

Agenda Item: **DEVONSHIRE SQUARE CONCRETE BALLS**

Report to: **Climate, Nature and Environment Committee**

Date: **Wednesday 8th September 2021**

Subject: **To consider request from ESCC to take ownership of
'Gubby's Balls'**

Summary: The committee is recommended to consider recommending to the full council that Bexhill-on-Sea Town Council take ownership of 'Gubby's Balls' and work with W.ave Art to decorate them

Recommendation

1. Gubby's Balls

A series of 32 concrete balls were installed in Devonshire Square in the early 2000's. They act as bollards along the edge of the pedestrian area and were installed as a traffic calming measure. They have not required any maintenance or suffered any damage up until now.

2. W.ave Arts Project

The W.ave Arts project contacted East Sussex County Council (ESCC) with an offer to paint the balls voluntarily. This prompted ESCC to consider passing ownership of the balls to the town council to form a local project for the painting.

W.ave Arts said:

The balls have no historic features and this is a 'cultural step change' this proposal has the potential to 'inspire joy, bring a sense of well being, community and civic pride'

'Run down, badly maintained areas will contribute much to determining the fortunes of those who live and work within it. Cleanliness, repair and renewal of the public realm will be an important part of sustaining the success of our communities' - we agree these areas need maintenance, the materials we would like to use are 100% acrylic resin which can last for a period of 10 years. These areas could be maintained at a small price every couple of years if needs be.

There is no paint that can be removed unless temporary chalk paint which would cost a substantial amount of money and would be short term.

The painting itself would be voluntarily carried out by W.Ave Arts. To us it is important to maintain areas as the report has suggested they are 'unattractive' and we believe we are following the key aims of the PRSF. It does not specify that it is mandatory that everything must be painted to a pallet of green to produce quality, to many I think this would be negative to the town if everything was this colour with no diversity which is mentioned as point SO4 - 'promotion of public places that provide for diverse and vibrant activity, fun and enjoyment, that strengthens social connections, improve community health and well-being'

If I could also bring your attention to your own Highway Asset Management Strategy 2018-2024 'The County Council is committed to the development of good practise and continuous improvement. The ESCC Highway Asset Management Policy is a high level document which establishes the councils commitment to infrastructure investment through an asset management approach aligned with the Council Plan. The policy is not a stand alone document and is published alongside this strategy on the councils website'

Council Plan states:

'Delivery through strong and sustained partnership working across the public, voluntary and community, and private sectors to ensure that all available resources are used to deliver maximum benefits to local people'

'A thriving economy in East Sussex is key to the wellbeing of the county. Ensuring that local people have access to positively managed environments and accessible cultural activities, that will have a positive impact on their wellbeing'

It appears all the reports have the same goals - yet it feels, no one wants to collaborate at all. It's a shame because I feel many passionate voluntary groups would have been put off by now, this is time consuming and there are always obstacles put in the way. W.Ave Arts is dedicated to working with and for our community in making it a better place.

However we look at it, I think we all agree Gubby's Ball's need maintenance and leaving it another year - I think, is not promoting any of ESCC's or RDC's points in the reports. So please could we have some 'collaborative' decisions. All the information has been provided and I believe the criteria is being met.

3. Maintenance Costs

The original installation cost of the balls was £300 per sphere.

Each sphere would require a regular visual check by an officer to monitor health and safety issues and to risk assess for any issues.

If the balls were in the ownership of the town council, damage repairs and/or replacement costs would be the responsibility of the town council.

If the town council had to remove one or more of the spheres for any reason, the town council would be required to make good the land that they are installed on, to public highway standards, as per ESCC advice.

4. Insurance Risks

The council’s insurer has confirmed that the balls would automatically be covered under the existing public liability cover, however if the council required insurance for any damage repairs, a detailed quote would need to be obtained. The council’s excess on the policy is £250. The council is asked to consider if it wishes to insure the balls against damage/replacement for a comprehensive quote to be obtained.

If all 32 balls required replacement the cost could be approximately £10,000 or more, this is highly unlikely but possible.

5. Community Consultation/ Engagement

Residents have not yet been consulted on this proposal.

6. Impact on Climate Change and Biodiversity

The council should consider the impact of using chemical paints on its carbon footprint and the potential harm caused by the pigment, resin and solvent contained in certain outdoor paints. There is also risk to the environment of flaking or chalking with age. A full method statement and COSHH assessment from the project would need to be reviewed to understand the impacts further.

7. Risk Assessment

Risk	Mitigation
a. Paint has a finite lifespan and will require future maintenance otherwise the balls may look untidy and negatively affect the visual street scene.	The council would need to implement a future regular maintenance schedule with the project organisers.
b. W.Ave Art are volunteering to paint on this occasion. There is a risk that the group could fold or not be able to work for free in the future and future maintenance will not be free of charge.	The council would need to allocate a contingency budget in the case of future painting costs.
c. The council would be responsible for repairs and maintenance for the lifetime of the balls and the reinstatement of the highway if they were to be removed.	Existing insurance covers public liability but does not cover repairs therefore an additional premium would be required. Alternatively, the council could set aside funds from the precept in 2022-23 to cover repairs and maintenance costs. Budgets would need to be adjusted accordingly.
d. The council would need to arrange a weekly documented site visit to check the balls for damage/health and safety issues.	Councillors could be trained in risk assessing health and safety and rota’d to carry out the checks to keep staff costs to a minimum.
e. Art is a matter of taste, in extremes it can be considered controversial or offensive. An error in judgement could damage the council’s reputation.	The council would need to consider a strict non-provocative brief with the project group to mitigate adverse reaction from electors, press or media.

f. The volunteers carrying out the art work would be at risk as they could be using chemicals whilst working on the public highway putting themselves and the public at risk of injury.

A full risk assessment and method statement, including PPE, would need to be approved by the council before the work started.

8. Summary

Wave Arts have a track record of positive community art projects and this is an opportunity for the town council to work collaboratively with the group. The council must consider the benefits of taking permanent ownership of 'Gubby's Balls' and work with Wave Arts to paint them as a community project balanced with the risks and costs involved.

15. Decision Required

To consider recommending to the full council that Bexhill-on-Sea Town Council take ownership of 'Gubby's Balls' and work with Wave Arts to decorate them.

Town Clerk
6th September 2021