

# Cabinet – 21 July 2022

## Questions from Councillors

**1 Councillor Tony Edwards to Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):**

Could you please detail both verbally and in writing the Strategic Short Term, Medium Term and Long Term ambitions and the Strategic Outcomes with respect to Harlow's roads that as portfolio holder you will be seeking to achieve?

**Reply from Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):**

For too long, Harlow Council has moaned about potholes but not taken any action. We are in detailed and frank conversation with Essex County Council about a way forward which meets our objectives: to make Harlow's roads safer and end the continuous cycle of potholes occurring. We are confident that we will achieve this.

An announcement on the way forward and the outcomes which accompany that will be made soon.

However, I would like to stress that we are already seeing results. Coupled with the work our county councillors are doing, an enormous increase in highway improvements and pothole repairs have already been made in July or are scheduled for full repair in the weeks to come compared with May and that is the most important outcome. This number is also projected to continue rising, alongside major resurfacing works.

**Supplementary question from Councillor Tony Edwards:**

What evidence do you have that improvements have been made?

**Supplementary reply from Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):**

An announcement will be made shortly and a lot of progress has been made.

**2 Councillor Tony Edwards to Councillor Joel Charles (Portfolio Holder for Community and Business Resilience):**

Could you please confirm the summer opening dates and times for each of the Harlow Council Padding Pools and Splash Pools?

**Reply from Councillor Joel Charles (Portfolio Holder for Community and Business Resilience):**

Harlow's paddling pools are much-loved community facilities. Families flock, particularly during the summer school holidays, to the paddling pools to keep cool outdoors. Preparations for their official opening is always a priority, but the Council must take into consideration external factors that impact when to commence the filling of the paddling pools.

The heatwave this week and recent lack of rain has impacted upon water supply levels significantly and some of our residents have been experiencing supply issues requiring the delivery of bottled drinking water by Affinity Water. It continues to be a dynamic situation, with Affinity Water urging against non-essential use of water this week. The Council has worked to understand the impact of the water supply challenges on community services, including the paddling pools. One of the main impacts has been the low water pressure.

The Council issued a statement on Monday (18<sup>th</sup> of July) to update residents about the town's paddling pools and works on the splash parks. As the heatwave was coming to an end on Tuesday (19<sup>th</sup> of July) the Council approached Affinity Water to confirm it was ok to commence filling the paddling pools following its warning about water supplies. Affinity Water asked the Council to delay filling the paddling pools whilst they restore supplies to reservoirs this week as the primary focus has been to ensure there is no longer a risk to customer supply. The Council agreed to do so and to continue to review the situation on a daily basis with Affinity Water. They have advised officers that the pressure remains low and they will be seeking to address this situation over the coming days. Without adequate pressure the pools cannot be filled quick enough to ensure safe operation with sufficient water able to enter the filtration and chlorination systems in a timely manner. This matters because the Council must ensure water is not sitting for too long as bacteria can grow in continuing warm weather. The Council plans to start filling the paddling pools from Monday (25<sup>th</sup> of July).

Potter Street splash park has been repaired following vandalism, but as it is also water pressure dependent, it will open next week. It is the Council's view that the town's paddling pools and splash parks provide a safe space to keep cool during what is expected to be a summer of further high temperatures.

The Staple Tye splash park opening has unfortunately been delayed for a number of reasons, including theft, vandalism and ongoing supply issues, but it is expected to be open in mid-August under the current works timeline.

Further updates will be issued by the Council to keep residents informed. It is the Council's ambition that disruption to the opening of the paddling pools and splash parks is minimised as much as practically possible. The Council is sorry

for the delays, however it is important to balance the need to ensure water supply servicing the town is maintained to an appropriate level, alongside the focus on making sure the paddling pools are open for residents to enjoy during the summer holidays.

**Supplementary question from Councillor Tony Edwards:**

Has any consideration been given to extend the opening dates given the delays in opening?

**Supplementary reply from Councillor Joel Charles (Portfolio Holder for Community and Business Resilience):**

The Council is reviewing all options on a daily basis.

**3 Councillor David Carter to Councillor Nicky Purse (Portfolio Holder for Environment):**

After walking through the Market Square, I was disappointed to see the condition of the flower beds, or should I say what flower beds. The areas are covered in weeds, so disappointing. What is being done to clear those weeds?

**Reply from Councillor Nicky Purse (Portfolio Holder for Environment):**

Planting for the new landscape plan for Market Square will take place in the autumn which is the appropriate season for new planting.

The programme has been under constant review since the start of the works and we have been working with both the construction and design contractors to ensure as far as possible that the scheme deliveries according to the programme and maintains the high quality that we set to achieve at the start. The programme has shifted but this is beyond anyone's control and not the fault of the contractors.

This is the first significant, high-quality public realm scheme that has been delivered in the town centre since The Water Gardens and, as a pilot, maintaining quality and delivering a sustainable product has been a priority. We have committed to sourcing materials from UK-based suppliers which unfortunately, over the last six months has been problematic particularly with supply issues (the contractors were not made aware until after placing the order for the raised planters, that the original materials were no longer available), and notable price increases forcing us to seek alternatives whilst not compromising the design nor quality. Again, these are out of the control of the contractor.

We have been working with the design team to ensure that we can deliver planters in line with the planting season this Autumn.

In the meantime, a contractor has been engaged to keep the areas clear of weeds and this work is due to commence shortly.

**Supplementary question from Councillor David Carter:**

Were any financial penalties put into the contract for not meeting deadlines.

**Reply from Councillor Nicky Purse (Portfolio Holder for Environment):**

There are no penalties within the contract. The contract was agreed under the previous administration.

**4 Councillor Bob Davis to Councillor Nicky Purse (Portfolio Holder for Environment):**

Following a previous question, I asked for the council to consider an appeals procedure against fines issued by NES. What if any progress has been made?

**Reply from Councillor Nicky Purse (Portfolio Holder for Environment):**

Fixed penalty notices may be issued where there is evidence that an offence has been committed under national legislation and where provision has been made in the law for discharge of the offence by paying the fixed penalty notice. Fixed penalty notices have printed on them information on making Representations. This allows persons receiving a notice to add any information that may not have been provided when questioned under caution about the matter, or to provide information if they were not available for interview.

Where any evidence put forward through a Representation materially alters whether the case can be proved beyond reasonable doubt, then notices are rightly withdrawn.

A person receiving a notice has the choice as to whether to discharge the alleged offence by paying the sum, or to have the matter heard in Court where the case must be proved beyond reasonable doubt, and costs may be claimed. Further, if they are not satisfied with the outcome of the Court case they may appeal in accord with Court processes.

This process is in accord with the central government guidance on environmental enforcement activity. No provision is made either in the guidance or the law for additional appeal mechanisms.

**Supplementary question from Councillor Bob Davis:**

Can you provide an update on the number of fines issued from the start of April to the end of June?

**Supplementary reply from Councillor Nicky Purse (Portfolio Holder for Environment):**

The number of fixed penalty notices issued was:

- a) Dog fouling – 0
- b) Fly tipping – 64
- c) Smoking related litter – 933
- d) Other litter – 114
- e) Duty of Care notices - 6

**5 Councillor Bob Davis to Councillor Alastair Gunn (Portfolio Holder for Governance):**

I also asked the council to consider taking this service in house (HTS) so that a percentage of profits could be returned to council. Has there been any progress on this?

**Reply from Councillor Alastair Gunn (Portfolio Holder for Governance):**

The Council will shortly invite tenders for the provision of environmental enforcement services.

The Council is entitled to recover enforcement costs by way of paid fixed penalty notices, but it is not lawful for the Council to make a profit and it does not treat fixed penalty notices as a source of income. This notwithstanding there are legitimate contract management and legal costs direct to the Council to be considered and the Council will expect bidders to show how these will be addressed. The Council will select the bidder who offers the most advantageous bid considering quality and financial information. Bids will be welcomed from all suitable organisations and HTS will in accord with Contract Standing Orders be entitled to bid.

**Supplementary question from Councillor Bob Davis:**

When will the contract be awarded?

**Supplementary reply from Councillor Alastair Gunn (Portfolio Holder for Governance):**

I'm expecting tenders to be invited within the next week.