

Review Committee – 7 September 2021

Minutes of the meeting of the **Review Committee** held on **7 September 2021** when there were present:-

Chairman: Cllr S A Wilson
Vice-Chairman: Cllr Mrs J E McPherson

Cllr R P Constable	Cllr Mrs C M Mason
Cllr R R Dray	Cllr G W Myers
Cllr I A Foster	Cllr J E Newport
Cllr Mrs E P Gadsdon	Cllr Mrs C A Pavelin
Cllr J N Gooding	Cllr P J Shaw
Cllr B T Hazlewood	Cllr M G Wilkinson

VISITING MEMBERS

Cllrs Mrs J R Gooding, Mrs C E Roe, D J Sperring, I H Ward and S E Wootton.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Mrs L Shaw.

OFFICERS PRESENT

J Stephenson	- Chief Executive
M Hotten	- Assistant Director, Place & Environment
A Law	- Assistant Director, Legal & Democratic
S Worthington	- Principal Democratic & Corporate Services Officer
W Szyszka	- Democratic Services Officer

136 MINUTES

The Minutes of the meeting held on 6 July 2021 were approved as a correct record and signed by the Chairman.

137 DECLARATIONS OF INTEREST

Cllr Mrs J E McPherson declared a non-pecuniary interest in items 5 and 6 of the Agenda relating to the 'Parks for Nature' initiative and management of public open spaces by virtue of chairmanship of the Carbon Neutral Member Working Group.

138 'PARKS FOR NATURE' INITIATIVE

The Committee considered the report of the Assistant Director, Legal & Democratic on the call-in of an Executive decision relating to the 'Parks for Nature' initiative.

The Chairman of the Committee advised that this decision had been called in for the following reasons:-

- Rewilding and the affordability of seeds and the cost of management

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- Rewilding would lead to a loss of amenity space for community and cultural events across the district; these spaces are at a premium
- Consultation with stakeholders and Ward Members was not of a high enough standard

The Portfolio Holder for Environment & Place observed that the initiative had been brought forward as a means of contributing towards the Council's aspiration for carbon neutrality by 2030. It was the first step in a long process. The Council was aware of its financial limitations and limitations in respect of growing wild flowers as a result of the soil quality in parts of the district. The Council was willing to talk to members of the public; however, there were limitations on this as it would not be possible to talk to every individual. Generally speaking there was sufficient space within the district's open spaces to allow meadowland to re-grow. It would be possible to plant whips in some areas but it was considered that there was sufficient ground for residents to make use of amenity or recreational areas. He emphasised that this was a flexible initiative; there would be an ongoing conversation; nothing was set in stone. Areas of open space would not be concreted over. He further stressed that, as far as he was aware, an invitation was sent out to all Councillors to join him and the Council's Open Spaces Officer at a number of sites and a number of Councillors did attend site visits at a number of locations across the district. The only occasion that Councillors failed to attend was for a visit to two sites in Rayleigh.

The Assistant Director, Place & Environment emphasised what had been noted at the meeting of the Executive on 22 July 2021, namely that "the Leader stressed that there was a commitment to community need when there might be conflict; when community and leisure needs conflicted with the project then the Council would be flexible to ensure that compromise is found to ensure that such needs are also accommodated. The Portfolio Holder confirmed this to be the case and added that the grounds maintenance service being delivered in house from December 2021 would give the Council more flexibility." It had therefore been formally recorded by the Leader, backed up by the Portfolio Holder, that there would be a flexible approach.

There had to be a starting point in terms of calculating the level of resources required to deliver the new contract. The detail would be determined on a site by site basis. Some consultation had been undertaken. It was accepted that it was only until such time as the grass was growing on the ground that this would become a reality for people at times. It was not difficult to cut the grass in a different pattern, to cut a bit more or less, particularly with an in house service. There had been a long discussion about the need for this to be an in house service so that there would be flexibility to respond to any concerns. The consultation was to establish the concept that this was a good idea but it was acknowledged that in terms of the actual sites it was only when these were visited and grass was cut and trees were planted that this became a more obvious reality. This was very schematic involving quantities that could be used to calculate the level of resources that would be required and there would be flexibility around this.

There were three areas of resourcing:

- Tree planting – there were many sources of funding for this including the Forestry Commission, Woodlands Trust and the Essex Forest Initiative. The Essex Forest Initiative was actively seeking a local authority to deliver its targets so the Council was in conversation with it.
- Letting grass grow longer then cutting and collecting that – there was capital allocation of £54,000 for equipment towards equipment to do so.
- Wild flower meadows - this would be looked at later on. These were unforgiving to establish. It was emphasised that at this early stage sowing wild flower seeds into meadows would not deliver the hoped for results. Initially it was preferable to set out the areas of long grass to be achieved and then bring in the regime after that. It could not be achieved all in one go as the success rate was very low. If you were to try to do this all at once you would need to spray the existing grass, or even remove the top soil to grow wild flower seeds, which was a drastic change, particularly if you wanted there to be flexibility initially.

There was still a huge benefit in terms of carbon reduction by leaving grass long and this was also a good habitat in terms of over wintering invertebrates. Wild flowers were a good resource; however, some sites would lend themselves to wild flowers better than others. Some sites would thus be best for cutting short grass for longer periods. It was likely to take two to three years to be able to plan in full. The Assistant Director confirmed that he was confident that conservation funds could be accessed for this project.

A Member raised concern about inaccuracies and presumptions within the report and a failure to consider all aspects of park use. The report had not considered the de-merits of taking much valued open spaces and altering their use or considered the impact upon residents that used the spaces. Paragraph 4.5 of the report stated that “plans had been developed in consultation with the respective Ward Members for each open space.” However, the Member stated that this had not been the case for their ward; an invitation had been issued to attend a meeting, told what was being done without reference to any map or visual representation as the device the officer was using was not visible in the sun. This was not a flexible approach and a map that was promised had not materialised. The layout on the proposal was also different to that which was verbally expressed. The Member stated that they had been advised that there was no budget for rewilding; however, meadowland and conservation area was shown on a large proportion of the areas. Rewilding did not mean a lack of maintenance; properly carried out it was very labour intensive. Conservation meadow did not equate to letting weeds dominate and leaving an area uncut. The Member considered that this was a cost cutting exercise rather than an attempt to improve the open spaces. The report stated that consultation took place with 330 responses over 29 sites, which equated to 11 responses per site. The respondents may have been commenting generally, were not

necessarily site users and the Council would therefore not have consulted with all users of the sites. The Member made the point that to press ahead with such changes to open spaces without considering the views of users of those spaces was not acceptable. The Member had spoken to users of one particular open space, all of whom were unaware of the proposed changes and were unanimously opposed to the changes. With properties now being built with smaller gardens, open spaces were more important to residents, who benefited from the sense of space these provide, as well as the varied uses of such spaces, most of which could not be accommodated on smaller sites or would create conflict between users. The Member stated that consultation should be undertaken with open space users, with each site treated independently on a site by site basis. Uses that were currently enjoyed on sites should be evaluated before any expensive or irreversible alterations were made, which should be done by a Working Group. Photographs were also displayed on screen illustrating poor maintenance within the Clements Hall recreation area.

In response to these concerns the Assistant Director, Place & Environment emphasised that areas of open space that appeared to be uncut despite being formal areas were not a matter for the 'Parks for Nature' initiative but rather a specific maintenance issue in respect of the existing grounds maintenance contract. The Member made the point that the report had not considered any crossover with the future leisure contract where some areas of open spaces should be maintained by the leisure contractor. The Member emphasised the importance of sites being re-examined by the Executive on a site by site basis with consultation undertaken with the site users.

The Assistant Director, Place & Environment further stressed that the Minutes of the Executive explicitly stated that there would be flexibility; there was a starting point in terms of resources, but decisions around how, for example, grass would be cut, would have to be done on a site by site basis. The consultation that was undertaken was around the principle, rather than what should be done on individual sites. The Council would listen to Members and adopt flexibility as necessary, cutting/leaving grass long as necessary.

The Portfolio Holder remarked that savings were negligible in respect of leaving longer periods between grass cutting. The driver behind 'Parks for Nature' was not that of cost cutting, but rather of moving towards an aspiration of becoming carbon neutral by 2030.

A Member made the observation that the 'Parks for Nature' initiative may prove beneficial to wildlife; however, it could prove detrimental to residents. Residents had been in contact about an area behind Rayleigh Leisure Centre where the grass had not been cut resulting in a loss of amenity use for that area, eg, parents could no longer kick a ball about with their children in this area and there were concerns about dog fouling hidden within the long grass. Concern was also raised by the Member that more date options for site visits to open spaces within his particular ward had not been offered. The Member also emphasised that there had not been specific consultation with clubs and groups using the open spaces. The Member queried whether savings from the grounds

maintenance contract would be reinvested into the 'Parks for Nature' initiative. The Assistant Director advised that it was not possible to confirm whether or not this would be the case as this would be determined as part of the budget-setting exercise leading up to the medium term financial strategy that would be determined by Council.

A Member queried how the performance of the scheme would be monitored; what were the targets, what effect would this have on the district and how would, for example, biodiversity within particular sites be monitored. The Member suggested that there would be merit in setting up a biodiversity and environmental awareness Working Group comprising officers, Councillors and representatives from local and national wildlife organisations, e.g., English Nature, Essex Wildlife Trust, and should engage with volunteers and friends groups and engage with local schools and organisations including Cubs and Scouts. The Member suggested that the Council should look at work undertaken by, e.g., Southend Council at Belfairs to establish any good practice that could be used for this initiative. The Assistant Director advised that this would be an aspiration for the Council once capacity was in place including the Community Ranger role. Monitoring would be done in terms of output per acreage, number of trees planted and carbon synching; it was, however, recognised that tree planting and increased grassland naturally offset carbon. There would undoubtedly be biodiversity gains; however, there was not currently the intention to monitor any species.

Another Member observed that the initiative was discussed by the Carbon Neutral Working Group which was open to all Members of the Council. The question was raised by the Working Group whether changes could be made to the initiative and it was confirmed that the initiative was flexible and amendments could be made. The Member emphasised that more than one date was offered for site visits and she had attended the visit within her ward. During the site visit she attended it was again confirmed that changes could be made in the future as more people and groups became involved and aware of what was being done. The Member emphasised that this was the beginning of the Council's journey in making a difference to the carbon footprint. At a meeting of the Carbon Neutral Working Group that morning there was discussion about how the Council might engage with other Councils and organisations on this initiative and Friends of Cherry Orchard Jubilee Country Park, for example, were referenced during that debate.

In response to a Member question on what the next steps were for the 'Parks for Nature' initiative and how the public would be consulted going forward, the Assistant Director advised that consultation on a site by site basis was challenging and the response rate could be low. It was often the case that only when there was activity on site that responses were received. The maps that were created were schematic and block maps that enabled officers to work out necessary resourcing. The next step was to produce professional and credible maps and display these at each of the sites; these would illustrate what was planned for each site and the Council would encourage users of these sites to respond to that. The Council would be flexible in its responses to concerns

raised by users of the sites as part of this process.

Responding to a further Member question as to whether it was acceptable to proceed with plans based on such a low rate of response from the public consultation on the initiative, the Assistant Director emphasised that although the response rate was low, nevertheless 92% of respondents were in favour of the proposals rather than there being, eg, a 50/50 split thus the principle was statistically supported. Other authorities have carried out similar surveys and the response rates were generally low.

One Member observed that the Ward Councillors had not been invited to a site visit for his ward. Concerns had been raised by some residents about meadowland proposals for the bottom part of the King George open area and Bulford Road area on the basis that there was already insufficient area for children to play ball games. He emphasised that Ward Councillors knew their ward areas best and a Working Group would not therefore be as effective as consultation with the Ward Councillors. The Assistant Director emphasised that Ward Councillors should contact him at any time and other relevant officers to discuss such concerns. He reiterated that the Leader and the Portfolio Holder for Environment & Place had stated publicly that nothing was set in stone.

In response to a Member question as to how there could be flexibility in the proposals if trees were proposed to be planted the Assistant Director advised that the intention was to introduce tree planting straight away, with areas left as long grass for this and to see what the response from the public was to this. Responding to another Member query as to whether users of open spaces had been consulted on the proposals, the Assistant Director confirmed that, as previously stated, the consultation was around the principle, not the detail. It was recognised that each site would need to be approached separately; maps would be displayed at each of the sites showing what treatment was proposed on each part of the sites, encouraging users to respond so that proposals could be appropriately tailored. The grounds maintenance service was being brought in house to facilitate flexibility around staffing.

In response to a Member question as to whether open spaces within new housing estates would be included within the initiative, the Assistant Director said that this would be more appropriately examined in the future if any such sites were adopted by the Council but in theory it would be included within the scope of the initiative.

A Motion was moved by Cllr S A Wilson and seconded by Cllr M G Wilkinson that a recommendation be made to the Executive to set up a Member Working Group to look at 'Park for Nature' proposals for each site.

Resolved

That a recommendation be made to the Executive to establish a Member Working Group to work jointly with officers, the Portfolio Holder and key stakeholders alongside the Carbon Neutral Working Group on proposals for

each site. (ADPE)

(8 Members voted in favour of the Motion, 6 against and 0 abstained.)

139 MANAGEMENT OF PUBLIC OPEN SPACES

(Note: Cllr Mrs C M Mason declared a non-pecuniary interest in this item by virtue of being included on the deeds for one of the existing estates.)

The Committee received a verbal from the Chairman of the Management of Public Open Spaces Working Group on the work of the Group.

Cllr Mrs C M Mason advised that the Working Group had been set up in response to concerns previously raised around the use of private management companies for the delivery of the maintenance of public open spaces on new estates and nationally expressed issues on this subject. She emphasised that Local Authorities could agree and implement funding and management arrangements for these spaces either by condition or within Section 106 agreements.

She emphasised that while there were benefits when such arrangements worked well, including residents having control over the level of expenditure and quality of upkeep, the demerits could outweigh the benefits. These included: difficulty and conflict over management levels; costly administrative overheads; management by companies with little local knowledge or connection to the area; companies ceasing to exist; unlimited charges on top of the normal council tax banding; and open spaces maintained at the expense of private householders with no control over access.

The Working Group initially looked at past and future provision but considered the scope to be too wide and referred historic sites back to the Committee to organise an independent group for this particular aspect on 6 July 2021.

Investigations by the Working Group included personal research; sharing of knowledge; a report commissioned by officers from Birketts; detailed maps of the areas; and discussion and comparison of various options.

The advantages of private management of public open spaces include the fact that it is a tried and tested option that is understood and for which there are precedents that can be examined; that there is flexibility to tailor this option on a case by case basis via the planning process; that the problem of unmaintained spaces is avoided and therefore benefits residents; and that there is fairness of treatment to all residents in respect of payment for the maintenance of the open spaces.

The disadvantages of private management of public open spaces included that costs were potentially unaffordable, including, eg, retained staff costs; that the rising costs of maintenance needed to be factored into the maintenance charges to developers; that the Parish or District Council could end up being

the provider of last resort; and that cuts to funding could lead to the Parish or District Council undertaking a minimal, unacceptable level of maintenance.

The Working Group generally felt that the maintenance of future public open spaces should be brought back under the control of the Parish or District Council on a case by case basis with provision made under the Section 106 agreements and appropriate amendments made to Council policy, as appropriate. The Group also considered that the matter should be referred to the Portfolio Holder to determine an appropriate way forward, with officers. The Working Group made reference to a Chelmsford City Council report on this subject which had come to a similar conclusion.

In response to a Member question as to whether this proposal would apply to new or existing developments Cllr Mrs C M Mason confirmed that this applied to new developments; any existing developments would need to be referred back to the Committee for further consideration. In response to concern expressed by a Member that this would create inequality between residents of new and existing developments with some residents paying service charges and others not, Cllr Mrs C M Mason emphasised that nothing could be done at present in respect of existing sites as that would require a significant shift in policy. Issues around historic sites were complex, with complicated land ownership issues and different legal arrangements for different sites. She observed that this could potentially be addressed within a new Local Plan. If resident committees were to ask the Council to take back the management of their public spaces this would have resource implications for the Council.

Cllr Mrs C M Mason moved a motion, seconded by Cllr J E Newport, that the Portfolio Holder instigates an alteration to the Council's policy to allow for public open spaces on new developments to be maintained by either the Council or Parish Council on a case by case basis and that the Portfolio Holder instigates a change to Section 106 as necessary to facilitate the change in policy.

The Motion was lost on a show of hands.

(4 Members voted in favour of the Motion, 8 against and 2 abstained.)

In response to a Member observation that it was difficult to make a judgment on such a complex issue without more detailed information in order to make an informed decision, including Working Group minutes, Cllr Mrs C M Mason advised that it was not a formal requirement to produce formal notes of Working Group meetings and would therefore not be providing these. The content of the report would, however, be provided to officers for inclusion in the Minutes of this meeting.

Responding to a Member request to bring the matter forward to the next meeting of the Committee with more detailed written information, it was noted that formal decisions could not be revisited until after a period of six months.

140 KEY DECISIONS DOCUMENT

In response to a Member question relating to 05/21 – ‘Connect’ Programme Invest to Save Business Case and Pipeline of Projects and the customer single portal business case, the Chief Executive advised that this was for a single customer login to the website which would enable them via a single login to raise an enquiry and get a response back.

141 WORK PLAN

Cllr S A Wilson advised that he had discussed the housing and homeless policies with the Assistant Director, People & Communities and it was likely that there would be an opportunity for the Committee to review policy next year. He asked Members to let him know if they would be interested in being involved in that review. This would be added to the work plan.

Cllr S A Wilson had discussed the disposals framework with the Assistant Director, Assets & Commercial which related to the disposal of assets such as changing rooms, sports pavilions, etc. It was considered that there would be merit in reviewing how this policy had worked in the past and how it might be improved in future and this would be included within the work plan.

In response to a Member request that there be a further update on the Council’s COVID response, it was noted that there had been a further update to the Committee in July.

In response to a request to include an update on progress against the Peer Review action plan, the Chief Executive advised that he would look at providing an update on this.

It was noted that the process around how the Council engages with residents and other stakeholders should also be included within the Committee’s work plan. It was emphasised that this was separate to the Council’s Statement of Community Involvement which was a statutory requirement under the Council’s duty to consult on planning.

It was also noted that the Review of the Constitution should also be included on the Work Plan and that this was closely tied in with the Peer Review and the audit of the operation of overview and scrutiny.

In response to a Member question about ASELA, the Leader advised that at Council in October 2020 which received a detailed report on ASELA he undertook to update Members on progress in respect of ASELA at least twice a year. On 11 June 2021 a press release was issued around the 5 growth streams proposed by ASELA. On 22 July a proposal went to the Executive proposing the formation of an ASELA Joint Committee, this was accompanied by a 15-slide presentation on the work of ASELA, which was available to all Members. At the same time an ASELA growth prospectus was submitted to central government. Last week’s announcement of a commitment of £2.2million

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to full fibre roll out included reference to this being from Purfleet on Thames to Canewdon. Once the Joint Committee was agreed there would also be a governance requirement for ASELA to report to Full Council at least once a year.

In response to a Member question as to when the next report on ASELA to Full Council might be expected the Leader advised that this was likely to follow on after the first meeting of the Joint Committee.

The Leader observed, responding to a Member question about Essex County Council's commitment to ASELA, that the governance of ASELA was complex, as it included two unitary authorities. ASELA has a key focus on identifying and communicating to government the economic benefits and opportunities for growth, particularly with the creation of Freeport and the current administration at the County Council was very much committed to this.

In response to a further Member question as to how residents would be consulted with in respect of ASELA, the Leader advised that this would have to be done via a report to Full Council and it would be for Council to determine what to consult on. Residents have the opportunity to attend these Council meetings. ASELA itself has no actual powers; sovereignty and governance of all authorities remains within each individual authority. It is simply a mechanism to identify and highlight the way in which growth may be generated within South Essex; there are five clear growth streams to demonstrate that.

The Chief Executive further reiterated that the Freeport bid for Thurrock, Thames Estuary and Barking & Dagenham had taken into account the whole of South Essex; a lot of the other bids around the country were for much smaller geographical areas. If there were some infrastructure bids, e.g., for highway improvements to, say the A127 or A13, those sorts of consultations would be run by the statutory Authority, ie, the Highway Authority and this Council would be involved in the consultation as a consultee. If there was an impact directly in Rochford then the Council would undertake a consultation on that, e.g., some development that might assist the Freeport, and the Council would own that consultation.

The meeting closed at 9.27 pm.

Chairman

Date

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