

Meeting of the Tendring District Council – Tuesday 25 November 2014

Written Responses to Questions Pursuant to Council Procedure Rule 10.2

Question 1

Councillor C Griffiths will ask the Environment and Coast Protection Portfolio Holder (Councillor N Turner):

“A number of residents in Hastings and Selsey Avenue on the Martello estate have voiced concern over the limited number of bins left on the estate after the close of the summer season. Whilst it is understandable that the local authority reduces bin provision in sea front promenade areas, Martello Bay is a rather unique case, as there is a large housing estate behind the sea wall. Concerns have been raised that there are not enough bins left on the estate during the winter period. Those that are left are being filled to over-flowing, and not emptied quick enough.

Can the Portfolio Holder clarify?

- a) What action is being taken to address residents’ concerns?
- b) If the frequency of emptying the bins is to be increased?
- c) If the number of bins is to be increased?
- d) The action to be taken to stop the situation occurring next year?”

Response by Councillor N Turner

Councillor - thank you for your question. I can confirm that Officers have been, and continue to monitor the area and, as a result, have increased the provision of litter bins in this area.

These additional bins are meeting the demands placed upon them, and so no extra emptying is required, which would place an additional financial burden upon the taxpayer.

These extra bins will be in place for next year’s winter months.

Question 2

Councillor G Calver will ask the Housing, Benefits and Revenues Portfolio Holder (Councillor P Honeywood):

“The Portfolio Holder for Housing will be aware that, following the response to Cllr McLeod’s question at the September meeting of the Council, a meeting has taken place between officers and the Labour members representing Harwich. At that meeting an assurance was given that the £100,994 generated in S106 funding by the Capital House development in my Harwich East Central ward was no longer allocated to the Berkeley Road project in Clacton and was available to be used for an affordable housing project in the Harwich area.

Will the Portfolio Holder please give his personal assurance that he will ensure that the necessary resources are provided within his department to ensure that a project is drawn up to use this funding within the Harwich area before it lapses in December 2015?”

Response by Councillor P Honeywood

As Councillor Calver will be aware, the decision to set the potential Compulsory Purchase cost for the property in Berkeley Road against the s106 affordable housing funding arising from the Capital House development was a pragmatic decision made by officers and as the funding is effectively held in an escrow type arrangement, the funding was always available if a suitable project could be identified in Harwich.

Councillor Calver will also be aware that numerous registered providers were approached in respect of on-site affordable housing provision as part of the Capital House development, none were prepared to commit to purchasing the on-site properties and this is why the off-site provision has arisen.

I understand that the officer has briefed Councillor Calver and members of the Labour Group on the potential registered provider developments which are progressing and they have also been briefed on the difficulties which are arising on each of the two sites currently being considered. It would appear that development of either of the sites is not being delayed for want of the s106 funding.

Whilst I can provide an assurance that any opportunities which arise within Harwich to use this funding will be fully explored, including any which the Council itself can undertake and any that it can undertake in collaboration with a registered provider, it would be disingenuous to give a commitment to ensure that a project is drawn up as there are many variables over which this Council has no control, including the availability of land.

Councillor Calver will be aware that if the s106 funding is not used by the specified date it will have to be returned to the developer.

I am determined that the money is not returned to the developer and I can provide Councillor Calver with an assurance that I will ensure that the money is used for affordable housing within the District and if that is within Harwich all the better.

However, what I can advise Councillor Calver is that I have discussed the possibilities with officers earlier today. I was advised that one of the schemes in Harwich, which didn't look like it was financially viable, may be viable with this s106 funding and so the developer is currently reappraising the viability of the scheme to see if the figures will stack up.

If they believe that it can work, they will come back to officers who will then discuss the scheme with the local ward Members to determine whether they support the development.

If everyone is in agreement, it will hopefully lead to a development coming forward in the area.

Question 3

Councillor D McLeod will ask the Planning and Corporate Services Portfolio Holder (Councillor G Gugliemi):

“Will the Portfolio Holder for Development and Control please confirm whether or not there is an officer within his department with specific responsibility for overseeing all aspects of Section 106 funding?”

If there is then will he please arrange for all Members to be made aware of whom that officer is and, if there is not, will he please ensure that an officer is identified for this purpose immediately?”

Response by Councillor G Guglielmi

S106 of the Town and Country Planning act allows the use of binding agreements to secure obligations or 'developer contributions' to make developments acceptable. The development of policy about what is needed, the determination of applications, including the use of S106 agreements and the monitoring of compliance with agreements are all responsibilities of the Planning Department.

Thanks to a huge amount of Officer's time the system for monitoring compliance has recently been greatly improved, with more information available to all Members.

Resilience in the system has been increased, updates are regularly undertaken, a procedure manual has been written and knowledge and responsibilities for monitoring and managing agreements are shared between multiple officers. The updated monitoring spreadsheet is published on the website quarterly. The task of monitoring and managing the records is a specific element of work for technicians and a senior officer in the Planning Team.

The introduction of the community infrastructure levy (CIL) with the new Local Plan will necessitate further changes to the system. The emphasis will be on a pre-calculated levy rather than individually negotiated agreements. It should need less officer input at the application stage. The procedure based model now being followed can be adapted to meet this new system as and when it becomes relevant to the Council.

Enquiries about agreements can be directed to the enforcement team by emailing planning.enforcement@tendringdc.gov.uk or 'phoning 01255 686120.

Question 4

Councillor I Henderson will ask the Housing and Benefits and Revenues Portfolio Holder (Councillor P Honeywood):

"As 1 in 5 households within the Tendring District would have benefited from the Government's £88 million 'Green Deal' initiative to improve home energy efficiency, why did this council not support Essex County Council in its attempt to secure a share of this funding for Essex?"

Response by Councillor P Honeywood

Tendring's Affordable Warmth Strategy dates back to 2003 and I am really pleased to state that most of the objectives in that strategy have been achieved.

Our current approach has been on the opportunities that are available to assist both private and public sector households.

For the private sector, this has involved the promotion of the Government Warm Front Grant Scheme for heating and insulation measures. This has been through joint publicity and, most successfully, through joint mailings along with Council Tax bills. Overall, Tendring has had the highest level of Warm Front installations in Essex over the past five years with a total of 6,646 installations. Measures include cavity wall insulation, loft insulation and central heating or boiler provision.

When Carbon Emissions Reduction Funding (CERT) for loft and cavity wall insulation moved to higher rates in early 2012, with 100% funding available for many people by summer 2012, the Council procured several partners to take advantage of this situation. It was delivered through three main providers until that funding came to an end in December 2012.

There was a targeted Council Tax mailing in early 2012 followed by a systematic advertising campaign and Ward by Ward local initiatives throughout the year. Over the period, an additional 1,258 cavity wall and loft insulation measures were installed with a total value in the region of £800,000.

Jaywick has been able to qualify for, and attract, higher levels of Community Energy Savings Programme (CESP) funding. There has been a very considerable programme of measures delivered since the summer of 2012. All of this funding has been 100% free to private owners. Approximately 1,000 properties in Brooklands, Grasslands and the lower part of the Village have new external wall insulation. Approximately 670 of these properties also have new air source central heating and hot water, plus new double glazing throughout. Over £15m has been invested using utilities energy obligation funding. Ofgem Officers and Ofgem Board Members visited over the summer 2013, as did Scottish Power, one of the funders.

The programme has raised EPC levels to D and above and, with efficient air source heat pumps, eligible for the Renewable Heat Incentive in 2014, many vulnerable residents have been removed from being classified as in fuel poverty.

As Council will be aware, Tendring has a retained stock of 3,221 social rented properties, managed directly by the Council. Within the annual capital and planned maintenance programmes, heating and insulation installations and upgrades have contributed to achieving Decent Homes and Decent Homes Plus standards. Overall, the stock is in good condition.

The Council's cavity wall and loft insulation programmes were completed some time ago as part of these programmes, making use of CERT and earlier funding streams to assist delivery. However, the enhanced levels of CERT funding made available in 2012 allowed for an additional loft top up programme. Of those surveyed, 199 properties qualified and were completed, along with 11 cavity wall insulations, approximate value £50,000.

Parallel to this, the Council has a continuing programme of boiler upgrades and heating replacements with 165 systems being upgraded at a cost of £451,071.

Not only is Tendring part of the Essex Energy Partnership (EEP) but alongside Thurrock Council it has led the Partnership.

A key part of the EEP initiative is flexibility, local authorities' ability to develop programmes locally as well as encompassing County wide schemes.

Within the partnership, TDC will continue to develop and deliver schemes within its 11 designated Carbon Saving Communities areas around Jaywick and Clacton. These areas attract higher levels of Energy Company Obligation funding and we are currently looking to see how we can attract further investment.

In November 2013, I wrote to the Minister of State for Climate Change regarding the barriers, which prevented further funding going into areas of Jaywick, and I have worked with officers in attempting to get the Essex Partnership to bid for more funding.

I have also worked with officers to explore options for a "Green Deal" scheme for Jaywick but, given the level of funding which individual homeowners would have to input, it really doesn't appear that this is going to be deliverable.

So, in summary, not only did this Council fully support the initiative to get more funding into Tendring, it in fact led the way in trying to secure funding and has actually secured more funding than any other area of Essex and we are advised by one of the companies that Jaywick is actually the largest renewable energy scheme in the country.

Question 5

Councillor D Mayzes will ask the Leader of the Council (Councillor M Page):

“For quite some time now Rush Green has been experiencing a couple of separate major parking issues that are now really beginning to take its toll on local residents and their local councillor alike.

Cllr Nick Turner along with TDC Parking Service officers, including Ian Taylor, Nikki Nepean and Mick Simpson, have been fantastic in trying to assist to date and I am grateful for their ongoing support on this and would like to place this thanks on record here tonight.

However, despite this assistance, a solution I feel is far from imminent.

The first issue involves Clacton Football Club and the disorderly, inappropriate and sometimes downright dangerous parking that takes place during busy match days. Cllr Turner and Ian Taylor recently helped me achieve an overspill car park to be built to relieve some of the on road parking, but unfortunately this isn't working to full effect.

Could you, Cllr Page, please make contact the Football Club on my, my resident's and this Council's behalf to try to agree and implement measures that can improve the on road parking that happens along Rush Green Road, St Ives Close and The Green as a result of Football Club activity?

One solution I would like to see explored, is for the football club to agree to steward busy match days and ensure parents and other visitors are directed to park in sensible places – and ideally within the perimeters of the football club grounds.

This would help to improve the day-to-day lives of local residents and would also improve road safety to both Rush Green Road and the access to, and egress from, adjoining roads.

The second parking issue is down Windsor Avenue and Ian Taylor describes it as the worst parking problem he has ever encountered. It is a T road and also has an infant school at the bottom of the T area. The new Limbourne House development does not help the situation.

Rather than detail this issue tonight I am happy to meet the Leader to discuss further.

Could the Leader please consider options that could help to improve parking down Windsor Avenue and Balmoral Avenue and could some of these options please include the following:

- 1) The use of the NEPP Parking Car that was originally banned from the District by Cllrs Halliday and Stock.
- 2) The installation of cameras as previously discussed with the Leader, which could be purchased with S106/CIL money from the Limbourne House development.
- 3) To contact the NEPP and request that a regular and effective enforcement plan is produced and implemented and that they recognise their responsibilities and obligations in patrolling and enforcing on street parking in Tendring and their duty of care to public safety – particularly involving young children.

I would like to thank the Leader for looking into both of these extremely complex parking issues and apologise for the length of my question!”

Response by Councillor M Page

Thank you, Councillor Mayzes for your question.

Both parking issues are well known to the Council and as Councillor Mayzes correctly stated, officers from Tendring District Council have worked, and continue to work to find solutions to these parking-related issues, which will prove acceptable to both the local and wider community.

With regard to Windsor Avenue, it is my understanding that following extensive investigations in and around the area of the school, the only action likely to yield a positive outcome in respect of the parking problems experienced by local residents during school drop-off, but more particularly, during school pick-up hours, is regular and consistent enforcement of the existing parking regulations.

The authority responsible for on-street parking enforcement in this area is the North Essex Parking Partnership (NEPP), however, the NEPP readily acknowledges that it does not have sufficient resources to provide the level of enforcement required to make any real and lasting difference to the parking habits and behaviour of drivers in and around this school. It is the opinion of the NEPP and Tendring District Officers that the level of enforcement necessary to effect permanent or lasting change is likely to require daily patrols over a sustained period of time, at least several weeks.

The suggestion put forward by Councillor Mayzes of using the CCTV car and/or the siting of a fixed CCTV camera in the area for the purpose of parking enforcement will not in the opinion of this Council provide the solution desired by local residents. Use of the CCTV car was rejected as an appropriate parking enforcement method by this Council some time ago and even if this policy was overturned, the camera car would only be available for use in Tendring for one week in six, which would be insufficient to produce the desired outcome of changing driver behaviour.

In addition, there remains considerable doubt about the long-term future of CCTV parking enforcement with the Government currently including a proposal to limit the use of CCTV cameras for parking enforcement in its Deregulation Bill currently going through Parliament.

For this reason, it would be unwise for the Council to consider at this stage, use of S106 monies for the purchase of fixed cameras designed for parking enforcement.

The final request made by Councillor Mayzes in connection with Windsor Avenue was for this Council to insist on the NEPP providing levels of parking enforcement necessary to curb the bad parking in and around this area.

Whilst this request is understood, this Council also acknowledges the demand for, and limits of available resources experienced by all local authorities. Therefore, Tendring District Council has offered to provide locally-based resources to bolster and assist the North Essex Parking Partnership when enforcing local parking issues. There remain some technical issues to overcome, but it is anticipated that regular and consistent parking enforcement of Windsor Avenue and Balmoral Avenue around school times by means of a partnership between Tendring District Council and the NEPP will be possible in the near future. This should, in turn, provide the level of consistent parking enforcement required to effect more permanent improvements for the benefit of local residents.

The other parking-related matter in and around Rush Green and the Clacton Town Football Club has, as acknowledged by Councillor Mayzes, also been the subject of considerable investigation and work by this Council.

The popularity of youth football, the number of available football pitches on the Rush Green site, combined with a high demand for car parking, all contributes to parking congestion within the grounds and, in turn, leads to overspill parking on the highway.

The solution to this problem is not, as suggested, exclusively related to Clacton Town Football Club, although the increasing popularity of youth football associated with them has grown in recent years.

This Council provides the majority of the football pitches on Rush Green and therefore, along with Clacton Town Football Club, as well as other teams hiring our pitches on the site not affiliated to Clacton FC, all bear some responsibility for managing the demand for parking and the actions of drivers associated with it.

The Council has, as acknowledged by Councillor Mayzes, already provided additional hard standing car parking within Rush Green and the Council will continue to investigate further options for managing parking on the highway outside of Rush Green in partnership with Essex County Council Highways and the NEPP who are primarily responsible for such matters.

The Council will also follow-up Councillor Mayzes' suggestion of extending an invitation to all football clubs hiring pitches within Rush Green in order to seek assistance and cooperation from them with regard to the management of parking in and around the area, with the specific aim of minimising negative or antisocial parking to the detriment of local residents.

I would like to thank Councillor Mayzes for taking the time to raise these matters and I hope I have been able to provide sufficient reassurance that the Council is both aware of the issues raised and is also working hard to alleviate the parking-related problems affecting residents in his ward.

Question 6

Councillor D Casey will ask the Leader of the Council (Councillor M Page):

“RE: STREET LIGHTING

In reference to the above my concerns are and include why

- A 72 year old man was attacked in his home at midnight with a sledge hammer.
- An 80 year old woman tripped on a pot hole in the path and fractured her shoulder.

And the most worrying is

- A woman was attacked in Meadow Way and a neighbour went to her aid and called emergency services. When the emergency services arrived they had difficult assess the situation due to no lighting. For nearly 2 hours the only lighting available was an emergency light rigged up by a neighbour as Essex County Council did not turn them on quickly. The police requested the lights when first attending the incident.

Can the Leader give me an assurance that he will take these concerns back to ECC with a view to reconsidering the switching-off of lights within the District?”

Response by Councillor M Page

Yes, I will take this up with Essex County Councillor Rodney Bass and, in particular, I shall ask him why there was a reported two-hour delay in turning the lights on when the emergency services were tending to the injured woman. I shall come back to Councillor Casey once I have been advised.

Question 7

Councillor D Mayzes will ask the Leader of the Council (Councillor M Page):

"I think by now all Councillors will be aware of the recently published report that identifies child poverty figures across our district.

Rush Green topped the list and was therefore identified as having the highest percentage of children considered to be living in poverty out of all wards in Tendring.

As local Councillor, and as a councillor for Clacton which has many of its wards at the top of the table, these are extremely concerning statistics and an even more concerning situation for our families and their children that are potentially living in poverty conditions.

Could the Leader of the Council please:

- 1) Find out and explain exactly what the statistics present in terms of real life definition, i.e. what classifies these children as living in poverty?
- 2) Suggest how or why Tendring has found itself in this situation?
- 3) Outline what he and his Cabinet intends to do to improve the situation and what this Council and its Members can do to assist with this?
- 4) Inform this Council of how beneficial/successful the Essex Family project was to Rush Green, as a pilot ward for the project, and suggest why Rush Green has the highest child poverty figure despite this high profile intervention.

I thank the Leader for his attention to this."

Response by Councillor M Page

Thank you for your questions, Councillor Mayzes.

The subject of child poverty, and its causes, is a complex one, which includes issues of health, housing, education, employment and family circumstances and many others.

So, rather than attempt to answer your questions in detail at this stage, I have asked for the recently produced Essex County Council Child Poverty Strategy to be reported to the Community Leadership and Partnerships Committee.

I would like the Committee to consider the implications of the Strategy for Tendring and to make recommendations to Cabinet as to how it considers we should respond.

This course of action will address the first three parts of your question.

With regard to the fourth - the impact of the Essex Family Project in the Rush Green Ward – I would stress that the project was not targeted on the issue of child poverty. It was a pilot project, which was developed to demonstrate how early and coordinated intervention with families across a whole range of issues could improve the services they receive and reduce the cost to public services.

As such, it has succeeded and is now being applied across the whole of Essex.

Question 8

Councillor J Henderson will ask the Portfolio Holder for Environment and Coast Protection (Councillor N Turner):

“May I thank the Portfolio Holder for Environmental Services for recognising the concern of residents regarding the level of dog fouling and introducing a targeted initiative to highlight the negative impact and educate irresponsible dog walkers?”

May I further ask the portfolio holder whether a follow up strategy is in place to ensure that meaningful progress results from the initial ‘Days of Action’?”

Response by Councillor N Turner

Dear Councillor Henderson

Thank you for your question relating to our RSPCA gold footprint winning dog warden service and I am very happy to hear you enjoyed the very successful day of action that recently took place in your ward.

The two dog wardens currently carry out foot patrols district wide, including targeted patrols in areas where we have received more than one complaint (“hot spot”). As well as patrolling, the wardens have a responsibility to educate dog owners and this year have carried out 18 road shows, micro chipping 2258 animals in the process. Adam and Allen are also working closely with the Council’s Animal Welfare Officer and pollution department in order to improve cross-departmental working and, most importantly, continue to provide a gold standard service to the public.

All of the above is in addition to dealing with 164 stray dogs so far this year.

Due to the success of the recent day of action in your ward we will be conducting similar days of action all around the district. This, we hope, will spread the word on responsible dog ownership and reduce the number of dog fouling complaints received, which this financial year is only 25 for the entire district.

Question 9

Councillor J Broderick will ask the Portfolio Holder for Housing, Benefits and Revenues (Councillor P Honeywood):

“In 2010, I brought to the attention of Council a report that highlighted the influx of migrants to Tendring. Their first port of call is the Town Hall Housing Department hoping to be accepted on to the Council’s housing list. They are then pointed in the direction of various private property letting agents and even given a helpful list of agents. By issuing this list, we are not only endorsing landlords and their property but at the same time by directing the home seekers to agents recommending them as suitable tenants. This would suggest that with this Council’s assistance an increasing number of families with antisocial tendencies settle in to quiet neighbourhoods and proceed to make the life of neighbours difficult.

Councillors are called in to help and attempt to find the contact details of the landlord hoping to enlist their help. What we come up against is a cloak of silence and data protection claims barring the way. As this council readily assists in generating income for private landlords, unwittingly provide antisocial tenants with rented accommodation and then shields the landlords’ contact details, can I ask Cllr. Honeywood to set the wheels in motion that would require all landlords to register their contact details with the Council?”

Response by Councillor P Honeywood

Those who do come to the housing service do receive advice and guidance as to their housing options. This is something we are legally required to do. They are usually fully aware of the residency policy in respect of the housing register only being open to residents who have lived in the area for three years.

Those who are seeking accommodation are provided with a list of letting agents but this in no way suggests that Tendring Council puts them forward as suitable tenants. If the Council did not provide a list of letting agents it is not beyond the wit of the majority of them to walk out of the building, turn right and find the host of letting agents located along the road into the town centre.

The Council, like all other Council's throughout the country has a legal duty to assist anyone who presents as homeless.

For some they will prefer to find accommodation in the private rented sector rather than stay in bed and breakfast accommodation whilst the Council makes enquiries as to their homelessness application. The former option massively reduces the financial burden on the Council.

Where residents decide to find accommodation in the private rented sector the Council has the same relationship with those who have come from outside the District as those who are local residents who move from one rented property to another.

It is not for the Council to vet or attempt to make judgements as to the suitability of a tenant. This is a matter for the landlord and the contractual relationship is between the landlord and the tenant.

In cases where the Council guarantees the rent deposit, the relationship between the landlord and tenant is no different and it is incumbent on the landlord to manage the property in the same way as we have to manage our own housing stock.

I can understand why Councillor Broderick would like all landlords to have to register their details with the Council. However, I fear that this would take a change in legislation and even if we did have those details they are unlikely to be available to a local Councillor.