

# Public Document Pack

**Southend-on-Sea Borough Council**

**Legal & Democratic Services**

**Strategic Director: John Williams**

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23 September 2020

Dear Councillor

**THE COUNCIL - THURSDAY, 10TH SEPTEMBER, 2020  
SUPPLEMENTARY PACK: QUESTIONS AND ANSWERS AND CHANGES TO  
MEMBERSHIP OF COMMITTEES**

Please find enclosed, for consideration at the next meeting of the The Council taking place on Thursday, 10th September, 2020, the following papers that were unavailable when the agenda was printed.

**Agenda Item  
No**

**6. Questions from Members of the Public (Pages 1 - 8)**

Questions and Answers sheet attached

**7. Questions from Members of the Council (Pages 9 - 14)**

Questions and Answers sheet attached

**38 Changes to membership of Committees, Working Parties, etc (Pages 15 - 16)**

List of changes attached

Robert Harris  
Principal Democratic Services Officer

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## Council – 10<sup>th</sup> September 2020

### Public Questions

# 6

#### **Question 1 from Maureen Butler to the Leader of the Council**

##### **Question**

A short while ago the area at the end of York road by the High Street was repaved with an oblong bed put in for plants. A week later when my husband and I went to park our car there, we saw two Lorries blocking the whole road with a crane lifting large girders into place to make a pagoda. The following week we parked there again and low and behold everything had gone.

On 6<sup>th</sup> August I sent an email to the leader of the Council to explain to me why the pagoda had been removed as I felt that the cost of this in man hours must have wasted a lot of tax payer's money

Two weeks later, on 21<sup>st</sup> August I emailed Cllr Gilbert again asking why he had not replied to my email, and giving him the opportunity to do so before I brought it to the attention of The Echo. I got a response from him the next day stating that the Pagoda was commissioned as part of the Government funded 'Cool Cities' project. Unfortunately, it drew objections from the business community, so to avoid the money being wasted it has now been relocated to one of our parks. However, he failed to inform me which park it had been erected in.

I have asked 9 businesses surrounding where the pagoda was erected, and none have said they had objected to it, or put in a formal complaint about it.

I therefore do not accept Cllr Gilbert's reason why the pagoda has been removed, which to say the least is a great deal of time and money being wasted.

Perhaps He can now explain how such a faux pas could have happened and inform Council which park it has now been erected in?

I also request that Scrutiny Committee should look into this matter to clarify the situation.

## **Answer**

The pagoda was installed to provide shading as a pilot to help to prevent or limit heat stress to counteract the negative effects of climate change; and was funded by the EU.

The pagoda was erected but some of the parts were incorrectly supplied by the manufacturer and the seating needed some changes. These problems could not be rectified immediately by the manufacturer because of Covid, and the Council responded to complaints received about the pagoda, and health and safety of the equipment, and it was removed to be re-purposed into one of the Council's parks. At present I am unable to confirm the exact location, as possible suitable sites are currently being surveyed.

The purpose of a pilot is to explore different options and this option was reviewed and deemed not to be suitable, the site in the High Street will be replaced later this year with some larger planters with benches at the same location, where trees and various greenery will provide shading to the High Street.

## **Question 2 from David Webb to the Executive Councillor for Environment and Planning**

### **Question**

How many tonnes of pink, black, paper, food, garden has been recycled between 2017 - 2018, 2018 - 2019, 2019 - 2020 and what ways will they raise the lowest recycled figures in the list?

## **Answer**

| Tonnes Collected                 | 2017-18   | 2018-19   | 2019-20   |
|----------------------------------|-----------|-----------|-----------|
| Pink Sack (kerbside)             | 7,484.39  | 6,805.87  | 9,226.84  |
| Food waste (kerbside)            | 4,430.62  | 4,169.03  | 4,348.08  |
| Garden waste (kerbside)          | 5,799.90  | 6,691.63  | 6,566.05  |
| Paper/Card (Kerbside)            | 4,298.06  | 3,685.64  | 3,048.40  |
| Black Sack [Residual] (kerbside) | 33,816.73 | 31,922.56 | 31,331.12 |

The above table shows the tonnes of pink sacks, food waste, garden waste, paper and card and black sacks collected from the kerbside (from residential properties) over the years requested.

Veolia have recently produced a Recycling Action Plan (RAP) that is currently being discussed with Southend-on-Sea Borough Council. The RAP contains a number of actions proposed by Veolia, which are all intended to support the achievement of the current recycling target of 50%.

### **Question 3 from David Webb to the Executive Councillor for Environment and Planning**

#### **Question**

Who and what is the procedure and time frame it should take to cut down a diseased tree down and will it be replaced with a new tree?

#### **Answer**

Council managed trees are inspected by our Arboricultural Officers who undertake scheduled and unplanned inspection throughout the year. If as a result of an inspection, a tree is found to be diseased the condition of the tree and its likely decline will be assessed. Trees that are diseased will not necessarily be removed immediately, and depending on a number of factors, the tree may be retained for several years.

When it is necessary to remove a tree due to disease, an order is raised with the council contractor. The timescale to complete the work is subject to a number of factors. In some cases, it is necessary to remove the tree immediately on an emergency basis. However, in the majority of cases the work is programmed, and the timing is influenced by a variety of factors such as existing priorities and workload, any requirements for traffic management and other activities in the area.

Completing the work can also be impacted by the presence of parked cars, the need for road closures, parking suspensions, and the requirement to create diversion routes. The presence of nesting birds is also a factor which affects the timing of work.

Any tree which is removed is noted for replanting. This will rarely be in the exact same spot, as is not practical or cost-effective to remove all of the root systems below the ground. Some pathogens will also remain in the soil for some time, which can be detrimental to any newly planted tree.

The council continues to plant trees every winter helping to maintain and enhance the towns canopy cover.

In addition to the ongoing tree planting program, the council committed to planting an additional 1,000 standard trees over a three year period from 2019 and committed the additional funding this requires.

The council is currently updating its tree strategy, which includes approaches to tree removal and planting and is currently available for review and comment on the council's website.

#### **Question 4 from Jonathan Garston to the Executive Councillor for Transport, Capital and Inward Investment**

##### **Question**

Residents in the area of Eastern Avenue are deeply concerned about speeding and dangerous vehicles, especially between Hamstel Road and Sutton Road

Please can the Council and I have an update on safety measures that will be installed and would he support a Traffic Safety Camera?

##### **Answer**

The service has currently commissioned a full investigation to look at the full collision history which result in personal injury (data on accidents where there is no personal injury is not recorded). This investigation will look at all contributory factors and an assessment of whether the current speed limit is appropriate to the nature and construction of the road.

This data will then be used to inform and give the service the information required to bring back to Traffic Regulations Working Party options for consideration in due course.

Liaison with the Safer Essex Partnership is also being explored on the installation of speed cameras.

## **Question 5 from Jonathan Garston to the Executive Councillor for Transport, Capital and Inward Investment**

### **Question**

Please can I have data of recorded speeds along Eastern Avenue between Hamstel Road and Sutton Road?

### **Answer**

Thank you for your question. This information is not held by the council but by Essex Police and we have requested it. As soon as we receive it we will pass it to you.

However; further speed monitoring units were installed on 4 September 2020 just west of Bournemouth Park Road. The results should be available around 18 September 2020 which will be forwarded to you.

## **Question 6 from Andy Atkinson to the Executive Councillor for Environment and Planning**

### **Question**

The public survey consultation into conservation designation in the Hamlet Court area had an exceptionally poor 8 responses and was reported to the Environment & Planning Working Party.

Why has the community survey with 125 responses (now over 200) and 91.5% support for wider conservation designation not be recognised?

## **Answer**

The results of the 'community survey' conducted by the Hamlet Court Conservation Forum were very helpful and were provided to independent heritage experts Purcell (working on behalf of the Council) to help inform their work. The community survey, it should be noted, does not directly relate to the initial report by Purcell. The Council's own survey related directly to the draft report undertaken by Purcell (who are independent and very experienced heritage consultants) that considered the potential for conservation area designation at Hamlet Court Road, giving full consideration to relevant legislation and guidance. The Council also held public drop-in sessions at the Civic Centre in Southend during the consultation period of the draft initial report by Purcell. Following this, having reviewed the Council's consultation responses, the decision was made to progress with a full Conservation Area Appraisal for Hamlet Court Road. That appraisal is being brought before Cabinet later this year, when Cabinet will be able to consider the details of the appraisal being proposed for formal public consultation.

## **Question 7 from Andy Atkinson to the Executive Councillor for Environment and Planning**

### **Question**

In terms of the wider study suggested by consultant's Purcell in assessing the Hamlet Court area for conservation designation what contact has the Councillor had with the new businesses in the area such a Adonia spa, Ramsey Moore estate agents, Frank & Luna's cafe, A Mile and a Third bar – the very companies investing in the future of the road who will be key in helping the economic regeneration in the area?



## **Answer**

As part of the Council's initial public consultation earlier this year on the draft report produced by Purcell, a letter was sent to all properties within the 'blue line' study area. Public drop-in sessions were also held during the public consultation period at the Civic Centre. Representations received during the consultation period, and other relevant information, have been considered as part of the process and it was determined that a full Conservation Area Appraisal for Hamlet Court Road should be produced. Following its consideration at Cabinet later this year, there will be a further round of public consultation during which any interested parties will have the opportunity to comment on the draft Conservation Area Appraisal for Hamlet Court Road.

Businesses investing in Hamlet Court Road is to be very much welcomed and the work the Council is progressing in respect of Conservation Area designation will help to support that investment. However, it must also be recognised that decisions on whether or not to designate a conservation area and the extent of any conservation area designation, needs to be taken only on the basis of conservation and heritage (architectural or historic interest) grounds. The extent to which companies choose to invest in an area is not of direct relevance to the conservation area designation process.

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## QUESTIONS FROM COUNCILLORS

Council Meeting – 10<sup>th</sup> September

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### Question 1 from Councillor Ayles to the Executive Councillor for Business, Culture and Tourism

#### Question

Southend Council according to the press gave £600,000 to a private company to allow this company to open Garons Leisure Centre.

Please explain why it was thought acceptable to give a private company £600,000 when it has been made clear that there is not a single extra penny to maintain the open spaces and parks or fix urgent required items within our parks?

#### Answer

Fusion Lifestyle are contracted to run our leisure services and are 5 years into a 10 year contract. Leisure facilities remaining closed makes a direct impact on the health and wellbeing of our citizens and once the government guidelines on their operation changed, we began discussions about how they could be reopened. Due to the restricted capacity and state of the market we took the decision to provide funding to allow our main leisure centre at Garons to reopen.

Our parks and open spaces, part of Cllr Mulroney's portfolio, have remained open throughout the recent lockdown, providing valuable outdoor space. Although some facilities within the parks had to close to comply with Government guidance, when guidance changed, steps were taken to reopen facilities in a COVID-19 secure way. Children's play areas, outdoor fitness areas, tennis and other outdoor sports have all been reopened for use.

The parks and open spaces continue to be maintained in line with Government guidance on operating in a COVID-19 secure way which has resulted in changes to maintenance operations. However, the towns parks and open spaces remain hugely beneficial to the health and wellbeing of citizens.

There remains an ongoing budget to support the maintenance of the parks and open spaces, however, such spending is prioritised.

## **Question 2 from Councillor Aylen to the Executive Councillor for Community Safety and Customer Contact**

Would the Cabinet Member explain as to why the Council are anti cruisers as they call them on the seafront by having extra officers and police, when no similar action is taken when thousands of cars with visitors turn up on sunny days on the seafront?

### **Answer**

Southend has historically attracted large gatherings of organised groups of vehicles, either through car clubs or groups organised via social media. These groups are referred to nationally and locally as 'car cruises'.

These organised groups often include powerful and modified vehicles, and while the majority of those attending behave appropriately, unfortunately over a period of many years, there have been regular examples of anti-social behaviour and dangerous driving associated with such groups. This includes causing damage to the public highway; posing a danger to other highway users including pedestrians due to dangerous driving; noise and other nuisance; illegal parking, and examples of illegal itinerant trading associated with groups.

For many years, the Council and its partners including the Police, have attended car cruises, where intelligence has been obtained in advance, to ensure as far as possible that the cruises are safe and to work with the organisers where possible. The Council and its partners have supported car cruises at times with road safety displays and having officers available to provide advice, this includes attendance by the Fire Service.

The Council currently has an Injunction in place to April 2023, that prohibits certain behaviours associated with car cruises. This is to ensure that any cruise in Southend is attended in a safe manner and respectful of other visitors and residents of Southend. Since the Injunction has been in place, we have seen reduced levels of anti-social behaviour and nuisance associated with car cruises, and we continue to have Council and partner officers attend these car cruises to engage with the organisers and attendees.

As large organised groups, these car cruises are very different in nature to the regular visitors who attend, mainly independently, in large numbers to visit our town. Consequently, a proportionate level of formal measures and interventions have been implemented as described in respect of cruises.

The Council is not anti car cruise, we welcome any visitors to Southend who are respectful of other visitors, residents and our town.

### **Question 3 from Councillor Dent to the Executive Councillor for Environment and Planning**

#### **Question**

Does the cabinet member for Environment & Planning agree with me that the climate emergency declaration which Southend Council made last year means that we should be actively embracing any opportunity to divest public investment from fossil fuels?

#### **Answer**

I am pleased to say that the Council does not have any direct investment in fossil fuels.

We do not of course regulate the Essex Pension Fund, but I am sure as the Council's representative on the Board, Cllr Dent is clear about the views that he has expressed and that Councillor Mulroney too expressed several years ago when this question was raised.

We note, however, that the Essex Pension Fund has a fiduciary duty to ensure it has sufficient funds available to pay pensions on behalf of more than 150,000 people and that investment decisions must, therefore, be directed towards achieving what is best for the financial position of the Fund. In order to maximise investment returns the Fund has a diverse range of investments, including investment attributed to the energy /mining sector.

I have no knowledge of the type of contractual arrangements that exist for the investments but what we can do, using our position on the Board, is to lobby for changes to the investments, in the interests of the pension fund members, that at the times when the Fund is considering changing investments or reinvesting it gives the highest priority to green investment opportunities which I feel sure are going to be a lucrative investment for the fund moving into the future.

## **Question 4 from Councillor Dent to the Executive Councillor for Business, Culture and Tourism**

### **Question**

Does the cabinet member for Business, Culture & Tourism agree with me that the performance of Fusion Lifestyle as managers of the Council's own leisure facilities has, through the COVID-19 crisis, failed to meet the standards which we as a Council would expect, particularly in terms of their communications to customers, staff and councillors and their efforts to reopen facilities as restrictions have eased?

### **Answer**

Fusion Lifestyle placed many of their team on furlough which undoubtedly caused a significant rise in communications issues affecting everyone connected to their operation. We have been in regular dialogue with them and services are now back operating successfully albeit on a limited capacity. I expect the performance and certainly the communication from Fusion to improve now that we have committed a financial contribution and am in close liaison with our officers who manage the contract.

## **Question 5 from Councillor Keith Evans to the Leader of the Council**

### **Question**

Are plans being made to return to the Council Chamber imminently, with an MS Teams meeting option for those who are self-isolating, for scrutiny and full Council meetings?

### **Answer**

The provisions to hold virtual meetings under the Coronavirus Act 2020 and associated regulations remain in force until May 2021. Remote meetings have proved an effective way of conducting business until such time as normal meetings can be resumed.

The significant change in Government guidance issued on 9 September 2020 will require that for now, Scrutiny and Full Council meetings will continue virtually.

However, I can confirm that plans are being prepared for holding physical meetings when it is safe to do with appropriate social distancing. These plans also cover hybrid meetings.

## **Question 6 from Councillor Keith Evans to the Leader of the Council**

### **Question**

With universal credit and other benefit payments being paid in arrears what can be done to ensure there is sufficient protection for tenants, including those who have been subject to historic court orders, not to be saddled with more debt or have to rely on charities?

### **Answer**

In general, income is paid in arrears whether that is income from a state benefit or income from employment.

If a resident receives Housing Benefit or Universal Credit with Housing Costs and they have built up rent arrears they can apply for a Discretionary Housing Payment.

This fund can be used for rent arrears and top ups for short term needs only.

Anyone in receipt Housing Benefit or Universal Credit to support with rent costs can request this benefit to be paid direct to the landlord if they are struggling to manage their budget or have any other vulnerability issues.

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## APPOINTMENTS AND AMENDMENTS TO COMMITTEES

COUNCIL MEETING 10 SEPTEMBER 2020

# 38

### **People Scrutiny Committee**

1. Councillor Cowan to be appointed to the People Scrutiny Committee
2. Councillor Flewitt to replace Councillor Dear on People Scrutiny Committee

### **Place Scrutiny Committee**

3. Councillor Nelson to replace Councillor McGlone as Vice Chair of Policy & Resources Scrutiny Committee
4. Councillor Buck to replace Councillor Flewitt as Vice Chair of Place Scrutiny Committee
5. Councillor Dear to replace Councillor Flewitt on Place Scrutiny Committee

### **General Purposes Committee**

6. Councillor Jarvis and Councillor Cox to replace Councillors Evans and Councillor Flewitt on the General Purposes Committee

### **Health and Adult Social Care Working Party**

7. Councillor Borton to be appointed to the Health & Adult Social Care Working Party

### **ASELA & Local Government Reform Working Party**

8. Councillor Gilbert (Chair)
9. Councillor Ayling
10. Councillor Bright
11. Councillor Cowan
12. Councillor Cox
13. Councillor D Garston
14. Councillor Mulroneu
15. Councillor Shead

### **Outside Bodies**

16. Councillor Mulroneu has asked to replace Councillor Wexham on the Anglian Eastern RFCC
17. Councillor Mulroneu has asked to replace Councillor Wexham on the Local Government Association Coastal Special Interest Group

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