Communities)

Please be advised that this item contains a confidential appendix that is exempt by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**5 Homecare Extension to Contract 2024 (Pages 9 - 16)**

Report of Executive Director (Adults and Communities)

**6 Notice of Motion - Cuckoo Corner (referred by Council held on 14th December 2023) (Pages 17 - 24)**

Report of Executive Director (Environment and Place)

**7 Notice of Motion - Fly-tipping Enforcement (referred by Council held on 14th December 2023) (Pages 25 - 30)**

Report of Executive Director (Environment and Place)

**8 Exclusion of the Public**

To agree that, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business set out below on the grounds that they 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.

- 9 Transitional Supported Housing** (Pages 31 - 46)  
Report of Executive Director (Adults and Communities)
- 10 Confidential Appendices - Waste Collection Contract Procurement**  
Confidential appendices to follow
- 11 Confidential Appendix - Community Based Supported Living Procurement** (Pages 47 - 52)  
Confidential appendix

**Chair & Members:**

Cllr C Campbell, Cllr T Cox (Chair), Cllr M Davidson (Vice-Chair), Cllr H Boyd, Cllr K Buck, Cllr J Courtenay, Cllr D Garston, Cllr D Jarvis, Cllr J Lamb and Cllr D Nelson

**Title: Community Based Supported Living Procurement Award 2023**

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**Meeting:** Cabinet

**Date:** 14 March 2024

**Classification:** Part 1 (Part 2 as a 'Restricted Appendix' that is exempt from publication by Schedule 12A to the Local Government Act 1972, as it contains commercially confidential information)

**Policy Context:**

**Key Decision:** Yes

**Report Author:** Tracey Schneider

**Executive Director:** Mark Harvey

**Executive Councillor:** Councillor Nelson

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**1. Executive Summary**

- 1.1. Supported living provides people with an eligible social care need, most commonly those with a learning disability, autism or mental health diagnosis with tenanted provision usually funded via housing benefit and onsite care and support staff funded by adult social care.
- 1.2. Social care spend on supported living was approx. £8.6m in 2022/23 and supported around 230 people. Over 75% of spend was on spot provision of services with little ability to manage market or spend.
- 1.3. In order to enable the council to take more control of the market for the best mix of quality, effectiveness, and value for money, including fixed rates and person-centred specification. A tender exercise was initiated in April 2023 to procure a framework for provision of Supported Living and Supported Living with outreach.
- 1.4. Combined with the contract management schedule this will allow us to take more control of the market for the best mix of quality, effectiveness, and value for money, including fixed rates and person-centred specification.
- 1.5. The tender was opened in April 2023 and The procurement process was conducted electronically via the Council's electronic Tender Facility ProContract and in accordance with the Public Contracts Regulations 2015.
- 1.6. 79 Providers applied and through the process detailed in this report, 22 providers have been recommended to be awarded a place on the framework. With 12 of these providers already providing support to Southend residents and 10 providers new to the Southend area.

**2. Recommendations**

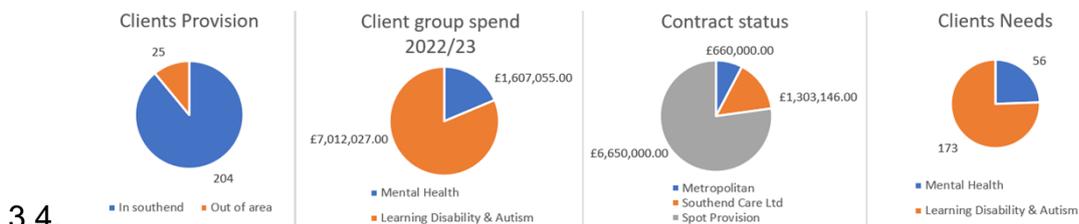
**It is recommended that Cabinet:**

2.1. To Approve award of placement on the Supported Living Framework to the following providers

Avenues Group	Field Lane	Alyson House RCH Ltd
Royal Mencap Society	Keys PCE Ltd	Forget me not caring Ltd
Advance Housing & Support	Thera Trust	Estuary Housing Association
Living Ambitions Limited	Southend Care Limited	Nexus – Support
Aran Homes Ltd	TLC Care Homes	JC Michael Groups Ltd
Choice Support	Pathways Care	18plus Support Ltd
Calm Futures Ltd	Anytime Care Solutions Pl	Verity Group Limited
Health Care – Private		

### 3. Body of the report - Background

- 3.1. Supported living provides people with an eligible social care need, most commonly those with a learning disability, autism or mental health diagnosis with tenanted provision usually funded via housing benefit and onsite care and support staff funded by adult social care.
- 3.2. Social care spend on supported living was approx. £8.6m in 2022/23 and supported around 230 people.
- 3.3. Over 75% of spend was on spot provision of services.



- 3.4.
- 3.5. The Supported Living market in Southend is currently a traditional market that has organically grown with minimal market management and in need of development.
- 3.6. A review of the position through 21/22 and 22/23, together with a detailed audit in 2022 evidenced concerns about - people, properties, provision, staffing, market, and sustainability:
  - Little evidence of people being at the heart of the service, empowerment, enablement, or recovery is not seen as an ingrained ethos.
  - Properties often resemble places of work rather than homes, there is a large reliance on private landlord and issues such as: high rents, low EPC, risk to tenure.
  - Plans around provision as matched to current and future need were unclear, with a placement led model rather than a market management led model.
  - Staffing structures and training were not aligned to demand, or the increasing complexity of some placements.

- The supported living market in Southend is in part driven by a significant amount of out of area placements, predominantly from Essex and London, which places pressure on local health services and on local housing availability.
  - The rates we pay providers are varied and, in many cases, would be considered commercially unsustainable ranging from £12.49 per hour to £25.(22/23 rates) The variation in rates and placement costs resulted in an inability to accurately forecast spend and risk to sustainability and peoples homes.
- 3.7. The decision was made in April 2023 to open a tender for a Supported Living framework. Combined with the contract management schedule this will allow us to take more control of the market for the best mix of quality, effectiveness, and value for money, including fixed rates and person-centred specification.
- 3.8. A framework under a Dynamic Purchasing System was decided upon as this can be actioned at fixed price with good quality provision and with no guaranteed volume or spend 'per provider' and a contract length of 4 years.
- 3.9. Alongside and captured within the specification the strategic commissioning team are conducting a review of technology to both aid in assessments and the delivery of provision in the least restrictive manner which encourages independence.

#### **4. Reasons for Decisions**

- 4.1. The majority of the contract specification and terms and conditions clauses are from the ADASS standard contract for this type of provision; however Southend specific elements were included separately.
- 4.2. During June / July 2022 strategic commissioning worked with local residents who may later use the services to produce a number of principles for supported living, these alongside the REACH standards have formed part of the Supported Living tender specification.
- 4.3. Recognising that many of the providers across Southend would be small enterprises with limited experience of tenders, In the period November 2022 to April 2023 a series of meetings, workshops and training sessions made available for providers, included in this was the coproduction with providers on the mechanism to define Standard and Enhanced service provision.
- 4.4. The procurement process was conducted electronically via the Council's electronic Tender Facility ProContract and the tender options appraisal was approved on 26th April 2023 with the advert placed on 27th April 2023.
- 4.5. The tender was fixed price with a model of Core service with one-to-one provision.
- 4.6. The tenders of applicants were evaluated on the basis of the Most Economically Advantageous Tender (MEAT) in accordance with the evaluation and scoring methodology detailed below.

1. Standard PASS / FAIL elements of the Selection questionnaire reflect legislative requirements.

Providers must have DBS checks in place for everyone who will be working there and must ensure adequate training of their workforce and ensure compliance with all statutory requirements as well as having the following compliant documentation, policies and procedures in place

2. Technical questionnaire phase included questions on Safeguarding, Workforce, Strength based working, Behaviours and Social Value.

Quality evaluation was solely evaluated on the technical questions totalling 100% of the evaluation and all questions had a minimum score threshold of 2 (Good) . Consensus scores were agreed on technical evaluation.

3. Presentation phase. All providers passing through the Technical Questions were invited to present to a group of residents and family carers, who now or in the future may use the services to be provided. The providers presented and were questioned by the group and subsequently scored on their delivery.

- 4.7. We have received 79 submissions. 27 were successful and passed the required criteria in stage 1 and 2 above. 2 providers did not attend the presentation and did not communicate back to the council, and 3 providers failed the presentation stage. Resulting in a recommendation to award to the 22 providers named in section 2.

## 5. Other Options

- 5.1. Do nothing and continue with the previous process and providers is not recommended due to the issues detailed in section 3.

## 6. Financial Implications

- 6.1. The current spend for Supported living is forecasted at £8.6M, this framework will be using this existing budget differently and not in addition to that budget.
- 6.2. A number of existing Southend providers are not moving forward onto the framework at this time and unless there are concerns around the provision or provider there will not be a mobilisation of clients to new providers.
- 6.3. It is estimated that the volume of provision moving onto the framework initially will be £4M with new placements being made onto this framework and over time it is expected that we move to a position where the majority of spend is on framework, allowing more robust financial and contract management of these provisions.

## 7. Legal Implications

- 7.1. Supported living is typically defined as housing where support and/or care services are provided to help people to live as independently as possible. Various statutes govern the delivery of supported living services. This report deals only with the regulatory processes that enable the Council to provide those services using a framework of selected providers.
- 7.2. Given the value of the framework, a procurement process was used following the Councils Contract Procedure Rules and Financial Procedure

Rules. Our processes are governed by the Public Contracts Regulations 2015.

7.3. The procurement process was conducted electronically via the Council's electronic Tender Facility ProContract and in accordance with the 2015 Regulations.

7.4. As this is an executive key decision, it requires the consent of the Cabinet member to create the framework and agree to the providers selected, having been satisfied that the Council has followed correct procedures as set out in this report.

## 8. Carbon Impact

8.1. All providers have submitted their plans for social value and this includes how they will work for a more sustainable service across people and place. This will form part of all contracts for ongoing contract management.

## 9. Equalities

9.1. An EQIA has been completed.



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ity%20Services%20Tr

## 10. Consultation

10.1. No public consultation was necessary, this is more around the infrastructure of the provision, we are not mobilising clients nor changing a contracted service.

10.2. Coproduction with residents and Providers has taken place as described in section 4.

## 11. Appendices

11.1. A part 2 report due to commercial sensitive information. The purpose of the part 2 is to show why certain providers were selected and others not. It is commercially sensitive information for that reason.

## 12. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
S151 Officer	Joe Chesterton	8/2/24
Monitoring Officer	Kim Sawyer	5/2/24
Executive Director(s)	Mark Harvey	19/2/24
Relevant Cabinet Member(s)	Cllr Nelson	27/2/24



**Title: Homecare Services Extension to Contract 2024**

**Meeting:** Cabinet

**Date:** 14 March 2024

**Classification:** Part 1 (unrestricted)

**Policy Context:**

**Key Decision:** Yes

**Report Author:** Nicola Mickleburgh

**Executive Director:** Mark Harvey

**Executive Councillor:** Councillor Nelson

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## **1. Executive Summary**

- 1.1 The proposed decision is to seek agreement to further extend the Care and Support in Home, homecare contract. This contract has utilised some of the built in extension period, being extended in 2022 until 31<sup>st</sup> March 2024. There is the ability within the contract to extend until March 2027.
- 1.2 Work has begun by the Strategic Commissioning team to bring the current Homecare service to a framework contract which we anticipate going to competitive tender during 2024.
- 1.3 Therefore, we are asking for an extension of the current Homecare Contract until 31<sup>st</sup> March 2025, in order to give the Strategic Commissioning team time to deliver and implement the tender for this service.

## **2. Recommendation.**

- 2.1 **To extend the contract of the Homecare Services until 31<sup>st</sup> March 2025.**

## **3. Background.**

- 3.1 On 1<sup>st</sup> May 2017, The Council entered into a 5-year Homecare services contract with the option to extend for a further 5 years up to 2027. In 2022, the Council extended the contract until March 2024.

- 3.2 The Care Act 2014 places responsibility on all local authorities to promote individual well-being, prevent needs for care and support whilst placing a responsibility on all local to delay and reduce the need for care and support. Through reablement, prevention and enablement Southend-on-Sea City Council are adhering to these responsibilities.
- 3.3 In the city of Southend-on-Sea we have a growing ageing population and an increasing demand on our care and support at home and our reablement services.
- 3.4 Throughout its tenure the Home Care Contract has enabled the Council to accomplish its responsibilities to provide care to individuals in their own home in an efficient, structured, and timely way.
- 3.6 The new Homecare model and re-procurement will seek to maximise benefits to the Adult Social Care Homecare workforce in order to both to recognise their value and also provide real career opportunities and embrace them within our City. It is also essential that the new Homecare framework is embedding the voices of people with lived experience and unpaid carers in the service delivery. This will help to develop and deliver a person centred, outcome focused support.

#### **4. Reasons for Decision**

- 4.1 Work has begun to ensure that a new homecare framework is in place towards the end of the 2024/25 financial year. Extending the Homecare contract will enable the service to continue under the current contract during this time.
- 4.2 This work will incorporate engagement and co-production with customers, care workers, and Homecare providers. The Strategic Commissioning Team will continue the commissioning and procurement process.
- 4.3 The new procurement process is anticipated to take a total of 12 months to complete. This includes
- Pretender market analysis and engagement
  - Preparation of a revised tender framework documentation
  - Procurement activity
  - Transition and contract mobilisation
- 4.4 The Council is committed to protecting the most vulnerable people in the city and in this case has a legal duty to do so. The extension of the existing contracts is necessary to ensure that there is seamless continuity of care services to those people who are reliant on them.

#### **5. Other Options**

- 5.1 It would be technically and legally possible to spot-purchase any number of providers to deliver Homecare in the City as an alternative to a framework contract. This would present an increased risk to the effective oversight of the quality and safety of Homecare provision to vulnerable residents in need of care and support living across the city. In addition, each package of care would be subject to the Council's procurement procedures and therefore some form of quotation process with competition would be required each time. This could significantly delay provision of care in many cases and would be clearly not desirable.

## 6. Financial Implications

- 6.1 The expenditure proposed through the contract extension will be contained within existing budget resources.
- 6.3 The Homecare budget for 2024/25 is currently £13.14M however this is subject to change as it is not yet approved.

## 7. Legal Implications

- 7.1 The Council has a legal duty to provide this care to people who need it. The Council also has a legal duty to ensure that the way in which its legal functions are delivered represent Best Value. Acquiring these services following a tender process where bids are subjected to evaluation based on pre-advertised evaluation criteria will meet both these legal imperatives.
- 7.2 The Council's legal duty to provide this care means that the Council is not allowed to have a break in the provision of the services by law. Therefore, the Council needs to extend the existing contracts to ensure that the care duty continues to be met. This also demonstrates that the extensions are out of necessity rather than to act anticompetitively.
- 7.3 Many of the stakeholders in these services are people who have a protected characteristic for the purposes of the Equality Act. Therefore, any changes will be subject to appropriate measures such as an equality assessment so that the Council can determine the impact of any changes with people who have protected characteristics prior to implementing the changes in a new specification or procurement methodology.

## 8. Other Implications

- 8.1 None

## 9. Appendices

- 9.1.1 Appendix 1 – Equality and Analysis Screening Sheet

## 10. Report Authorisation

<b>This report has been approved for publication by:</b>		
	<b>Name:</b>	<b>Date:</b>
S151 Officer	Joe Chesterton	8/2/24
Monitoring Officer	Kim Sawyer	9/2/24
Executive Director(s)	Mark Harvey	19/2/24
Relevant Cabinet Member(s)	Cllr Nelson	27/2/24

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# Equality Analysis Screening Sheet

To be completed in combination with the Equality Analysis template where needed

<b>Directorate</b>	<b>Adults and Communities</b>
<b>Executive Director</b>	<b>Mark Harvey</b>
<b>Head of Service</b>	<b>Tracey Schneider</b>
<b>Report Author</b>	<b>Nicola Mickleburgh</b>
<b>Project</b>	<b>Adult Social Care – Homecare Contract Extension</b>

1. In order to determine if an Equality Analysis is required, please consider the following:
2. What are the aims or purpose of the new/changed policy, service function, restructure or other proposed changes?

The provision of Homecare is a statutory requirement of the Council under the Care Act 2014. The extension of the Homecare contract will not see an interruption in service. The current contract will end on 31st March 2024 and the recommendation is to extend by a further year as per the conditions which are set out in this contract. Users who require a Homecare service will not have their services affected.

3. What are the main activities relating to the new/changed policy, service function, restructure or other proposed changes?

This will be an extension of the current contract so the service will continue following the current conditions which are outlined in the contact.

4. What will be the impact of the proposed change(s) on the following groups of protected Characteristics?(There is an EA Checklist for groups with Protected Characteristics that you may find useful [here](#))

There will be no impact on the groups.

Protected Characteristic	Positive Impact	Negative Impact	No Impact	Unclear
Age (inc Looked After Children)			x	
Disability (inc carers)			x	
Gender Re-assignment			x	
Marriage & Civil Partnership			x	
Pregnancy & Maternity			x	
Race			x	
Religion or Belief			x	
Sex			x	

Sexual Orientation			x	
Socio-Economic			x	
Intersectionality			x	

1. Is the proposed change generic? (Examples of generic change might be removal of parking bays, increasing parking charges, highways footpath maintenance).  
If yes, consideration should be given to whether any of the protected groups may be more disadvantaged

2. Where no impacts across all groups are identified, please evidence below, making reference to any research or data you have used to arrive at this conclusion

This is a contract extension for a year, so there will be no impact across all groups as no one will be disadvantaged.

3. Where impacts on any group or groups are identified, please complete a full Equality Analysis

Sign off for: Nicola Mickleburgh

No further Equality Analysis required

Signed:

Dated: 23/01/2024

Please return Screening Sheet to the [Policy Team](#) Policy Team for recording onto Pentana

Full Equality Analysis Required

The conclusions of this Equality Assessment will be embedded in future decision Making

Signed:

Dated:

Please return Screening Sheet and completed Equality Analysis to the [Policy Team](#) for recording onto Pentana

Officer Identified to complete Equality Analysis:

**Meeting:** Cabinet  
**Date:** 14 March 2024  
**Classification:** Part 1  
**Key Decision:** No  
**Title of Report:** Notice of Motion: Cuckoo Corner

**Executive Director:** Alan Richards – Executive Director for Environment & Place  
**Report Authors:** Neil Hoskins – Head of Highways & Coastal  
**Executive Councillor:** Cllr Kevin Buck, Cabinet Member for Transport, Highways and Parking

## 1. Executive Summary

- 1.1. This report makes recommendations for Cabinet to consider in relation to a Notice of Motion presented to the Council on 14 December 2023.
- 1.2. The Notice of Motion related to concerns about traffic flow at Cuckoo Corner roundabout on the A127. The Notice of Motion text is set out in **Appendix 1** of this report.
- 1.3. Currently the data does not support major intervention in the design of this junction.
- 1.4. Other factors, especially those relating to right turn vehicle movements from the westbound Priory Crescent could be contributing to congestion experienced at Cuckoo Corner.

## 2. Recommendations

### It is recommended that:

- 2.1. Cabinet notes the Notice of Motion relating to Cuckoo Corner at **Appendix 1** and agrees that junction monitoring is continued to gather data to inform a trial scheme.
- 2.2. That subject to the analysis of that data, a trial scheme is brought forward to restrict westbound right turns from Priory Crescent into Aldi and the Saxon King Pub and that the effects of this trial scheme are monitored post implementation to inform any potential future changes.



assessment is due very soon and any recommendations will be considered with a view to implementation.

- 4.4. There is also an indicative ambient air quality monitor located at the cuckoo corner junction (see below) which measures harmful gases including NO<sub>2</sub> and particle matter.

4.5.



- 4.6. The monitors provide detailed air quality measurements in real-time to help identify pollution hotspots at a localised level such as busy road junctions. Data obtained from this monitor since November 2022 has been analysed and there has been no exceedance of the hourly mean for NO<sub>2</sub>.

## 5. Traffic Flow

- 5.1. Traffic flow data is collected periodically at Cuckoo Corner and primarily used to update the multi-modal model. The latest figures were collected on 29 November 2022. This indicates that a total of 36,020 vehicles used the junction between 07:00 and 19:00 with a morning peak of 3887 vehicles per hour and an afternoon peak of 3935 vehicles per hour.

## 6. Pedestrian Crossing

- 6.1. The existing pedestrian crossing adjacent to the Aldi store is well used. A total of 464 pedestrians (Tuesday 29 Nov 2022) crossed with the highest figure being between 15:00 and 16:00 (66 pedestrians). The Puffin crossing is configured on Vehicle Actuation so when the push button is pressed it starts the count down to the pedestrian phase. This is set at 40 seconds between 07.30 to 09.15 and 16.00 to 18.15. At all other times it is set at 35 seconds. Recent work has been carried out to upgrade and improve the vehicle and pedestrian detection system and this has resulted in better traffic flow.

## 7. Aldi Junction

- 7.1. The Priory Crescent/Aldi/Saxon King junction slows the traffic flow at Cuckoo Corner. This junction has 2617 per hour vehicles at the afternoon peak

(Tuesday 29 Nov 2022). This junction would need to be factored when considering alternative Cuckoo Corner layouts.

## **8. Proposed Alternative Layout**

- 8.1. A scheme (including associated traffic regulation orders) to prevent westbound right turn movements into Aldi and the Saxon King Pub could be brought forward. The effects of this scheme could then be monitored post implementation. If the trial scheme is successful, further detailed design and modelling work will be required to inform a wider area redesign. If the trial supports this further work then a budget allocation for a mixture of in-house (where available) and external consultant resource would be needed to evaluate against the existing situation and deliver the scheme.
- 8.2. In preparing the scheme, discussions will be held with the businesses to understand and mitigate, where possible, any adverse effects.

## **9. Reasons for Decisions**

- 9.1. The data does not currently support major intervention at this junction. However, subject to the collection of further data, a small-scale intervention on Priory Crescent, to restrict westbound right turns into Aldi and the Saxon King Pub may be brought forward to ascertain whether this relieves the congestion currently experienced at the junction.

## **10. Other Options**

- 10.1. None.

## **11. Financial Implications**

- 11.1. Approximately £100k from LTP for the initial data collection, Priory Crescent intervention and post implementation monitoring.

## **12. Legal Implications**

- 12.1. A traffic regulation order will be required to restrict westbound right turning from Priory Crescent.

## **13. Policy Context**

- 13.1 LTP3 Policy 16 – Road Safety Engineering

## **14. Carbon Impact**

- 14.1. The intention of the trial scheme is to improve traffic flows and therefore reduce pollution and carbon emissions linked to idling. If the data supports the trial scheme and the trial scheme leads to these outcomes, there may be a small improvement in emissions as a result.

**15. Equalities**

15.1. There are no perceived equalities issues in relation to the recommendations.

**16. Consultation**

16.1. The implementation of any trial orders would be subject to the usual consultation requirements.

**17. Appendices**

17.1. Appendix 1 – [Cuckoo Corner Notice of Motion](#)

**18. Report Authorisation**

<b>This report has been approved for publication by:</b>		
	<b>Name:</b>	<b>Date:</b>
S151 Officer	Joe Chesterton	4/3/2024
Monitoring Officer	Susan Zeiss	4.3.2024
Executive Director(s)	Alan Richards	1/3/2024
Cabinet Member(s)	Cllr Kevin Buck	4/3/2024

## **Appendix 1 – Notice of Motion**

### ***Improving Cuckoo Corner***

*Traffic congestion is a major issue in our city, exacerbated by many bottlenecks and areas of high traffic pressure. The Cuckoo Corner roundabout is one such area with regular traffic jams tailing back in multiple directions having a knock-on effect to traffic congestion across the city.*

*This junction is a vital gateway to the East of the city for buses and motorists. When clogged, tailbacks can reach the city centre, Kent Elms corner, Sutton Road roundabout, and beyond Warner's Bridge into Rochford.*

*Natural traffic flow is impeded by concerns about the an unsuitable layout that includes partial traffic signalling at the roundabout, traffic-controlled pedestrian crossings too close to the junction, and merges in-turn that are too short. Planned large-scale developments in the city will add significant volumes of traffic including large vehicles for delivery, causing further congestion.*

*This junction falls between the two Air Quality Management Areas (AQMAs) of Southend, and the air quality here is not currently sufficiently monitored.*

*On recent walkabouts with ward councillors, members of the senior leadership team found it difficult to breathe after a few short minutes at the junction.*

#### **Therefore, this Council resolves to:**

*1) Publish existing data around current traffic congestion and any monitoring undertaken at this junction. Where this data does not exist, Council will monitor the following for a period of at least 3 months:*

- a) Volume of traffic, given on an hourly basis to identify peak periods of pressure;*
- b) Distribution of these vehicle movements at each entry/ exit;*
- c) Use of pedestrian crossings, to be cross-referenced with peak traffic periods.*

*2) Model alternative layouts and arrangements for Cuckoo Corner junction, including:*

- a) Box junctions;*
- b) Relocation of the pedestrian crossings;*
- c) Relining options;*
- d) Improved provisions for cyclists;*
- e) Improved provision for buses;*
- f) Phasing of traffic lights;*
- g) Full traffic signalling on all exits/ entrances, or;*
- h) Removal of traffic signals to aid traffic flow.*

*3) Conduct a focused assessment of air quality at the Cuckoo Corner junction, to include:*

- a) Live monitoring of air quality over a minimum 6-month period;*
- b) Particulate monitoring (PM2.5 and PM5).*

*4) Liaise with local bus companies to understand the pressures caused by congestion at this junction on achieving a punctual service.'*

### **Motion for improving Cuckoo Corner**

Traffic congestion is a major issue in our city, exacerbated by many bottlenecks and areas of high traffic pressure. The Cuckoo Corner roundabout is one such area with regular traffic jams tailing back in multiple directions having a knock-on effect to traffic congestion across the city.

This junction is a vital gateway to the East of the city for buses and motorists. When clogged, tailbacks can reach the city centre, Kent Elms corner, Sutton Road roundabout, and beyond Warner's Bridge into Rochford.

Natural traffic flow is impeded by an unsuitable layout that includes partial traffic signalling at the roundabout, traffic-controlled pedestrian crossings too close to the junction, and merges in-turn that are too short. Planned large-scale developments in the city will add significant volumes of traffic including large vehicles for delivery, causing further congestion.

This junction falls between the two Air Quality Management Areas (AQMAs) of Southend, and the air quality here is not currently sufficiently monitored. On recent walkabouts with ward councillors, members of the senior leadership team found it difficult to breathe after a few short minutes at the junction.

Therefore, this Council resolves to:

- 1) Publish existing data around current traffic congestion and any monitoring undertaken at this junction. Where this data does not exist, Council will monitor the following for a period of at least 3 months:
  - a) Volume of traffic, given on an hourly basis to identify peak periods of pressure;
  - b) Distribution of these vehicle movements at each entry/ exit;
  - c) Use of pedestrian crossings, to be cross-referenced with peak traffic periods.
- 2) Model alternative layouts and arrangements for Cuckoo Corner junction, including:
  - a) Box junctions;
  - b) Relocation of the pedestrian crossings;
  - c) Relining options;
  - d) Improved provisions for cyclists;
  - e) Improved provision for buses;
  - f) Phasing of traffic lights;
  - g) Full traffic signalling on all exits/ entrances, or;
  - h) Removal of traffic signals to aid traffic flow.
- 3) Conduct a focused assessment of air quality at the Cuckoo Corner junction, to include:
  - a) Live monitoring of air quality over a minimum 6-month period;
  - b) Particulate monitoring (PM2.5 and PM5).
- 4) Liaise with local bus companies to understand the pressures caused by congestion at this junction on achieving a punctual service.

Proposer: Cllr Lydia Hyde

Seconder: Cllr Daniel Cowan

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**Meeting:** Cabinet  
**Date:** 14 March 2024  
**Classification:** Part 1  
**Key Decision:** No  
**Title of Report:** Notices of Motion: Fly-tipping Enforcement

**Executive Director:** Alan Richards – Executive Director for Environment & Place  
**Report Author:** Jo Gay – Head of Environment  
**Executive Councillor:** Cllr Meg Davidson – Cabinet Member for the Environment

## 1. Executive Summary

- 1.1. The Notice of Motion proposes a response to a Notice of Motion on Fly tipping Enforcement which was presented to Council on 14<sup>th</sup> December 2023 (**Appendix 1**) which seeks to issue fixed penalty notices (FPNs) where appropriate.
- 1.2. Officers are currently working to tender a contract which will address low level fly tipping, dog fouling and littering as set out in the council's budget.

## 2. Recommendations

**It is recommended that:**

- 2.1. Cabinet agrees that the Notice of Motion relating to fly tipping enforcement at **Appendix 1** be used to inform the procurement of a contractor to support the Council in addressing matters including low level fly tipping, dog fouling and littering.
- 2.2. That Cabinet agree to progress with the procurement of a contractor as soon as possible to deliver the anticipated income in 2024/5 budget and note that it is anticipated that the appointment of any such contractor under this small procurement will not be a key decision and will therefore be a matter which can be concluded under officer delegations at the relevant time.

## 3. Background:

- 3.1. Southend-on-Sea City Council follows the approach set out in central government's 'Enforcement Concordat' (background paper link below). This is a non-statutory code which sets out how enforcement officers 'enforce.' The concordat establishes that officers go through three steps, engagement, education, awareness before action is escalated (enforced) depending on the offence. Further, all enforcement must be both proportionate and evidence based.
- 3.2. The council's Corporate Enforcement Policy (background paper link below) aligns with the Enforcement Concordat, as do the services with an enforcement function as set out in the Corporate Enforcement Policy.
- 3.3. The current processes and procedures relating to the management of the city's street scene are being reviewed and revised corporately and the tender referred to above will underpin this wider piece of work. The impact of fly tipping on the city is understood and the detail set out in the Notice of Motion will underpin scope of the procurement process. It may not be possible to include all elements, but officers will ensure that the Notice of Motion closely informs the tender process.

#### **4. Reasons for Decisions**

- 4.1. The Notice of Motion is closely aligned to, and supports work already underway and featuring in the 2024/25 budget.

#### **5. Other Options**

- 5.1. Stop the current review and proposed tender process and consider alternative options.

#### **6. Financial Implications**

- 6.1. It is anticipated that the proposed tender process will result in full cost recovery and generate a modest income for the Council (forecast budget estimate £30,000 in 2024/25). It is possible some up-front capital will be required to support any new contractor to set up the service (for example for handheld devices, software, uniforms etc) and it is expected that this will be met from existing resources.

#### **7. Legal Implications**

- 7.1. All proposed activity will accord with the requirements of Sections 33 and 34 of the Environmental Protection Act 1990 – Fly tipping and Householder Duty of Care.

#### **8. Policy Context**

- 8.1. 13.2 Corporate Enforcement Policy

**9. Carbon Impact**

9.1. None

**10. Equalities**

10.1. There are no equalities issues in relation to the recommendations.

**11. Consultation**

11.1. N/A.

**12. Appendices**

12.1. Appendix 1 – Fly tipping Notice of Motion

**13. Background Papers:**

[Enforcement Concordat](#)  
[Corporate Enforcement Policy](#)

**14. Report Authorisation**

<b>This report has been approved for publication by:</b>		
	<b>Name:</b>	<b>Date:</b>
S151 Officer	Joe Chesterton	4/3/2024
Monitoring Officer	Susan Zeiss	3/3/2024
Executive Director(s)	Alan Richards	1/3/2024
Cabinet Member(s)	Cllr Meg Davidson	4/3/2024

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## **Appendix 1 – Notice of Motion – Flytipping**

(Minute 105 from Council 14<sup>th</sup> December 2023)

[Notice of Motion - Fly-tipping](#) PDF 62 KB

Notice of Motion

### **Additional documents:**

- [Webcast for 105.](#)

### **Minutes:**

In accordance with Standing Order 20, a Notice of Motion concerning fly-tipping enforcement was submitted by Councillor Campbell and seconded by three other members of the Conservative Group.

During consideration of this matter an amendment was proposed by Councillor Hyde and seconded by Councillor Cowan. The amendment was carried.

Resolved:

That the Notice of Motion concerning fly-tipping, as amended below, be referred to the Cabinet for consideration:

### **'Southend-on-Sea City Council Fly-tipping Enforcement**

From April 2021 to March 2022, there were 1,961 reported total incidents of fly-tipping in Southend and 3,060 total enforcement actions in response. Of these total enforcement actions, there were 0 Fixed Penalty Notices (FPNs) issued. For that reporting year, Southend-on-Sea Borough Council (as it was known as) was joint last in 266<sup>th</sup> place on the league tables for tackling fly-tipping through FPNs. Similarly, from the financial years of 2020-2023, a total of 0 FPNs and 2,789 warning letters were issued in relation to fly-tipping. From the calendar year of 2021-2023 (to date on 19<sup>th</sup> October 2023), 5,396 educational letters were issued in relation to fly-tipping.

Fly-tipping is a crime under the Environmental Protection Act 1990, worsens the community our residents live in, and is costly to the Council to have to action. Charging perpetrators with an FPN generates income to the Council and reduces the risk of reoffending.

It is recognised that not every situation of fly-tipping requires an FPN as other methods of enforcement may be more effective; however, it cannot be appropriate to never issue an FPN for an offence. In comparison to other local authorities, not issuing a single FPN shows a reluctance on the part of the Council to use all powers given to it to tackle fly-tipping offences. Only law-abiding residents and communities are punished through this lack of enforcement action.

### **This Council therefore:**

1. Notes that the Council's current approach of education and engagement is enshrined in the Council's enforcement policy in accordance with central government's preferred approach.
2. Notes that the Council has not issued FPNs for fly-tipping offences in the past 4 years.
3. Resolves *to request Cabinet* to seek to issue FPNs for fly-tipping offences where appropriate.
4. Notes that *good evidence collection is fundamental to correct identification of perpetrators and resolves to create an easy way for residents to submit video of offences.*
5. Notes that *many fly-tipping hot-spots in Southend-on-Sea are located on private land and resolves to make ward maps of 'relevant land' easily accessible to ward councillors.*

*6. Notes that in many instances, incidents are 'misrepresented waste' rather than fly-tipping. In areas with repeated incidents of this, and resolves to engage constructively with residents to improve understanding.'*

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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