

Appendix A to the Council Minutes – 27 January 2021

There were no questions from Members of the Public.

Item 14 – Questions from Members

The Mayor informed the Chamber that no questions to the Leader had been received and five questions to Cabinet Members.

QUESTIONS FROM MEMBERS TO CABINET MEMBERS, COMMITTEE CHAIRS AND MEMBERS APPOINTED TO REPRESENT THE COUNCIL ON A JOINT COMMITTEE

1. From Councillor Pothecary to Councillor Johnson

What is Thurrock Council doing to stop the practice of landlords and letting agencies placing blanket bans on renting to prospective tenants in receipt of housing benefit (known as “No DSS”), after two county court judges ruled this practice amounted to indirect discrimination on the basis of gender and disability under the Equality Act 2010 in July 2020 and September 2020?

Councillor Johnson

Thank you Mr Mayor, thank you Councillor for your question.

I'd be very annoyed, indeed, upset if it were brought to my attention that residents bringing forward their concerns that this may be happening, were ignored by the Council. However, that this Act being a civil law provision means residents should refer their complaints directly to the County Court without need for reference to the council as Thurrock Council has no responsibility for the enforcement of this Act. Whilst it's clear that Thurrock Council has no power to take action on this matter, I would still expect any such report to be taken seriously and any Thurrock resident pointed in the right direction as to how to get the complaint into court but I do know there are strict time limits in bringing such claims to the County Court and therefore it's important that the individual seek legal advice and are given that advice by the Council.

Mayor

Councillor Pothecary, do you have a supplementary question?

Councillor Pothecary

Yes please Mr Mayor and thank you Councillor Johnson for your reply. I've been supporting a family with young children trying to find a home in Grays who have been teetering on the brink of homelessness for well over a year now. They're finding, as a matter of course, that letting agents are still gatekeeping properties upon enquiry with blanket no DSS policies. So they will enquire about a property, as soon as Housing benefit or Universal credit is

raised, they're told these properties are not suitable for people on the DSS and we have no properties that can be let to those in aid of public assistance. I think that your suggestion that these families, who are in the midst of a crisis, should be trotting along to the County Court every time a letting agent says no to them, is quite frankly not good enough. The Council needs to take the lead on this. Would you emit, Councillor Johnson, that the Housing Department implement an action plan to eradicate this unfair practice in Thurrock within the next six months?

Councillor Johnson

Thank you Councillor. It is not my opinion, it's the law. The law on this is a civil law provision, therefore the Council has no jurisdiction over it whatsoever. But as I've said in my first answer, I'll be very annoyed if we are not giving legal advice to those particular tenants which in all honesty Councillor that is what you should be doing. I'm afraid the Council cannot take it to court as it's an individual who needs to take it to court and what you have to remember is that these particular cases are only in the County Court so they don't have to be taken into the proper law. But because originally it was considered that no DSS policies, which I disagree with completely shouldn't happen, but they were not and that's your protected characteristic. But it could still be that it still depends on the individual getting those benefits, how the court would see it. But it's not something that Thurrock Council could advocate on. It has to be an individual taking it to the court.

Mayor

Councillor Pothecary, do you have a second supplementary question?

Councillor Pothecary

Yes please Mr Mayor. I think, Councillor Johnson, you're suffering from an incredible lack of imagination. I'm not suggesting that the Council take individual letting agents to court. What I'm suggesting is that the Council has various levers, various ways, it can influence and educate and inform. And there are many, many ways that the Council could actually use its influence. It's to talk to letting agents locally and make them absolutely crystal clear aware that these policies are not, in fact legal. The suggestion that individual families should be trying to go to court every single time they try to rent a property when there enquiring after, maybe 20 properties a week in some cases, is absolutely ludicrous. Will you please resolve to talk to your officers and see what can be done proactively to say to letting agencies this really isn't on. Especially as more and more of our residents go onto Universal Credit and Housing Benefit as the Coronavirus redundancies bite.

Councillor Johnson

Councillor, I'm sorry I'm not suffering from anything at all other than trying to repeat myself to you. This is the law. It's not something that we can do. I've said quite clearly that I would be very upset if residents of Thurrock who are

bringing this to Officers' attention but is not advised properly. And that proper advice is to seek legal advice because that is how they take it to court and that's how it can be done. It needs to be done in the County Court for the civil law provision. They go and speak to the Citizens' advice Bureau or to solicitors if they really need to but that's the advice that the Council can give. If Council Officers on their way happened to see that these letting agencies have the 'No DSS' sign on their door, then the Council will tell them that they've got to take it off. But other than that the Council has no jurisdiction over taking action in this matter.

2. From Councillor Pothecary to Councillor Mayes

In December 2020, a coroner ruled that air pollution was a cause of death of a nine year old girl from Lewisham, Ella Kissi Debra, who tragically died in 2013 during an asthma attack. What is Thurrock Council doing in response to this landmark ruling to protect Thurrock residents from toxic air?

Councillor Mayes

Thank you Mr Mayor, thank you Councillor for your question.

Of course that case itself is an extremely sad thing any parent who's either lost or has children can never imagine the suffering that would bring them. Our hearts go out to them, albeit a number years ago but the pain will never go away. In terms of air pollution, it is important that we get on top of it that's why my Cabinet colleagues agreed earlier this month to look at things such as electric vehicle charging to try and get the vehicles cleaner and greener. We've got an anti-idling campaign that has been going on for some time; working in collaboration with schools trying to encourage people to walk to schools if they can because obviously we want to try and keep as clean air as possible. And obviously with Highways England trying to build Lower Thames Crossing, in the fight against that, it's obviously important that we try and do all we can to make sure that the air quality in Thurrock is the best it can be.

Mayor

Councillor Pothecary, do you have a supplementary question?

Councillor Pothecary

Yes please Mr Mayor and thank you Councillor Mayes for your response.

You've outlined a couple of measures there, have any of these measures had any demonstrable impact because at the moment as a resident it doesn't feel like things are getting any better.

Councillor Mayes

Thank you Mr Mayor, thank you Councillor for your supplementary.

Of course during the pandemic is very difficult to quantify that. Obviously we're putting measures in place that will undoubtedly make a big difference. Trying to reduce emissions is obviously important and they will have an impact. Obviously how to measure that is important but during this time that wouldn't be responsible because we're not in normal times. So, we did at the beginning of last year look at redoing our air quality modelling strategy and of course that would be irresponsible to spend taxpayers' money on this at this moment due to the fact that we are not in normal. So, the way that we will check that the things that we're doing are working is obviously there is continued air quality monitoring for our AQMA centres. However, we need to review the model because it is very old and we need to look into that as agreed by the CGS. So, at this moment, we can't say absolutely our air quality monitors are obviously showing that air quality is better. However, that isn't a true reflective of what the new norm will look like once Covid is over.

Mayor

Councillor Potheary, do you have a second supplementary question?

Councillor Potheary

Thank you Mr Mayor and thank you Councillor Mayes for your answer which was incredibly candid.

My final question is slightly long but forgive me it's really crucial. Yesterday the Conservative government and a majority of Conservative MPs including both of our local MPs voted against an amendment to the Environment bill which would have seen the UK adopt the World Health Organisation's recommended air quality target of PM .25 or less. This would potentially stop the Lower Thames Crossing in its tracks. Given the commitment you've made tonight, will you lobby your government to ensure the World Health Organisation's air pollution targets are enshrined into UK law and avoid preventable deaths and serious illness from air pollution in Thurrock?

Councillor Mayes

Thank you Mr Mayor, thank you Councillor for your second supplementary.

Obviously how things and votes go in Parliament can often be headline grabbing so we got to look at details of what was exactly said and done. And I appreciate obviously you've picked out bits there but sometimes bits aren't the whole picture. But I do think it is important as I've said, for air quality to be improved. That's why I do think we should all get behind our Thames free port bid to make sure that we can look at getting really, really good improvements for our Borough on top of what we can do with things like electric river transport, hydro power, battery-powered cars that's fantastic, if we could get the use of the river and take people off the roads. These are the sort of things that we can all do to push and try and make things better for Thurrock rather than trying to get something through in Parliament that may just be symbolic

rather than actually detailed in how we actually improve things for our Borough.

3. From Councillor Shinnick to Councillor Mayes

Can you please inform me if there are any plans for Thurrock to have Covid 19 Marshals going around the borough?

Councillor Mayes

Thank you Mr Mayor, thank you Councillor for your question.

There are Covid marshals going around the Borough. In fact, we received £93,000 funding from the government a few weeks ago and we are in the first week of working with our partners to deliver this. There are 64 businesses that were visited in the first week alone and 674 members of the public that was offered advice on how to promote Covid safety measures so the answer is that they're archiving marshals.

Mayor

Councillor Shinnick, do you have a supplementary question?

Councillor Shinnick

I'd just like to ask Councillor Mayes, are any of these marshals being deployed in South Ockendon because I am receiving quite a few complaints about things that are going on over there regarding masks and things in the shops.

Councillor Mayes

Thank you Mr Mayor, thank you Councillor for your supplementary.

In terms of where, I can check that and come back to you. However, I do think it's important to take this opportunity to remind residents that we can all play our part in shops, in and around, when we're at work, follow hand, face, space. Just make sure we wear our masks, do the right things and we can all get through this as quick as possible.

Mayor

Councillor Shinnick, do you have a second supplementary question?

Councillor Shinnick

I'd just like Councillor Mayes to get back to me on that you know and let me know if this is happening in Ockendon, marshals going around.

4. From Councillor J Kent to Councillor Huelin

When will the report of the Communications LGA Peer Review, carried out last October, be published?

Councillor Huelin

Thank you Mr Mister. Thank you Councillor for your question. The report will be published as part of the corporate overview and scrutiny committee agenda papers in March.

Mayor

Thank you. Councillor John Kent do you wish to pose a supplementary question?

Councillor J Kent

Can I ask what the holdup has been in bringing that forward. The review that took place as I've said in October. Having to wait as long as March seems an extraordinary long time. What's been the hold-up then?

Councillor Huelin

Thank you Mr Mayor. Thank you Councillor again for your question. It does but there's been no deliberate delay at all the review as you say was carried out in October but the final report was only received from the LGA mid-December. The LGA recommended we formulate an action plan on how and when recommendations can be implemented including the development of the new communication strategy and at the same time as you know guidelines and regulations changed rapidly and those changes when on into January and it was necessary for the comms team to get focus on the incredibly hard job of ensuring residents and local businesses received that latest information and advice so the work on the plan and the strategy will take place throughout February and then it will be ready to bring to overview and scrutiny to make comments for input and recommendations in March.

Mayor

Councillor John Kent do you wish to pose a second supplementary question?

Councillor J Kent

No that's fine thank you Mr Mister.

5. From Councillor J Kent to Councillor Coxshall

When does the Portfolio Holder expect planning application 18/01671/FUL, in respect of the land at Arena Essex, to be determined?

Councillor Coxshall

The application was submitted in November 2019 and during the course of 2019 the statutory consultees confirmed they had no objections with the exception of Highways England who required a transport modelling to be undertaken once this is complete. We are still waiting for it to be completed as I understand from the applicant we will consult Highways England again and hopefully they will lift their objection. As this process now does draw so close to an end Highways England lift their objection. I understand the planning committee will determine the application by the summer of this year.

Mayor

Councillor John Kent do you wish to pose a supplementary question?

Councillor J Kent

Thank you and that's helpful. The portfolio holder will be more than aware that as a result of the change of ownership of the land where the Lakeside Hammers speedway club have lost their home. Will the portfolio holder undertaken to push for Lakeside Hammers to be rehomed within the borough as part of this application.

Councillor Coxshall

Thank you. As you know I was a regular visitor maybe you didn't, that I liked that, in fact I was honoured to be there on the last night we had without doubt we were there, it's really important it was the premier team here regularly on sky news, sky sports. I'm disappointed we can't get there, the local planning team and I have met directly with Lakeside Hammers on numerous occasions over the past few years to encourage them to get involved in the preparation for the new local plan and look at opportunities for a new venue in Thurrock and if the application of Arena Essex is successful and I really do I hope they do find a venue. It is very difficult obviously we had quite a few people upset that's very noisy to the people around and now I think Lakeside Hammers realise that but I would want them to stay in Thurrock and I am hoping that we can make sure they do stay here. The sooner the Lakeside Hammers can get back the better.

Mayor

Councillor John Kent do you wish to pose a second supplementary question?

Councillor J Kent

Yes again that's helpful and the portfolio holder will be more than aware that our current planning policies, particularly policies at PMD5 and CSTP9 mitigate in favour of not losing sports clubs when developments happen in particular CSTP9 said to only allow the loss of a particular facility where appropriate alternative provision can be made elsewhere. Does the portfolio

holder believe that would give members of the planning committee enough cover to refuse a planning application for Arena Essex that did not take into consideration the future of Lakeside Hammers.

Councillor Coxshall

You're getting into a planning committee conversation, I wouldn't want to get there, that's a point of law, that's a quasi-judicial, I am not going to venture that far - you're not going to push me there but I can say is the applicant needs to be in negotiations with the Lakeside Hammers or Thurrock Hammers now to make sure that is part of their application.