MEETING OF HARLOW COUNCIL
Thursday 9 April 2015 at 7.30 pm
Council Chamber - Civic Centre

AGENDA

1. Apologies for Absence

2. Declarations of Interest
   Councillors’ declarations of interest (if any) in relation to any items on the agenda.

3. Minutes (Pages 1 - 15)
   To agree the minutes of the Council meeting held on 5 February 2015 and the Special meeting held on 26 February 2015.

4. Communications from the Chairman

5. Petitions from the Public

6. Questions from the Public

7. Questions from Councillors

8. Motions from Councillors

9. References from Cabinet and Committees
   a) Referral from Cabinet - Council Tax Discretionary Reduction in Liability Policy and Local NNDR Transitional Relief Policy (Pages 16 - 33)
Cabinet recommended to Council that:

i) The proposed Council Tax Discretionary Reduction Policy, as set out in Appendix A to the report, is adopted.

ii) The proposed Non Domestic Rating Discretionary Transitional Relief Policy, as set out in Appendix B to the report, is adopted.

b) Referral from Licensing Committee - Emission Condition for Hackney Carriage and Private Hire Vehicles (Pages 34 - 37)

Licensing Committee recommended to Council that:

the policy condition requiring all Hackney Carriage and private hire vehicles licensed for the first time to comply with Euro 3 emissions standards, be amended such that the words ‘to comply with Euro 3 standards’ are replaced with the words ‘to comply with MOT test standards appropriate to Euro 3 compliant vehicles’.

10. Reports from Officers

11. Annual Reports from Councillors Appointed to Outside Bodies (Pages 38 - 40)

12. Minutes of Cabinet and Committee Meetings

To note the following Cabinet and Committee minutes:

a) Minutes of meeting Tuesday, 20 January 2015 of Licensing Committee (Pages 41 - 44)

b) Minutes of meeting Thursday, 29 January 2015 of Cabinet (Pages 45 - 53)

c) Minutes of meeting Tuesday, 3 February 2015 of Scrutiny Committee (Pages 54 - 58)

d) Minutes of meeting Thursday, 26 February 2015 of Cabinet (Pages 59 - 66)

e) Minutes of meeting Wednesday, 4 March 2015 of Audit & Standards Committee (Pages 67 - 70)

f) Minutes of meeting Tuesday, 17 March 2015 of Scrutiny Committee (Pages 71 - 74)
g) Minutes of meeting Tuesday, 24 March 2015 of Licensing Committee
   (Pages 75 - 77)

13. Matters of Urgent Business
MINUTES OF THE COUNCIL
HELD ON

5 February 2015 7.30 - 8.58 pm

PRESENT

COUNCILLORS

Ian Beckett (Chair)
Tony Hall (Vice-Chair)

Simon Carter
Joel Charles
Nick Churchill
Jean Clark
Jon Clempner
Mike Danvers
Manny Doku
Janet Doyle
Tony Durcan
Waida Forman
Maggie Hulcoop
Andrew Johnson
Muriel Jolles

OFFICERS

Malcolm Morley, Chief Executive
Brian Keane, Interim Head of Governance
Simon Freeman, Head of Finance
Lisa Purse, Corporate and Governance Support Officer

Sue Livings
Dan Long
Patrick McCabe
Christine O’Dell
Dennis Palmer
Linda Pailing
Russell Perrin
Bill Pryor
Terry Spooner
Edna Stevens
Emma Toal
Rod Truan
Mark Wilkinson

63. FILMING OF MEETING

The Chairman of the Council advised all attendees that this meeting was being filmed in line with recent changes in legislation and will be made available for public viewing on the Council’s website.

64. APOLOGIES FOR ABSENCE

Apologies were received from Councillors David Carter, Jacqui Cross, Eddie Johnson and Phil Waite.

65. DECLARATIONS OF INTEREST

Councillor Bill Pryor declared that, in accordance with Section 106 of the Local Government Finance Act 1992 he would not be voting on Agenda Item 9 d, General Fund Budget 2015/16.
66. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 18 December 2014 are agreed as a correct record and signed by the Chairman.

67. **COMMUNICATIONS FROM THE CHAIRMAN**

The Chairman gave thanks for the support received in connection with the stage show Living with Luke and the quiz night that took place on 22 January 2015. It was noted that this generous support would enable the Chairman to make significant donations to his chosen charities.

68. **PETITIONS FROM THE PUBLIC**

None.

69. **QUESTIONS FROM THE PUBLIC**

The questions together with the answers provided are appended to these minutes.

70. **QUESTIONS FROM COUNCILLORS**

The questions together with the answers provided are appended to these minutes.

71. **MOTIONS FROM COUNCILLORS**

None.

72. **REFERENCES FROM CABINET AND COMMITTEES**

a) **Hackney Carriage and Private Hire Licensing Fee Proposals**

The Council received a report from the Licensing Committee which asked that the fees proposed at Appendix 2 of the report be charged with effect from 1 April 2015 for the purposes of Hackney Carriages and Private Hire Licensing for adoption as part of the annual fees and charges setting process.

Proposed by Councillor Tony Durcan (seconded by Councillor Mike Danvers):

**RESOLVED** that:
the fees proposed at Appendix 2 of the report be charged with effect from 1 April 2015 for the purposes of Hackney Carriages and Private Hire Licensing for adoption as part of the annual fees and charges setting process.

b) Corporate Plan 2015/16 - 2017/18

The Council received a report from the Cabinet which asked that the updates to the Corporate Plan 2015/16-2017/18, attached to the report are adopted.

Proposed by Councillor Tony Durcan (seconded by Councillor Mike Danvers):

RESOLVED that:

the updates to the Corporate Plan 2015/16-2017/18, attached to the report are adopted.

c) Medium Term Financial Strategy 2015/16 - 2019/20

The Council received a report from the Cabinet which asked that the Medium Term Financial Strategy for 2015/16 to 2019/20 is adopted.

Proposed by Councillor Tony Durcan (seconded by Councillor Mike Danvers):

RESOLVED that:

i. the Medium Term Financial Strategy for 2015/16 to 2019/20 is adopted.

ii. the proposals in relation to reserves as set out in the report at paragraphs 24 to 30 and contained within Section 5 of the Medium Term Financial Strategy is approved.

iii. the planned increases in Council Tax as set out in the Medium Term Financial Plan is approved.

d) General Fund Budget 2015/16

The Council received a report from the Cabinet which asked that the General Fund estimates for 2015/16 are approved.

The original motion was proposed by Councillor Tony Durcan and seconded by Councillor Mike Danvers.

Councillor Russell Perrin (seconded by Councillor Andrew Johnson) moved an amendment, circulated as part of the supplementary agenda.
The amendment was lost.

A vote on the original motion was recorded and carried. The details of the recorded vote are appended to these minutes. Therefore it was;

RESOLVED that:

i. the General Fund estimates for 2015/16 as set out in Appendix A are approved.

ii. the proposed transfers between the General Fund and Earmarked Reserves, set out in paragraphs 16 to 22 of the report, is approved.

iii. the proposed Fees and Charges as set out in Appendix C are approved.

iv. the Pay Policy Statement as set out in Appendix G is approved.

v. the Council’s Band D Council Tax for 2015/16 be set at £263.02, which represents a 1.5% increase compared to the Band D Council Tax for 2014/15, subject to final Government announcements relating to capping expected in early February.

e) Housing Revenue Account Budget 2015/16

The Council received a report from the Cabinet proposing a Housing Revenue Account Budget for 2015/16.

Proposed by Councillor Tony Durcan (seconded by Councillor Mike Danvers):

RESOLVED that:

i. The rent increase for individual dwellings as set out in paragraphs 7 to 15 of the report and effective from 6 April 2015 is agreed. This equates to an average weekly rent of £93.60, an average increase of 2.2%.

ii. Service charges for individual dwellings, as set out in paragraphs 16 to 23 of the report, effective from 6 April 2015 for tenants and 1 April 2015 for leaseholders is agreed. This equates to an average weekly service charge to tenants of £1.92.

iii. Heating charges are increased as set out in paragraphs 24 to 29 of the report, effective from 6 April 2015 for tenants and 1
April for leaseholders. Average weekly general needs charges are £13.10 per week (leaseholders £18.67 per week, equivalent) and, for sheltered accommodation, £10.24 per week.

iv. Garage rents are increased to £8.36 per week (for a standard garage) and proportionate increases for other garages, car ports and car spaces, from 6 April 2015, as set out in paragraphs 30 and 31 of the report.

v. Other charges are increased, as set out in paragraph 32 of the report, with effect from 1 April 2015.

vi. The growth bids as outlined in paragraphs 33 and 34 of the report are approved.

vii. The Housing Revenue Account (HRA) budget as set out at Appendix A of the report is approved.

viii. A minimum HRA working balance of £2,695,000 at 31 March 2015, rising to £2,727,000 at 31 March 2016, as set out in Appendix B to the report, is agreed.


The Council received a report from the Cabinet that proposed Capital Programmes for 2014/15-2019/20.

Proposed by Councillor Tony Durcan (seconded by Councillor Mike Danvers):

RESOLVED that:

Housing Capital

i. the Housing Capital programme 2015/16 is approved, as set out in Appendices A and B of the report.

ii. the forecast programme for the period 2016/17 to 2019/20 is noted, as set out in Appendices A and B of the report.

Non Housing Capital

iii. The revised Non Housing Capital Programme 2014/15 is approved, as set out in paragraphs 30-43 of the report.

iv. The Non Housing Capital Programme for 2015/16 is approved, as set out in Appendices C and D of the report.
v. The transfer of 3,581 garages to the General Fund and the implications for the Non Housing Capital Programme as detailed in paragraphs 22, 23 and 50 of the report is noted.

vi. Aggregate borrowing of £3,276 million up to 31 March 2015, and a further £1.772 million, in 2015/16 is approved to support the Non Housing Capital Programme.

vii. The Non Housing Capital Programme forecast for 2016/17 to 2019/20 is noted, as set out in Appendices C and D of the report.

g) Treasury Management Strategy 2015/16

The Council received a report from the Cabinet which asked that the proposed revised Treasury Management Strategy Statement 2015/16 be approved for implementation with immediate effect.

Proposed by Councillor Tony Durcan (seconded by Councillor Mike Danvers):

RESOLVED that that the proposed revised Treasury Management Strategy Statement 2015/16 (attached as Appendix A to the report) is approved for implementation with immediate effect, including specifically:

i. The Prudential Indicators (set out in Annex C of the Statement).

ii. The Treasury Management Indicators (set out in paragraphs 60 to 62 of the Statement).

iii. The approved counterparty methodology (set out in paragraphs 38 to 50 and Annex E of the Statement).


73. REPORTS FROM OFFICERS

None.

74. MINUTES OF CABINET AND COMMITTEE MEETINGS

RESOLVED that the minutes of the following Cabinet and Committee meetings be noted:
a) Minutes of meeting Tuesday, 9 December 2014 of Scrutiny Committee

b) Minutes of meeting Thursday, 11 December 2014 of Cabinet

c) Minutes of meeting Wednesday, 17 December 2014 of Development Management Committee

d) Minutes of meeting Wednesday, 14 January 2015 of Development Management Committee

75. **MATTERS OF URGENT BUSINESS**

None.

CHAIRMAN OF THE COUNCIL
COUNCIL – 5 FEBRUARY 2015
QUESTIONS FROM THE PUBLIC

Agenda item 6 refers

1. Ms J Creak, 18 Pennymead, Harlow, to Councillor Jon Clempner, Leader of the Council

When a case of fly tipping is reported by a member of the public, could you explain the process followed by the Council to identify the offender and determine what action is to be taken against them, including any action to recover unpaid fines?

Reply from Councillor Jon Clempner, Leader of the Council

If fly tipping on public land is reported, the Council’s Officers try to establish if the incident was witnessed and if the witness is prepared to sign a statement that strengthens the Council’s evidence. Should no witness be identified or the witness is not willing to attend court, Officers will inspect the fly tip to establish if there is any evidence within the fly tip to prove beyond reasonable doubt that a specific person committed the offence. If the Council can prove beyond reasonable doubt that a specific person has committed the offence, it will issue proceedings into the magistrate’s court and prosecute that person. The court may fine that person and award costs to the Council, and it is the Court that is responsible for recovering the fine.

2. Ms J Creak, 18 Pennymead, Harlow, to Councillor Jon Clempner, Leader of the Council

I understand that, despite overwhelming evidence of fly tipping at each of the illegal encampment sites around the town, only one fine has been issued and is still unpaid to date, why?

Reply from Councillor Jon Clempner, Leader of the Council

Under law, it is not sufficient to demonstrate that fly tipping has taken place, nor that one of a group of people may have done it. There has to be evidence, beyond reasonable doubt, that a specific person has committed the specific offence. Everyone is treated equally, with the same requirement for specific evidence of an offence. The Council has not been able to establish specific people within the group who are responsible for the fly tipping and is therefore unable to prove beyond reasonable doubt that a specific person has committed an offence. The Council has not issued any fines for fly tipping to members of the unauthorised encampments, although the Council has issued Public Health notices, and the North Essex Parking Partnership has enforced traffic orders.
Agenda item 6 refers

3. Mr H Hoad, 114 Greenhills, Harlow, to Councillor Jon Clempner, Leader of the Council

The Harlow Labour Group is always claiming there is a cost of living crisis, so why has the Harlow Council element of Council Tax been increased for 2015/16?

**Reply from Councillor Jon Clempner, Leader of the Council**

It is proposed that the Harlow Council element of Council Tax be increased by 1.5%, equivalent to 7p per week for the average property, to fully fund the proposal to reverse the decision of Essex County Council to turn the street lights off between midnight and 5am, responding to the overwhelming views of Harlow residents.

4. Mr H Hoad, 114 Greenhills, Harlow, to Councillor Jon Clempner, Leader of the Council

As Council Tax payers are now having to pay for street lighting from the District Council element of the Council Tax, will you ask Essex County Council for a refund on the services they are not carrying out correctly in Harlow?

**Reply from Councillor Jon Clempner, Leader of the Council**

Although Harlow Council is the billing authority, and hence is required to collect Council Tax on behalf of all the precepting authorities, including Essex County Council and Essex Police, Harlow Council only receives under 17p in the pound, and has no control over how the other authorities spend that money and other sources of income.
Agenda item 7 refers

1. **Councillor Andrew Johnson** to **Councillor Jon Clempner, Leader of the Council**

Can the Leader please update the Council how much money it has cost so far this financial year to deal with the unauthorised/illegal encampments in the town?

*Reply from Councillor Jon Clempner, Leader of the Council*

The overall cost incurred this financial year as a result of unauthorised encampments to date for Harlow Council is £70,794.42. This is made up of:

a) Legal costs, including the cost of issuing county court proceedings of £15,445.

b) Clean-up costs of £26,905.

c) Preventative work and protecting Harlow Council land costs of £28,443.96.

2. **Councillor Andrew Johnson** to **Councillor Jon Clempner, Leader of the Council**

The Leader has previously said that he believes Harlow Council is doing everything possible in law to tackle the unauthorised/illegal encampments in the town, does he still maintain this?

*Reply from Councillor Jon Clempner, Leader of the Council*

Harlow Council is working closely with partners and external organisations focusing on both short and long term solutions within current legislation to tackle unauthorised encampments. As you will be aware however, we have written to the government to strengthen the powers available to the Council and to strengthen the guidance that the police operate under. Harlow Council proactively takes measures to secure vulnerable land where this is practicable, recognising that over a third of all land in Harlow is open space, and that much of the recent encampments have been on highway verges and other land under the control of Essex County Council. Harlow Council proactively seeks to move unauthorised and illegal encampments on, but the law does need to be strengthened in this regard as at present travellers simply move to another location. Longer term measures within the current law are being actively pursued.
Councillor Russell Perrin to Councillor Tony Durcan, Portfolio Holder for Regeneration and Enterprise

Can the Portfolio Holder please inform me when the First Avenue underpass linking to the old swimming pool site, which was temporarily closed to allow the building of new homes, is due to re-open?

Reply from Councillor Tony Durcan, Portfolio Holder for Regeneration and Enterprise

The planning permission required that the developer refurbish the underpass as part of the redevelopment of the former swimming pool site. Shortly after works commenced the developer submitted a detailed design for the underpass revisions and the Essex County Council Structures Team started the validation process.

During that process the ECC Structures Team identified that to provide an underpass to meet current required standards it would entail major reconstruction and strengthening works in addition to increased land take (Harlow Council land) to provide extended ramps to conform with the Disability Discrimination Act (DDA) requirements. It was the view of ECC Structures Team that with the recent provision of two ‘at grade’ surface crossing points in close proximity that the underpass was no longer required and that it should be closed.

Essex County Council, as the highway authority, is pursuing resolution of the matter.
**RECORDED VOTES – COUNCIL**

**DATE:** 5 FEBRUARY 2015

**MOTION:** AGENDA ITEMS 9 (a) - (g) GENERAL FUND BUDGET 2015/16

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MINUTES OF THE SPECIAL COUNCIL
HELD ON

26 February 2015 7.30 - 7.38 pm

PRESENT

COUNCILLORS

Ian Beckett (Chair)
Tony Hall (Vice-Chair)
Simon Carter
Joel Charles
Nick Churchill
Jean Clark
Jon Clempner
Jacqui Cross
Mike Danvers
Manny Doku
Janet Doyle
Tony Durcan
Maggie Hulcoop
Andrew Johnson
Eddie Johnson
Muriel Jolles

OFFICERS

Graham Branchett, Chief Operating Officer
Simon Freeman, Head of Finance
Brian Keane, Interim Head of Governance
Andrew Murray, Head of Housing
Joel West, Governance Support Officer

76. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors David Carter, Waida Forman and Mark Wilkinson.

77. **DECLARATIONS OF INTEREST**

Councillor Bill Pryor declared that, in accordance with Section 106 of the Local Government Finance Act 1992 he would not be voting on Agenda Item 3, Council Tax Resolution 2015/16.

78. **COUNCIL TAX RESOLUTION 2015/16**

A vote on the motion was recorded. The details of the recorded vote are appended to these minutes.

Proposed by Councillor Mike Danvers (seconded by Councillor Jon Clempner) it was:
RESOLVED that the Council Tax Resolution for 2015/16, as set out in Appendix A of the report submitted is approved.

79. **REPORTS FROM OFFICERS**

a) **Review of Committee Appointments 2014/15**

The Council received a report that detailed nominations to Committees for the 2014/15 municipal year.

RESOLVED that the Council:

A Appoints Councillor Bill Pryor to the Development Management Committee for 2014/15.

B Appoints Councillor Bill Pryor to the Harlow Fairness and Diversity Partnership for 2014/15.

C Notes the political balance calculation following the 12 February by election as summarised in paragraphs 4-8 of the report.

D Appoints Councillor Russell Perrin to the Licensing Committee for 2014/15, to replace Councillor Bill Pryor, who will retire from the Committee.

80. **MATTERS OF URGENT BUSINESS**

None.

CHAIRMAN OF THE COUNCIL
# Recorded Votes – Special Council

**Date:** 26 February 2015

**Motion:** Agenda Item 3, Council Tax Resolution 2015/16

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<td>Linda Paising</td>
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<td>Russell Perrin</td>
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<td>Danny Purton</td>
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<td>Edna Stevens</td>
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<td>Phil Waite</td>
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<tr>
<td>Mark Wilkinson</td>
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</table>

**Result:**
3 16 12 1
REPORT TO: CABINET
DATE: 26 FEBRUARY 2015
TITLE: COUNCIL TAX DISCRETIONARY REDUCTION IN LIABILITY POLICY AND LOCAL NON DOMESTIC RATES TRANSITIONAL RELIEF POLICY

PORTFOLIO HOLDER: COUNCILLOR MIKE DANVERS
LEAD OFFICER: SIMON FREEMAN, HEAD OF FINANCE (01279) 446228
CONTRIBUTING OFFICER: DONNA BEECHENER, REVENUES & BENEFITS MANAGER (01279) 446245

This is not a Key Decision
This decision is not subject to Call-in procedures for the following reasons:
It is a recommendation to Full Council.
This decision will affect no ward specifically.

RECOMMENDED that:

A The proposed Council Tax Discretionary Reduction Policy, as set out in Appendix A to this report, is recommended to Full Council for adoption.

B The proposed Non Domestic Rating Discretionary Transitional Relief Policy, as set out in Appendix B to this report, is recommended to Full Council for adoption.

REASON FOR DECISION

A The Local Government Finance Act 1992 provides the Council with additional discretionary powers to enable it to reduce the Council Tax liability where statutory discounts, exemptions and reductions do not apply. In order to grant a discretionary reduction the Council must adopt a policy under these powers.

B The Non Domestic Rates (NDR) transitional relief scheme was introduced in 2010 to help those ratepayers who were faced with higher rate bills which occurred as a result of rates revaluation. The transitional relief scheme ends on 31 March 2015 and as a result, a small number of ratepayers will face an increase to their full rates bill from 1 April 2015. The Government announced in the Autumn Statement that it will continue to provide transitional relief to all properties with a rateable value of £50,000 or less.
The policy proposed in this report at Appendix B takes into account the guidance issued in January 2015 by the Department for Communities and Local Government (DCLG).

The report notifies Cabinet of the change in the maximum amount of NDR Retail Relief that can be granted in the financial year 2015/16 will be £1,500.

BACKGROUND

1. The cost of any local Council Tax discretionary reduction awarded will be met from General Fund Expenditure.

2. NDR transitional relief will be awarded for the 2014/15 and 2015/16 financial years only.

3. The cost to the Council and major precepting authorities of awarding the NDR transitional relief will be fully reimbursed by central Government through the rates retention scheme.

ISSUES/PROPOSALS

Council Tax Discretionary Reduction Policy

4. The Local Government Finance Act 1992 allows the Council the discretion to provide assistance to taxpayers where either the existing legislation does not provide a discount, exemption or reduction or in such circumstances where the Council feels that the level of discount exemption or reduction is insufficient given the tax payers circumstances.

5. These discretionary awards can be given to:
   i. Individual Council Taxpayers;
   ii. Groups of Council Taxpayers defined by a common set of circumstances;
   iii. Council Taxpayers within a defined area or;
   iv. To all Council Taxpayers within the Council’s area.

6. Any reduction awarded under the policy will be wholly funded by Harlow Council, and will be met from the Council’s General Fund budget.

7. The Council has always been willing to accept applications for a reduction in council tax under S13 A 1(c) of the Local Government Finance Act 1992, but failure to approve a Discretionary Reduction policy under Section 13A 1(c) may expose the Council to legal challenge.

8. The Council has a separate existing Exceptional Hardship Policy for those in receipt of Local Council Tax Support, which was approved by Full Council on
21 March 2013.

**Non Domestic Rating Discretionary Transitional Relief Policy**

9. The Non Domestic Rates transitional relief scheme was introduced in 2010 by Government to help those ratepayers who were faced with higher bills as a result of rates revaluation. The transitional relief scheme ends on 31 March 2015 and as a result a small number of ratepayers will face an increase to their full rates bill from 1 April 2015.

10. The Government announced in the Autumn Statement on 3 December 2014 that it will extend to 31 March 2017 the current transitional relief scheme for properties with a rateable value up to and including £50,000. There are no legislative provisions to extend the current transitional relief scheme beyond 31 March 2015, and accordingly the Council needs to adopt a Discretionary Relief Policy under the Local Government Finance Act 1989 to achieve this aim.

11. The Government will, in line with the eligibility criteria set out in the guidance, reimburse local authorities that exercise their discretionary relief powers. It will be for individual local billing authorities to adopt a local scheme and decide in each individual case when to grant transitional relief. In view of the fact that such expenditure can be reimbursed, the Government expects Councils to grant transitional relief to qualifying ratepayers.

12. The Government has published guidance which sets out the detailed criteria for the operation and delivery of the extension of transitional relief, which has been incorporated into the Council’s policy at Appendix B.

13. The Council will incur a cost of £5,225 for related software to implement and award transitional relief to affected ratepayers.

14. Where there is eligibility for 100% Enterprise Zone Relief, then transitional relief cannot be granted.

**Non Domestic Rating Discretionary Retail Relief**

15. Cabinet previously approved a Local NDR Retail Relief policy on 13 March 2014. This report notifies Cabinet that the government announced in the 2014 Autumn Statement that the level of retail relief for the 2015/16 financial year will increase from £1,000 to £1,500.

**IMPLICATIONS**

**Place (includes Sustainability)**
None specific beyond those in the report
Author: Graeme Bloomer, Head of Place

**Finance (Includes ICT)**
As set out in the report.
Author: Simon Freeman, Head of Finance

**Housing**
None specific
Author: Andrew Murray, Head of Housing

**Community Wellbeing (includes Equalities and Social Inclusion)**
None specific
Author: Jane Greer, Acting Head of Community Wellbeing

**Governance (includes HR)**
None other than those contained in the report
Author: Brian Keane, Interim Head of Governance

**Appendices**
Appendix A - Council Tax Discretionary Reduction in Liability Policy
Appendix B – Non Domestic Rates Transitional Relief Policy

**Background Papers**


http://www.harlow.gov.uk/retail-business-rate-relief-policypdf

**Glossary of terms/abbreviations used**

NDR – Non Domestic Rates
Council Tax
Discretionary Reduction in Liability Policy
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Crisis – Flood, Fire etc. ............................................................................................... 4
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1 Introduction

1.1 Section 13A 1c of the Local Government Finance Act 1992, provides the Council with additional discretionary powers to enable it to reduce the council tax liability where statutory discounts, exemptions and reductions do not apply.

1.2 These discretionary awards can be given to:
   - Individual Council Taxpayers;
   - Groups of Council Taxpayers defined by a common set of circumstances;
   - Council Taxpayers within a defined area: or
   - To all Council Taxpayers within the Council's area.

1.3 The legislation states the following:
   ……….in any case, may be reduced to such extent or, if the amount has been reduced under S13a 1 a (Council Tax Reduction Scheme) such further extent as the billing authority for the area in which the dwelling is situated thinks fit…….

1.4 The provision allows the Council the discretion to provide assistance to taxpayers where either the existing legislation does not provide a discount, exemption or reduction or in such circumstances where the Council feels that the level of discount; exemption or reduction is insufficient given the circumstances.

1.5 When deciding on whether to grant a discretionary award, the Council will consider each application on its merits. Principles of reasonableness will apply in all cases with the authority deciding each case on relevant merits.

1.6 Any decision made will be without reference to any budgetary considerations notwithstanding the fact that any awards must be balanced against the needs of local taxpayers who will ultimately pay for any reduction in Council Tax income.

1.7 Likewise the period of any reduced liability will be considered in conjunction with the circumstances of the Council Taxpayer.

1.8 For the purposes of administration, the decision to grant any reduction in liability shall be considered within the following categories:
2 Exceptional Financial Hardship

2.1 In accordance with Section 13A 1a of the Local Government Finance Act 1992, the Council has a Council Tax Reduction Scheme which provides support, through a discount, to those deemed to be within financial need. The Scheme has been designed to take into account the financial and specific circumstances of individuals through the use of applicable amounts, premiums and income disregards.

2.2 The Council has an approved Exceptional Hardship policy, and applications will be accepted under that policy for people who have qualified for support under the Council Tax Reduction Scheme but who are still experiencing severe financial hardship. Other taxpayers may also apply, however the Council would normally expect the taxpayer to apply for Council Tax Reduction in any case.

2.3 The Council’s Exceptional Hardship Policy can be found at www.harlow.gov.uk/exceptional-hardship-policypdf

3 Crisis – Flood, Fire etc.

3.1 The Council will consider requests for assistance from Council Taxpayers who, through no fault of their own, have experienced a crisis or event that has made their property uninhabitable e.g. due to fire or flooding, where they remain liable to pay council tax and for which they have no recourse for compensation nor have recourse to any statutory exemptions or discounts.

3.2 All such requests must be made in writing detailing the exact circumstances of why reduction in the liability is required and specifying when the situation is expected to be resolved.

3.3 The Council will consider applications on a case-by-case basis in consultation with other organisations as appropriate. Any reduction will be applied where they remain liable to pay council tax and for which they have no recourse for compensation nor to any statutory exemptions or discounts or where the crisis or event is not covered by any insurance policy. The Council will not consider requests from taxpayers where government guidance or policy provides for a reduction in liability in specific circumstances for example, flood relief schemes.

4 Other Circumstances

4.1 The Council will consider requests from Council Taxpayers for a reduction in their liability based on other circumstances, not specifically mentioned within this document. However the Council must be of the opinion that the circumstances relating to the application warrant further reduction in their liability for Council Tax having regard to the effect on other Council Taxpayers.

4.2 No reduction in liability will be granted where any statutory exemption or discount could be granted.

4.3 No reduction in liability will be granted where it would conflict with any
resolution, core priority or objective of the Council.

5 Changes in circumstances

5.1 The Council may revise any discretionary reduction in liability where the applicant's circumstances or situation has changed.

5.2 The taxpayer agrees that he/she must inform the Council immediately either by phone or in writing about any changes in their circumstances which might affect the claim for under this policy. Failure to do so may result in the withdrawal of the reduction granted for the year and the requirement to repay any outstanding amount to the Council. All changes in circumstances should be notified within 21 days in accordance with the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 as amended.

6 Duties of the applicant and the applicant’s household

6.1 A person claiming any discretionary reduction in liability must:

- Provide the Council with such information as it may require to make a decision;
- Tell the Council of any changes in circumstances that may be relevant to their ongoing claim; and
- Provide the Council with such other information as it may require in connection with their claim.

7 The award and duration of a reduction in liability

7.1 Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.

7.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

8 Payment

8.1 In line with legislation, any award shall be granted as a reduction in the liability of the Council Tax Payer thereby reducing the amount of Council Tax payable

9 Reductions in Council Tax liability granted in error or incorrectly

9.1 Where a reduction in liability has been granted incorrectly or in error either due to a failure to provide the correct or accurate information to the Council or some other circumstances, the amount will be recovered from Council Taxpayers account in the normal way.
10 Notification of an reduction in liability

10.1 The Council will notify the outcome of each application in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

11 Appeals

11.1 Appeals against the Council’s decision may be made in accordance with Section 16 of the Local Government Finance Act 1992.

11.2 The Council Taxpayer must in the first instance write to the Council outlining the reason for their appeal. Once received the Council will reconsider its decision and notify the Council Taxpayer accordingly.

11.3 Where the Council Taxpayer remains aggrieved, a further appeal can then be made to the Valuation Tribunal. This further appeal should be made within 2 months of the decision of the Council not to grant any reductions. Full details can be obtained from the Councils website or from the Valuation Tribunal http://www.valuationtribunal.gov.uk/Home.aspx

12 Fraud

12.1 The Council is committed to protecting public funds and ensuring funds are awarded to the people who are rightfully eligible to them.

12.2 An applicant who tries to fraudulently claim a reduction in liability by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

12.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

13 Complaints

13.1 The Council’s ‘Complaints Procedure’ (available on the Councils website) will be applied in the event of any complaint received about this policy.

14 Policy Review

14.1 This policy will be reviewed on a regular basis and updated as appropriate to ensure it remains fit for purpose. However, a review may take place sooner should there be any significant changes in legislation.
Non Domestic Rates
Local Discretionary Transitional Relief Policy
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How much relief will be available? 4
Recalculations of relief 4
State Aid 5
How will the relief work in Enterprise Zones? 5
Calculation for the extension of transitional relief 6
Introduction

1. The Non Domestic Rates transitional relief scheme was introduced in 2010 to help those ratepayers who were faced with higher rate bills which occurred as a result of rates revaluation. The transitional relief scheme ends on 31 March 2015 and as a result a small number of ratepayers will face an increase to their full rates bill from 1 April 2015.

2. The government announced in the Autumn Statement on 3 December 2014 that it will extend to 31 March 2017 the current transitional relief scheme for properties with a rateable value up to and including £50,000.

3. Section 69 of the Localism Act 2011 amends Section 47 of the Local Government Finance Act 1988. These changes extend the provision relating to the granting of discretionary rate relief.

4. The Local Government Finance Act 1988 gives Local Authorities the power to grant discretionary retail transitional rate relief to properties with a rateable value up to and including £50,000 who would have received transitional relief in 2015/16 or 2016/17 had the existing transitional relief scheme continued in its current format.

5. This document provides detail about the operation and delivery of the policy.

Which properties will benefit from relief?

6. Hereditaments that will benefit are those with a rateable value up to and including £50,000 which would have received transitional relief in the financial years 2015/16 or 2016/17 had the existing transitional relief scheme continued in its current format.

7. In line with the existing thresholds in the transitional relief scheme, the £50,000 rateable value threshold will be based on the rateable value shown in the valuation list at 1 April 2010 or the substituted day in the case of splits and mergers.

8. This policy applies to transitional relief only (i.e. those moving to higher bills).

9. As the grant of the relief is discretionary, the Council may choose not to grant the relief if they consider that appropriate, for example where granting the relief would go against the authority’s wider objectives for the local area.

Available relief

10. There is no relief available under this policy for hereditaments with a rateable value of more than £50,000 at 1 April 2010, or the substituted day for splits and mergers.

11. Changes in rateable value which take effect from a later date than 1 April 2010, or the substituted day in the case of splits and mergers, will be calculated using the
normal rules in the transitional relief scheme prior to 1 April 2015. That is, $N$ over $J$ for reductions, or $N$ minus $J$ for increases.

12. For the avoidance of doubt, hereditaments with a rateable value of £50,000 or less on 1 April 2010 (or the substituted day in the case of a split or merger) but increase above £50,000 from a later date will still be eligible for transitional relief.

13. Where Valuation Office Agency issues a certificate for the rateable value at 31 March 2010 or 1 April 2010, this will be used in the calculation of transitional relief.

14. The eligibility for transitional relief and the relief itself will be assessed and calculated on a daily basis.

15. The relief will be applied against the net non-domestic rate bill after all other reliefs have been taken into account.

16. Where the net rate liability for the day, after all other reliefs but before transitional relief, is less than the transitional relief, the maximum amount of transitional relief will be no more than the value of the net rate liability.

17. Ratepayers that are liable to pay rates in respect of more than one hereditament will be entitled to relief for each of their eligible properties, subject to State Aid de-minimis limits.

18. Where a property is situated in a designated Enterprise Zone (EZ) in Harlow, transitional relief will be calculated after any entitlement to EZ Relief.

19. This policy will apply to occupied and unoccupied hereditaments.

20. Ratepayers will not be required to apply for discretionary transitional relief.

21. The award of transitional relief this will be administered by the Council's Revenues & Benefits service.

22. The policy will apply to transitional relief awarded for the financial years beginning on 1 April 2015 and 1 April 2016, and ending on 31 March 2016 and 31 March 2017 respectively.

**Recalculations of relief**

23. The award of transitional relief will be calculated in a daily basis, and will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value of the hereditament. A change of circumstances could arise during the financial year in question or during a later year.

24. Whilst The Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059) require Harlow Council to provide ratepayers with at least one year’s notice in writing before any decision to revoke or vary a decision so as to increase the amount the ratepayer has to pay takes effect, within these regulations, Harlow
Council may still make decisions which are conditional upon eligibility criteria or rules for calculating relief which allow the amount of relief to be amended within the financial year to reflect changing circumstances

Right of appeal

25. There is no statutory right of appeal against a decision made by the Council in respect of discretionary transitional relief. However, the Council will review the decision if the ratepayer is dissatisfied with the outcome. This review will be carried out independently by the Head of Finance in consultation with the Cabinet Member of Resources.

26. If an unsuccessful applicant decides to request a review, they will still need to continue to pay their rates bill. Once the review has been conducted, the ratepayer will be informed in writing whether the original decision has been revised or upheld. Notification of the decision will be made within 28 days, or as soon as reasonably practicable.

27. The right of appeal process does not affect a ratepayer’s legal right to challenge the decision by way of a judicial review.

Transitional relief in the Enterprise Zone (EZ)

28. If a property in an Enterprise Zone is not eligible for EZ relief, or EZ relief has been awarded at less than 100%, or that relief has ended, transitional relief may be granted.

State aid

29. State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State Aid. However the extension of transitional relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations.

30. The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three year period (consisting of the current financial year and the two previous financial years).

31. To administer De Minimis it is necessary for the local authority to establish that the award of aid will not result in the undertaking having received more than €200,000 of De Minimis aid. Note that the threshold only relates to aid provided under the De Minimis Regulations (aid under other exemptions or outside the scope of State Aid is not relevant to the De Minimis calculation).

32. Ratepayers are required to notify the Council’s Revenues & Benefits Service if they believe that the award of discretionary transitional relief will result in the De-minimus aid level being exceeded

30
Calculation for the extension of transitional relief

The transitional relief scheme should be assumed to remain as it is in the current statutory scheme as prescribed in the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2009 No. 3343 (SI 2009/3343).

Under the existing statutory transition scheme which ends on 31 March 2015, transitional relief is calculated before all other reliefs. The extension of transitional relief into 2015/16 and 2016/17 will be delivered via section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) which is measured after other reliefs (including other Localism Act delivered reliefs such as retail relief).

Transitional relief caps

The transitional relief scheme should be assumed to remain as it is in the current statutory scheme in accordance with SI 2009/3343, except that:

a) The cap on increases for small hereditaments with a rateable value of less than £18,000 in the financial years 2015/16 & 2016/17 should be assumed to be 15%. This is before the increase for the change in the multiplier, and

b) The cap on increases for other hereditaments with a rateable value of between £18,000 up to and including £50,000 in the financial years 2015/16 and 2016/17 should be assumed to be 25%. This is before the increase for the change in the multiplier.

Values of X and Q for calculation of relief

In accordance with Regulation 8 (1) of SI 2009/3343 the appropriate fraction for the calculation of relief is:

\[ \frac{X \times Q}{100} \]

The following values for X and Q in the financial years 2015/16 and 2016/17 should be assumed for the purposes of Regulation 8(2) and Regulation 8(3) of SI 2009/3343

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<th>2016/17</th>
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<tbody>
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<tr>
<td>Value of X</td>
<td>125</td>
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<tr>
<td>Value of Q</td>
<td>1.019</td>
<td>1.019</td>
</tr>
<tr>
<td>RV is less than £18,000 (Regulation 8(3))</td>
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<td></td>
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<tr>
<td>Value of X</td>
<td>115</td>
<td>115</td>
</tr>
<tr>
<td>Value of Q</td>
<td>1.019</td>
<td>1.019</td>
</tr>
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</table>
Examples of transitional relief calculation

To calculate transitional relief Harlow Council will undertake the following steps:

Step 1: identify those eligible properties which would have qualified for transitional relief in 2015/16

Step 2: calculate the actual rates bill for those properties in 2015/16 after all other reliefs assuming transitional relief has ended

Step 3: calculate the rates bill for those properties in 2015/16 after all other reliefs assuming transitional relief continued

Step 4: calculate the difference between stage 2 and 3 and award a Localism Act discount to that value.

Example 1
If a ratepayer would have been eligible for transitional relief with a cap of 25% in 2015/16 then the rate bill is calculated as follows (ignoring inflation):

<table>
<thead>
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<th></th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
</tr>
</thead>
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<tr>
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<td>2014/15</td>
<td>2015/16</td>
<td>2015/16</td>
<td>2015/16</td>
</tr>
<tr>
<td>Rate bill before any reliefs</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Transitional Relief (had the original scheme continued)</td>
<td>-4,000</td>
<td>n/a</td>
<td>-2,500</td>
<td>n/a</td>
</tr>
<tr>
<td>Net bill before Localism Act Discount</td>
<td>6,000</td>
<td>10,000</td>
<td>7,500</td>
<td>10,000</td>
</tr>
<tr>
<td>Localism Act Discount (to give effect of Transitional Relief)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>-2,500</td>
</tr>
<tr>
<td>Net rates bill</td>
<td>6,000</td>
<td>10,000</td>
<td>7,500</td>
<td>7,500</td>
</tr>
</tbody>
</table>

For illustration purposes it has been assumed that the multiplier does not change between years.

This is the simple case. The value of the transitional relief had the scheme continued is £2,500. In practice extending transitional relief will be achieved by awarding a Localism Act discount which is calculated at the end of the bill. But because there are no other reliefs the value of the discount is £2,500 to ensure that in practice transitional relief continues.
Example 2

If for example the same ratepayer would have fallen out of transitional relief in 2015/16 and also receives 80% charitable mandatory relief then their bill is calculated as follows (ignoring inflation):

<table>
<thead>
<tr>
<th>Step</th>
<th>2014/15</th>
<th>2015/16</th>
<th>2015/16</th>
<th>2015/16</th>
</tr>
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<tbody>
<tr>
<td>Rate bill before any reliefs</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Transitional Relief (had the original scheme continued)</td>
<td>-4,000</td>
<td>n/a</td>
<td>-2,500</td>
<td>0</td>
</tr>
<tr>
<td>Net bill before charitable relief or Localism Act Discount</td>
<td>6,000</td>
<td>n/a</td>
<td>7,500</td>
<td>10,000</td>
</tr>
<tr>
<td>Charitable Relief</td>
<td>-4,800</td>
<td>-8,000</td>
<td>-6,000</td>
<td>-8,000</td>
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<tr>
<td>Localism Act Discount (to give effect of Transitional Relief)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-500</td>
</tr>
<tr>
<td>Net rates bill</td>
<td>1,200</td>
<td>10,000</td>
<td>1,500</td>
<td>1,500</td>
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</tbody>
</table>

For illustration purposes it has been assumed that the multiplier does not change between years.

In the above example, the amount of transitional relief awarded in 2015/16 would have been £2,500 had the scheme continued in its current form. Extending transitional relief will be achieved by awarding a Localism Act discount which is calculated after all other reliefs. The value of the discount to ensure in practice transitional relief continues is £500.
RECOMMENDED that:

A Licensing Committee Recommendsto Councilthat the policy condition requiring all Hackney Carriage and private hire vehicles licensed for the first time to comply with Euro 3 emissions standards, is amended such that the words ‘to comply with Euro 3 standards’ be replaced with the words “to comply with MoT test standards appropriate to Euro 3 compliant vehicles”.

BACKGROUND

1. On 21 February 2011 Licensing Committee adopted policy requiring in effect that to be licensed all Hackney Carriage and Private Hire Vehicles must comply with Euro 3 emissions standard or better, by 1 April 2014.

2. Vehicles constructed after the year 2002 have been required to be Euro 3 compliant. Most Private Hire Vehicles are widely available mass-market vehicles and are changed relatively frequently. Hackney Carriages in Harlow must be purpose-built vehicles that are relatively expensive to replace, and which typically have a much longer working life.

3. Emissions control kits designed to be fitted to older designs of Hackney Carriage vehicles and intended to make them compliant with Euro 3 emissions standards have been marketed. Fitting such a kit can offer a more economical solution than replacement with a newer vehicle for proprietors of older Hackney Carriages.

4. It has come to the Council’s attention that second-hand examples of such emissions control kits are now available and are offered at lower costs than new kits.
ISSUES

5. The Euro 3 standard for diesel vehicles sets a limit on the concentrations of particulate matter (smoke), Nitrogen Oxides (NOx) and Hydrocarbons (for example unburnt fuel) in the exhaust.

6. Vehicles presented for licensing are currently emissions-tested to the MoT test standard appropriate for Euro 3-vehicles. This test measures the opacity of the vehicle exhaust to estimate the concentration of particulate matter. It does not directly measure particulate matter. It does not measure NOx or hydrocarbons.

7. Suppliers of emissions control kits are able to show that their products when fitted can meet specified standards by having objective testing for all of the relevant emissions carried out, and can provide a warranty. Such testing is however much more specialised than for example standard MoT testing, and only specialised vehicle research and testing facilities such as those catering to vehicle manufacturers are likely to be suitably equipped to carry it out; it is likely to cost tens of thousands of pounds to have such tests performed.

8. It does not appear to be economically practicable for those fitting second hand emissions kits to have them objectively tested; no warranty traceable to objective standards is offered. Nor is it practicable for the Council to require individual vehicles to be tested for the full range of emissions covered by the Euro 3 standard.

9. The Council cannot at this time positively demonstrate that Hackney Carriage vehicles fitted with second-hand emissions reduction kits meet all of the requirements of the Euro 3 emissions standard, and so meet all the requirements of adopted policy.

10. Suppliers of new emissions control kits may take the view that it is not reasonable for the Council to adopt such policy and not be in a position to demonstrate that it is being complied with. This creates a risk of legal challenge.

11. The principal justification for an emissions control policy is to address air quality issues. In Harlow there is currently no evidence arising from ongoing statutory Review and Assessment of Air Quality that national health-based air quality standards are likely to be breached.

12. Economic circumstances have remained difficult for a protracted period since the policy was introduced: solutions such as buying newer vehicles or fitting new emissions control kits at a future point which may have appeared reasonable at the time the policy was introduced, may with the benefit of
current knowledge now appear less proportionate to the benefits of the policy.

13. Hackney Carriage proprietors aggrieved by refusal of a vehicle licence are entitled to appeal to the Courts. In the absence of evidence of risk to Air Quality standards, it might be difficult for the Council to defend an appeal.

14. In the circumstance the Council may accept the risk; amend its policy; or amend its approach to enforcement of the existing policy. The principal issues affecting these options are set out below.

<table>
<thead>
<tr>
<th>Option</th>
<th>Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. No change</td>
<td>No additional costs to Hackney Carriage trade. Risk of legal challenge by suppliers of emissions control kits.</td>
</tr>
<tr>
<td>2. Amend policy such that all vehicles must pass the MoT test applicable to Euro 3 vehicles on compliance testing.</td>
<td>No additional costs to Hackney Carriage trade. Only particulate emissions will be tested by way of an opacity test.</td>
</tr>
<tr>
<td>3. Amend approach to enforcement by requiring that only emission control kits individually traceable by supplier’s certificate to objective performance testing against Euro 3 or higher standards be accepted.</td>
<td>It appears very unlikely that second-hand emission control kits will meet this criterion. Only new kits in their warranty period are then likely to be approved. Once out of warranty period, kits would have to be replaced with new equipment. The Council would have some evidence that NOx and hydrocarbon limits of Euro 3 standards are being met. There will be substantial additional cost to Hackney Carriage proprietors. Risk of appeal.</td>
</tr>
</tbody>
</table>

15. Option 2 appears to offer the best balance of benefit and risk.

**IMPLICATIONS**

**Place (includes Sustainability)**

Contained within the body of the report.

Author: Graeme Bloomer, Head of Place

**Finance (Includes ICT)**

None specific.

Author: Simon Freeman, Head of Finance
Housing
None specific.
Author: Andrew Murray, Head of Housing

Community Wellbeing (includes Equalities and Social Inclusion)
None specific.
Author: Jane Greer, (Acting) Head of Community Wellbeing

Governance (includes HR)
The Local Government (Miscellaneous Provisions) Act 1976, Section 47(1) states that a District Council may attach to the grant of a licence of a Hackney Carriage under the Act of 1847 such conditions as the District Council may consider reasonably necessary. Section 47(2) states that without prejudice to the generality of the foregoing sub-section, a District Council may require any Hackney Carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage. Section 47(3) states that any person aggrieved by any conditions attached to such a licence may appeal to a Magistrate’s Court. The Council by amending its policy as recommended in the report, would be reducing this risk of appeal.
Author: Brian Keane, Interim Head of Governance

Background Papers
[These are papers referred to in the preparation of the report that are not attached as appendices but that are available for public or Councillor study.]
None.

Glossary of terms/abbreviations used
Opacity: the extent to which light transmission is obstructed. In exhaust emissions testing, the extent to which particles in the exhaust (“smoke”) block light transmission, that is the opacity of the exhaust, is related to the particle concentration, so this is used as an indirect measure of that concentration.
11. Annual Reports from Councillors Appointed to Outside Bodies

(a) European New Towns Platform
Councillor Tony Durcan

I was elected to be the president of this group for the 2015/16 period. This group is undergoing some changes due to funding from the EU which has resulted in a number of redundancies and a relocation of the office in Brussels. Harlow isn’t currently active in any EU funded projects but I’m hoping to put in a bid for a project either linked to the Enterprise Zone around access to local skills or around the regeneration of the town centre about a cultural quarter. I am pleased to confirm that due to a joint request by Harlow and Basildon the ENTP will be hiring space in the East of England office in Brussels. This will enable Harlow to have a wider profile in Europe especially around the Enterprise Zone.

(b) Essex Police and Crime Panel
Councillor Mike Danvers

There have been five meetings and a training session of the Essex Police and Crime Panel. Nick Alston, the Police Commissioner, is always in attendance and sometimes he brings the Chief Constable. However panel members cannot question about policing matters in Essex only questions to the Commissioner, which is not always satisfactory.

The Commissioner has been able to address a number of public meetings in Essex including two in Harlow, dealing with general matters and the travellers issue in particular. The meetings are normally well attended by most district and borough representatives in Essex.

During the year I was invited with the chair of the panel, Councillor John Jowers, to give evidence to the Home Office review panel.

(c) Fawbert & Barnard Educational Foundation
Councillor Muriel Jolles

This year has seen our new Head Teacher, David Burles, well and truly settled into his role. The former head teacher, Pav Saunders took retirement a year ago after many years as head teacher of the school.

David Burles was the previous deputy head teacher and he brought music and IT as well as many other subjects to prominence. He was the natural successor to take headship.
The school is a happy and successful school and is much sought after by parents for their children.

A new monitoring system has been introduced this year whereby every child is assessed. Successes and problems are recorded so that parents can know how their children are progressing in any subject at any one time. Where there are difficulties help is given until success or improvement is achieved. Good practice is shared among staff for the benefit of the pupils.

Fawbert and Barnard is a happy school and pupils are very much involved in the community events in Old Harlow.

(d) Harlow Arts Council
Councillor Jean Clark

We have recently been discussing the potential for an Arts Development Officer. The Council had highlighted the need for an outside body to appoint someone who could gain access to funding streams, link up with schools/colleges and play an important part in co-ordinating arts activities generally across the town. We pointed out that Harlow Arts Council is not a registered charity, which is an obstacle. Nor do we have enough funding. However, there was agreement that the role itself could make a valuable contribution to the development of the arts in our culturally rich town. It is possible that a team is needed, with a basic infrastructure. Ways forward are being explored by members of Harlow Arts Council.

The treasurer has been working hard to raise funds, especially for the Arts Festival, culminating in a Garden Party on July 5th. So far, sadly, grant applications have largely been unsuccessful. The scope of the Festival will probably have to be scaled down more, as a result.

A website serving the whole town has been established to publicise and support the arts and has already generated much interest.

(e) Harlow Occupational Health Service
Councillor Tony Durcan

I have attended two board meetings since being appointed. I have also spent some time with staff and the CEO. Business is strong and I was delighted to be on the board when we agreed a 2% increase in staff pay.

(f) Leisurezone Partnership Committee
Councillor Maggie Hulcoop

It has been a very positive year for the Leisurezone. One of the targets made was to play a prominent role in developing the Healthy Living agenda in Harlow by introducing appropriate initiatives. Tonia Gosling, Chief Executive of Harlow & District Sports Trust who manages
Leisurezone, has been working with Active Harlow Strategic Wellbeing Group, Harlow Council and Anglian Community Enterprise and has been able to introduce an NHS weight management programme which started in January 2015 (six months pilot). Clients with obesity are encouraged to change their lifestyle habits and lose weight. Access to exercise is provided at reduced rates for a year, helping to support them in the early stages of lifestyle changes.

Another of the successful changes in the Leisurezone introduced in 2014 was "Kidzz Kingdom" based in an area next to the tennis courts. It is proving very popular with children with its soft play area (with Birthday party availability).

Supervised Gym sessions put in place two years ago is also a growth area. Introduced for those who have had cardiac rehab programmes. Sessions have grown in time and now include those with respiratory, joint replacement, and limb amputations.

Harlow College are now using gym twice weekly for practical element of their instructor courses. About 20 students attend.

Leisurezone has a partnership with Social Services that started a few years ago. Individuals use the gym regularly to improve wellbeing and health. Great benefits have been gained by this partnership and it is growing steadily.

Adults from St Elizabeth's specialised school based locally are using the gym under supervision.

A group of 8-10 students use this gym work as part of their lessons and experience a new way of gaining fitness, strength and stamina. Another way in incorporating wellbeing.

This past year has seen a healthy increase for Leisurezone financially, in numbers attending, and type of facilities available. Different partnerships are working well, with Harlow Council, Social Services, Harlow College and all the Wellbeing projects. The Partnership Board and its members work as a team extremely well together. Many thanks must also go to all staff at Leisurezone who play their part in helping it to have another successful year.

(g) South Anglia Housing Association
Councillor Tony Durcan

Since being appointed I have attended two board meetings as well as a day conference to discuss future planning. In this time we have made progress with two Harlow regeneration projects, Wissants and the old YMCA sites. I have agreed to sit on two task and finish panels around repairs and support for elderly residents.
MINUTES OF THE LICENSING COMMITTEE
HELD ON

20 January 2015  7.30pm - 8.10pm

PRESENT

Committee Members
Councillor Jacqui Cross (Vice-Chair, in the Chair)
Councillor Janet Doyle
Councillor Tony Durcan
Councillor Dennis Palmer
Councillor Edna Stevens
Councillor Emma Toal

Officers
Michael Pitt, Environment and Licensing Manager
Denise Westwood, Junior Legal Assistant
Jo Maskell, Governance Support Officer

APOLOGIES

Councillor Maggie Hulcoop
Councillor Nick Churchill
Councillor Tony Hall
Councillor Bill Pryor

33. DECLARATIONS OF INTEREST

None.

34. MINUTES

RESOLVED that the minutes of the meeting held on 25 November 2015 are agreed as a correct record and signed by the Chairman.

35. MATTERS ARISING

(a) Update on Use of Bus Lanes in Harlow

The Committee received a verbal update on the proposal to allow Private Hire vehicles to use bus lanes in the town.

As from 8 December 2014, Essex County Council had begun an eighteen month trial period permitting such use. They were
monitoring the situation and had asked this Council’s Licensing Team for feedback. This would be provided at the end of the trial period, unless a substantial problem arose in the meantime.

To date, there had been no reports of a discernible adverse impact on traffic flow from this trial.

**RESOLVED** that the update is noted.

(b) **Update on Quarterly Reporting of Statistical Data from National Health Service (NHS)**

In January 2013 the Committee had received a report on the impact of alcohol consumption on local services and a presentation from a public health specialist. The mutual benefits from sharing and joint working with the NHS had been recognised and quarterly reporting of statistical data from the NHS to this Committee had been agreed (Minute 40, 22/1/13).

However, since that date there had been a major restructuring within the NHS and changes to both responsibilities and personnel had interrupted the lines of communication. Responsibilities for public health functions currently lay with Essex County Council, who had been asked to provide this information, which would be shared with this Committee once it was received.

**RESOLVED** that the update is noted.

(c) **Other Matters Arising**

None.

36. **WRITTEN QUESTIONS AND PETITIONS**

None.

37. **COMMITTEE WORK PLAN**

The Committee received its proposed work plan for the remainder of the current municipal year.

**RESOLVED** that the work plan is noted.

38. **CONTROL OF UNAUTHORISED ADVERTISING: UPDATE**

The Committee received a progress report on the proposed implementation of the recent Cabinet decision to minimise portable advertisements on Council-owned land. This would be achieved by phasing out the licensing of “A” boards by the end of March 2015 and removing
offending signs using powers under Section 132 of the Highways Act 1980.

**RESOLVED** that the current position in relation to this issue, as set out in the report, is noted.

39. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEE PROPOSALS**

Further to Minute 30 (25/11/14,) the Committee received a report on the proposed Hackney Carriage and Private Hire licensing fees for adoption from 1 April 2015.

The report addressed the representations received within the consultation period, which were reproduced at Appendix 1 of the report.

The Committee thanked those who had contributed to the consultation.

**RECOMMENDED TO COUNCIL** that the fees proposed at Appendix 2 of the report, to be charged with effect from 1 April 2015 for the purposes of Hackney Carriage and Private Hire licensing, be adopted as part of the annual fees and charges setting process.

40. **COMPLIANCE STANDARD FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES TEST STATION TENDER**

The Committee received a report proposing a revised compliance standard document for Hackney Carriage and Private Hire vehicle inspections, which was mostly a consolidation of the previous literature.

The revised document, which was intended to improve transparency and comprehensiveness, would be made available in time for the tender process for the testing station contract (which was due for renewal in April 2015).

Whilst the Committee was in agreement with the proposed compliance standard for vehicle inspections, it queried why a sole provider would be selected in the imminent tender process and whether there would be benefits by appointing more than one designated testing station.

It was agreed that the feasibility of appointing numerous providers should be investigated and reported back to the next meeting. This would delay the contract renewal date, but there were provisions in place to allow for an extension of the current contract if required.

**RESOLVED** that

(a) the proposed compliance standard document for Hackney Carriage and Private Hire vehicle inspections, as detailed in
Appendix 3 of the report, is approved subject to the following amendments to that appendix:

(i) Delete “Appendix A – Interior Lighting. Must be sufficient to allow passengers to get in and out of the vehicle safely and to assist passengers to handle money etc.”;

(ii) Substitute “Maximum” with “Minimum” net power (KW) at Appendix O.

(b) a report on the feasibility of appointing more than one provider as a designated testing station, is submitted to the next meeting of this Committee.

41. REFERENCES FROM OTHER COMMITTEES

None.

42. MATTERS OF URGENT BUSINESS

None.
FILMING OF MEETING

The Leader of the Council advised all attendees that this meeting was being filmed and the footage will be made available for public viewing from the Council’s website.

APOLOGIES FOR ABSENCE

None.
97. **DECLARATIONS OF INTEREST**

Councillor Tony Durcan declared a non-pecuniary interest in Agenda Item 19 (Disposal of Wissants and adjacent land for the provision of affordable housing) as he is a Council-appointed representative on Circle Housing (South Anglia) Housing Association. Councillor Durcan took no part in the discussion or vote on this item.

98. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 11 December 2014 are agreed as a correct record and signed by the Leader.

99. **MATTERS ARISING**

None.

100. **WRITTEN QUESTIONS FROM THE PUBLIC**

The questions submitted and responses provided are appended to these minutes.

101. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

102. **PETITIONS**

None.

103. **FORWARD PLAN**

**RESOLVED** that the Forward Plan is noted.

104. **RECENT DECISIONS TAKEN BY THE LEADER, DEPUTY OR PORTFOLIO HOLDER(S)**

None.

105. **OUTCOME OF THE LGA PEER CHALLENGE 2014**

The Cabinet received a report that advised of the outcome of the recent LGA Corporate Peer Challenge and proposed measures for how the Council might add value to the Challenge’s findings.

Proposed by Councillor Jon Clempner (seconded by Councillor Tony Durcan) it was:

**RESOLVED** that Cabinet:
A Notes the findings of the LGA Corporate Peer Challenge as
detailed in the feedback letter attached as Appendix A of the
report submitted.

B Asks the Scrutiny Committee to conduct a review into two of the
key themes highlighted by the Challenge, with terms of reference
as detailed in Appendix B of the report submitted.

106. CORPORATE PLAN 2015/16 - 2017/18

The Cabinet received a report proposing a Corporate Plan for 2015/16 to
2017/18.

Proposed by Councillor Mike Danvers (seconded by Councillor Jon
Clempner) Cabinet:

RESOLVED that:

A Cabinet recommends to Full Council that the updates to the
Corporate Plan 2015/16 – 2017/18, attached to the report
submitted, are adopted.

B Authority is delegated to the Chief Executive, in consultation with
the Leader of the Council, to make minor and consequential
amendments to the Corporate Plan.

107. MEDIUM TERM FINANCIAL STRATEGY 2015/16 - 2019/20

The Cabinet received a report proposing a Medium Term Financial

Proposed by Councillor Mike Danvers (seconded by Councillor Jon
Clempner) it was:

RESOLVED that Cabinet recommends to Full Council:

A That the Medium Term Financial Strategy for 2015/16 to 2019/20
is adopted.

B That the proposals in relation to reserves as set out in paragraphs
24 to 30 of the report submitted and contained within Section 5 of
the Medium Term Financial Strategy be approved.

C That the planned increases in Council Tax as set out in the
Medium Term Financial Plan be approved.
108. **GENERAL FUND BUDGET 2015/16**

The Cabinet received a report proposing an annual revenue budget for the Council. The report included proposed changes to the Council Tax charge.

Proposed by Councillor Mike Danvers (seconded by Councillor Jon Clempner) it was:

**RESOLVED** that Cabinet recommends to Full Council that:

A The General Fund estimates for 2015/16 as set out in Appendix A of the report submitted are approved.

B The proposed transfers between the General Fund and Earmarked Reserves, set out in paragraphs 16 to 22 of the report submitted, are approved.

C The proposed Fees and Charges as set out in Appendix C of the report submitted are approved.

D The Pay Policy Statement as set out in Appendix G of the report submitted is approved.

E The Council’s Band D Council Tax for 2015/16 be set at £263.02, which represents a 1.5% increase compared to the Band D Council Tax for 2014/15, subject to final Government announcements relating to capping expected in early February 2015.

109. **HOUSING REVENUE ACCOUNT BUSINESS PLAN 2014/44**

The Cabinet received a report proposing a formal update on the business plan of the Council’s landlord service over the next 30 years.

Proposed by Councillor Mike Danvers (seconded by Councillor Jon Clempner) it was:

**RESOLVED** that:

A The Housing Revenue Account (HRA) Business Plan 2014/44, attached as Appendix A to the report submitted, is approved.

B Authority be delegated to the Chief Operating Officer, in consultation with the Portfolio Holder for Housing, to make minor amendments to the Plan, if necessary, following consultation.
110. **HOUSING REVENUE ACCOUNT BUDGET 2015/16**

The Cabinet received a report forecasting the outturn budget for the Council’s Housing Revenue Account in the current year, and a proposed budget for the next year, 2015/16.

Proposed by Councillor Mike Danvers (seconded by Councillor Jon Clempner) it was:

**RESOLVED** that Cabinet recommends to Full Council that:

A. The rent increase for individual dwellings as set out in paragraphs 7 to 15 of the report submitted and effective from 6 April 2015 be agreed. This equates to an average weekly rent of £93.60, an average increase of 2.2%.

B. Service charges for individual dwellings, as set out in paragraphs 16 to 23 of the report submitted, effective from 6 April 2015 for tenants and 1 April 2015 for leaseholders be agreed. This equates to an average weekly service charge to tenants of £1.92.

C. Heating charges are increased as set out in paragraphs 24 to 29 of the report submitted, effective from 6 April 2015 for tenants and 1 April for leaseholders. Average weekly general needs charges are £13.10 per week (leaseholders £18.67 per week, equivalent) and, for sheltered accommodation, £10.24 per week.

D. Garage rents are increased to £8.36 per week (for a standard garage) and proportionate increases for other garages, car ports and car spaces, from 6 April 2015, as set out in paragraphs 30 and 31 of the report submitted.

E. Other charges are increased, as set out in paragraph 32 of the report submitted, with effect from 1 April 2015.

F. The growth bids as outlined in paragraphs 33 and 34 of the report submitted are approved.

G. The Housing Revenue Account (HRA) budget as set out at Appendix A of the report submitted is approved.

H. A minimum HRA working balance of £2,695,000 at 31 March 2015, rising to £2,727,000 at 31 March 2016, as set out in Appendix B to the report submitted, is agreed.

111. **CAPITAL PROGRAMMES 2014/15 - 2019/20**

The Cabinet received a report proposing capital programmes for 2014/15 and a forecast to 2019/20, for both housing and non-housing capital spend.
Proposed by Councillor Mike Danvers (seconded by Councillor Jon Clempner) it was:

RESOLVED that Cabinet recommends to Full Council that:

**Housing Capital**

A The Housing Capital programme 2015/16 is approved, as set out in Appendices A and B of the report submitted.

B The forecast programme for the period 2016/17 to 2019/20 is noted, as set out in Appendices A and B of the report submitted.

**Non Housing Capital**

C The revised Non Housing Capital Programme 2014/15 is approved, as set out in paragraphs 30-43 of the report submitted.

D The Non Housing Capital Programme for 2015/16 is approved, as set out in Appendices C and D of the report submitted.

E The transfer of 3,581 garages to the General Fund and the implications for the Non Housing Capital Programme as detailed in paragraphs 22, 23 and 50 of the report submitted be noted.

F Aggregate borrowing of £3,276 million up to 31 March 2015, and a further £1.772 million, in 2015/16 be approved to support the Non Housing Capital Programme.

G The Non Housing Capital Programme forecast for 2016/17 to 2019/20 be noted, as set out in Appendices C and D of the report submitted.

112. **TREASURY MANAGEMENT STRATEGY 2015/16**

The Cabinet received a report proposing a Treasury Management Strategy Statement for 2015/16. The report described the various statutory requirements on the Council in respect of its treasury management.

Proposed by Councillor Mike Danvers (seconded by Councillor Jon Clempner) it was:

RESOLVED that Cabinet recommends to Full Council that the proposed revised Treasury Management Strategy Statement 2015/16 (attached as Appendix A to the report submitted) be approved for implementation with immediate effect, including specifically:
(i) The Prudential Indicators (set out in Annex C of the Statement).
(ii) The Treasury Management Indicators (set out in paragraphs 60 to 62 of the Statement).
(iii) The approved counterparty methodology (set out in paragraphs 38 to 50 and Annex E of the Statement).

113. **PROCUREMENT STRATEGY**

The Cabinet received a report that proposed an update to the Council’s Procurement Strategy in line with European and national legislative changes that govern procurement and the aspirations of the Council.

Proposed by Councillor Jean Clark (seconded by Councillor Mark Wilkinson) Cabinet:

**RESOLVED** that the Procurement Strategy 2015 is approved as the framework for achieving the Council’s objectives and aspirations in the procurement of goods, works and services.

114. **DISPOSAL OF WISSANTS AND ADJACENT LAND FOR THE PROVISION OF AFFORDABLE HOUSING**

The Cabinet received a report that proposed disposal of an existing housing site to regenerate the area and provide affordable housing.

To avoid any confusion caused by the recent changes to the Council’s senior management, the Cabinet felt it would be preferable to delegate authority to finalise the disposal to the Chief Operating Officer.

Proposed by Councillor Rod Truan (seconded by Councillor Mark Wilkinson) it was:

**RESOLVED** that Cabinet:

A Approves the freehold disposal of 1-21 Wissants and adjacent land, as set out in the attached red line plan at Appendix 1 to the report submitted, to Circle Housing Group under the terms of the Stansted Area Housing Partnership (SAHP) agreement to enable the provision of seven affordable houses to rent.

B Delegates authority to the Chief Operating Officer, in consultation with the Portfolio Holder for Housing, to negotiate and agree the final terms and details of the disposal and thereafter complete the freehold transfer.
115. **DEBT WRITE OFFS**

The Cabinet received a report itemising a number of debts which were deemed irrecoverable and proposed to be written off.

Proposed by Councillor Mike Danvers (seconded by Councillor Jon Clempner) Cabinet:

RESOLVED that:

A Irrecoverable Council Tax amounting to £19,826.80, as specified in Appendix A Table 1 of the report submitted, be written off.

B Irrecoverable non-domestic rates amounting to £136,267.67 and credit balances amounting to £8,755.78, as specified in Appendix A Table 2 of the report submitted, be written off.

C Irrecoverable sundry debts amounting to £5,902.73, as specified in Appendix A Table 3 of the report submitted, be written off.

116. **COMMUNICATIONS FROM COMMITTEES/WORKING GROUPS/PARTIES AND PANELS**

None.

117. **MINUTES OF PANELS/WORKING GROUPS**

RESOLVED that the minutes of the following meetings are noted.

a) Minutes of meeting Tuesday 4 November 2014 of Housing Standards Board

b) Minutes of meeting Thursday, 27 November 2014 of Cabinet Overview Working Group

118. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL
Agenda item 5 refers

1. Mr H Hoad, 114 Greenhills, Harlow to Councillor Jon Clempner, Leader of the Council

Why are paper copies of agendas still sent to Councillors as they have tablets to receive them?

Reply from Councillor Jon Clempner, Leader of the Council

There has been a significant delay outside of the Council’s control with the installation of a new Wi-Fi network. The Wi-Fi installation is necessary to provide resilience and to ensure that agendas and other documents can be made fully accessible electronically at the meetings for Councillors and members of the public.

2. Mr H Hoad, 114 Greenhills, Harlow to Councillor Jon Clempner, Leader of the Council

How much of the increase in Council Tax for 2015/16 is due to the cost of the clear-up necessary due to the actions of the travellers in Harlow?

Reply from Councillor Jon Clempner, Leader of the Council

The proposed increase in Council Tax is not related to any of the costs incurred by the Council in relation to the clearing of sites across the town as a result of the travellers.
MINUTES OF THE SCRUTINY COMMITTEE
HELD ON

3 February 2015  7.30 - 8.30 pm

PRESENT

Committee Members
Councillor Waida Forman (Chair)
Councillor David Carter (Vice-Chair)
Councillor Joel Charles
Councillor Manny Doku
Councillor Maggie Hulcoop
Councillor Dan Long
Councillor Patrick McCabe
Councillor Dennis Palmer
Councillor Linda Pailing

Also Present
Councillor Edna Stevens

Officers
Graham Branchett, Chief Operating Officer
Simon Pipe, Customer and Media Services Manager
Michael Pitt, Environment and Licensing Manager
Marysia Rudgley, Community Safety Team Manager
Joel West, Governance Support Officer

46. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies of absence were received from Councillor Jacqui Cross.

47. DECLARATIONS OF INTEREST

None.

48. MINUTES

RESOLVED that the minutes of the meeting held on 9 December 2014 are agreed as a correct record and signed by the Chairman, subject to recording apologies of absence from Councillor Maggie Hulcoop.

49. MATTERS ARISING

None.
50. **WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC**

None.

51. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

52. **REVIEW OF HATE CRIME IN HARLOW - INTERVIEWS WITH WITNESSES AND INTERIM REPORT**

The Committee received an interim report for the Review of Hate Crime in Harlow. Marysia Rudgley, Community Safety Manager, introduced the report.

The following witnesses were in attendance for this item:

i. Sergeant Phil Moulsher, Neighbourhood Policing Sergeant, Essex Police

ii. PC Jenny Paget, Hate Crime Officer (Harlow), Essex Police

iii. Steve Goodsell, Show Racism the Red Card (anti-racism education charity).

Sergeant Moulsher and PC Paget informed the Committee of the Police’s standard response to reports of hate crime, including the different responses provided to high and medium-risk incidents. All victims of hate crime are contacted by the Police, either by phone or letter. They also outlined the main differences between ‘hate crimes’ and ‘hate incidents’.

PC Paget provided some statistics of recorded hate incidents in Harlow that showed that overall incidents had decreased slightly in 2014 compared to 2013. Sergeant Moulsher informed the Committee that the detection rate for hate crime in Harlow was around one-third which, though lower than desirable, is comparable to crime detection in Harlow overall.

Steve Goodsell outlined the role of Show Racism the Red Card. The Charity has been working with school age children to provide education of hate crime, racism and related issues since 1996. Recently, the Charity has obtained funding to provide workshops in schools in Essex. Sixteen schools will be visited, including four in Harlow. Steve explained that the workshops had shown that the children have only a limited understanding of racism and hate crime, but have been useful to provide a safe place to explore ideas around race, challenge preconceptions and dispel myths.

The workshops have been well received by the schools. Steve encouraged Councillors to attend the upcoming workshops in Harlow and agreed to send details to Committee members.

The Committee asked PC Paget whether Essex Police also believed there to be evidence of a rise in hate crime toward Eastern European residents in Harlow, as suggested in the report. PC Paget responded that, as the
Police do not currently have a dedicated hate crime analyst, she was unable to answer.

Councillors raised concern that the Hate Crime Ambassadors referred to in the report may not be promoted sufficiently, as they were unaware of their existence prior to seeing the report. PC Paget assured Councillors that Hate Crime Ambassadors maintain close links with various agencies and community groups in the Town who signpost residents to them.

The Committee indicated support for actions that would help promote wider understanding of hate crime in Harlow and that could be included in its final report on this review:

(a) a summary of hate crime, in the form of a short leaflet, that could be provided to teachers in Harlow schools;

(b) a joint meeting between the Committee and the Harlow Youth Council to link the work each body has undertaken on hate crime.

In response to a query from Councillors, PC Paget and Sgt Moulsher agreed to send statistics of hate incidents in Harlow involving disability and a comparison with other Essex districts, to members of the Committee.

The Committee thanked attending witnesses for their help in this review.

RESOLVED that a final report for Review of Hate Crime in Harlow, including recommendations for the Cabinet if appropriate, be presented to the March 2015 meeting of the Scrutiny Committee.

53. REVIEW OF THE COUNCIL’S CUSTOMER SERVICES - FINAL REPORT

The Committee received the final report for the review of the Council’s Customer Services. Simon Pipe, Customer and Media Services Manager, introduced the report and provided a brief summary of the review to date. Further to the information presented regarding lost call rates in the table at paragraph 6 of the report, Simon informed the Committee that the indicative lost call rate for January 2015 remained low, at around 10 per cent of all calls.

The Committee agreed with the proposal to introduce a new key performance indicator for call waiting times, but felt that the current target for responding to 85 per cent of complaints in accordance with the Council’s published timescales was too low. Councillors felt that the Council should aspire to a much higher compliance of this indicator: around 95-100 per cent.
RESOLVED that the Committee RECOMMENDS to Cabinet that:

A The proposal to introduce a new performance indicator and target for Contact Harlow telephone waiting times, as detailed in paragraph 11 of this report, is approved.

B A review be undertaken of the performance target for meeting the Council’s complaints procedure timescales.

54. REVIEW OF THE COUNCIL’S BIODIVERSITY POLICY AND THE MAINTENANCE OF OPEN SPACES - FINAL REPORT

The Committee received the final report for the review of the Council’s Biodiversity Policy and Open Spaces. Michael Pitt, Environment and Licensing Manager, introduced the report and provided a brief summary of the review to date.

RESOLVED that the Committee notes the proposals to enhance public understanding of the Council’s landscape management and biodiversity policy and to continue to improve grounds maintenance.

55. RESPONSES OF THE CABINET TO REPORTS OF THE SCRUTINITY COMMITTEE

None.

56. REFERENCES FROM OTHER COMMITTEES

a) Referral from Cabinet - Outcome of the LGA Peer Challenge 2014

The Committee received a reference from the Cabinet on the LGA Peer Challenge 2014.

RESOLVED that:

A The referral from Cabinet on the LGA Peer Challenge 2014, including the proposed terms of reference for the reviews of community engagement and service user engagement, is noted

B Scoping reports for the reviews be received at the March 2015 meeting of the Committee.

57. WORK PLAN

The Committee received a report summarising its work plan for 2014/15. Councillors noted that a number of items had been suggested for consideration in 2014/15, but had not been allocated to specific meetings and suggested that a report be received at the next meeting to advise on the future of these items.
RESOLVED that:

A The work plan be noted, subject to inclusion of scoping reports for the reviews of community engagement and service user engagement to the March 2015 meeting.

B A report on the Committee’s work plan be received at the March 2015 meeting, to identify which of the unallocated items be recommended for consideration in 2015/16.

58. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE
MINUTES OF THE CABINET HELD ON

26 February 2015 7.40 - 8.14 pm

PRESENT

Cabinet Members
Councillor Jon Clempner, Leader of the Council
Councillor Tony Durcan, Deputy Leader and Portfolio Holder for Regeneration & Enterprise
Councillor Jean Clark, Portfolio Holder for Governance
Councillor Mike Danvers, Portfolio Holder for Resources
Councillor Emma Toal, Portfolio Holder for Youth & Community
Councillor Rod Truan, Portfolio Holder for Housing

Additional Attendees
Councillor Maggie Hulcoop
Councillor Dennis Palmer
Councillor Edna Stevens

Other Councillors
Councillor Andrew Johnson
Councillor Joel Charles
Councillor Simon Carter
Councillor Eddie Johnson
Councillor Sue Livings
Councillor Linda Pailing
Councillor Russell Perrin
Councillor Ian Beckett
Councillor Jacqui Cross
Councillor Janet Doyle
Councillor Muriel Jolles
Councillor Dan Long
Councillor Bill Pryor
Councillor Danny Purton
Councillor Terry Spooner

Officers
Graham Branchett, Chief Operating Officer
Simon Freeman, Head of Finance
Brian Keane, Interim Head of Governance
Andrew Murray, Head of Housing
Joel West, Governance Support Officer

119. APOLOGIES FOR ABSENCE
Apologies were received from Councillor Mark Wilkinson.

120. DECLARATIONS OF INTEREST
None.

121. MINUTES

RESOLVED that the minutes of the meeting held on 29 January 2015 are agreed as a correct record and signed by the Leader.
122. **MATTERS ARISING**

None.

123. **WRITTEN QUESTIONS FROM THE PUBLIC**

The questions submitted and responses provided are appended to these minutes.

124. **WRITTEN QUESTIONS FROM COUNCILLORS**

The questions submitted and responses provided are appended to these minutes.

125. **PETITIONS**

None.

126. **FORWARD PLAN**

RESOLVED that the Forward Plan is noted.

127. **RECENT DECISIONS TAKEN BY THE LEADER, DEPUTY OR PORTFOLIO HOLDER(S)**

RESOLVED that the following decision is noted:

a) Portfolio Holder for Youth and Community - 5 February 2015

128. **REVIEW OF CABINET APPOINTMENTS 2014/15**

The Cabinet received a report proposing appointments to two Cabinet bodies, to fill vacancies resulting from the resignation of a Councillor in 2014/15.

Proposed by Councillor Jean Clark (seconded by Councillor Jon Clempner) Cabinet:

RESOLVED that:

A Councillor Dan Long is appointed to the Local Development Plans Panel for 2014/15.

B Councillor Janet Doyle is appointed to the Involvement Standards Panel for 2014/15.
129. **CONTRACT AWARDS - HOUSING EXTERNAL WORKS**

The Cabinet received a report that advised of the outcome of a tender exercise for external works services to the Council’s housing stock.

Proposed by Councillor Rod Truan (seconded by Councillor Tony Durcan) Cabinet:

**RESOLVED** that (subject to formal contract and leaseholder consultation), approval is granted for the award of contract to Contractor A from the report submitted, for the delivery of the External Capital Works Programme for a period of 8 years with an option for the Council to break the contract, at its sole discretion, at 3 years or 6 years.

130. **COUNCIL TAX DISCRETIONARY REDUCTION IN LIABILITY POLICY AND LOCAL NNDR TRANSITIONAL RELIEF POLICY**

The Cabinet received a report that proposed a policy for discretionary Council Tax reduction and a policy for Non Domestic Rate transitional relief.

The Cabinet was advised of an error in the proposed NNDR Transitional Relief Policy, on page 39 of the agenda pack.

Proposed by Councillor Mike Danvers (seconded by Councillor Jon Clempner) Cabinet:

**RESOLVED** that:

A The proposed Council Tax Discretionary Reduction Policy, as set out in Appendix A to the report submitted, is recommended to Full Council for adoption.

B The proposed Non Domestic Rating Discretionary Transitional Relief Policy, as set out in Appendix B to the report submitted, is recommended to Full Council for adoption, subject to amending the ‘Value of X’ in row 3, column 3 of the table on page 39 of the agenda pack to 125.

131. **COMMUNICATIONS FROM COMMITTEES/WORKING GROUPS/PARTIES AND PANELS**

a) **Referral from Scrutiny Committee - Review of the Council’s Customer Services**

The Cabinet received a report from the Scrutiny Committee that advised of the outcome of its review of the Council’s Customer Services and made recommendations for how the Service could be improved.
RESOLVED that:

A The proposal to introduce a new performance indicator and target for Contact Harlow telephone waiting times, as detailed in paragraph 11 of the report submitted, is approved.

B A review be undertaken of the performance target for meeting the Council’s complaints procedure timescales.

132. MINUTES OF PANELS/WORKING GROUPS

RESOLVED that the minutes of the following meetings are noted.

a) Minutes of meeting Tuesday, 2 December 2014 of Housing Standards Board

b) Minutes of meeting Thursday, 8 January 2015 of Harlow Local Highways Panel

133. MATTERS OF URGENT BUSINESS

None.

LEADER OF THE COUNCIL
Agenda item 5 refers

1. **Mr H Hoad, 114 Greenhills, Harlow to Councillor Jon Clempner, Leader of the Council**

As there appears to be concern about the actions of the police in respect of travellers, will you withhold the police authority element of Council Tax until the travellers uphold the legal laws of this country?

**Reply from Councillor Jon Clempner, Leader of the Council**

Although Harlow Council is the billing authority for Harlow, and hence has by law to collect the Council Tax for all precepting authorities (Essex County Council, Police and Fire), there is no mechanism in law for Harlow Council to withhold elements of the Council Tax set by those authorities. It is also worth noting that Council Tax forms a relatively small proportion of the funding available to public bodies.

2. **Mr H Hoad, 114 Greenhills, Harlow to Councillor Jon Clempner, Leader of the Council**

How many of the people who signed the petition to put the street lighting back on are on the streets between 1am and 5am?

**Reply from Councillor Jon Clempner, Leader of the Council**

It is clearly not possible to determine the proportion of people who signed the petition or participated in the Essex-wide survey on feelings of safety, who regularly, or occasionally, are out after Midnight, or have friends or relatives who are. Regardless of whether they are out, or in their own home, what is clear is that people feel less safe with part-night lighting.

3. **Ms J Creak, 18 Pennymead, Harlow to Councillor Jon Clempner, Leader of the Council**

Could you clarify what steps should be taken regarding an allegation of antisocial behaviour towards a Council tenant please.

**Reply from Councillor Jon Clempner, Leader of the Council**

In the event of a complaint of alleged anti-social behaviour being made involving a Council tenant, an investigation will be carried out by the relevant Housing Officer.
Agenda item 5 refers

The Council’s Anti-Social Behaviour Policy and Procedure outlines the process and classification of how a complaint needs to be handled. The response time is dependent on the classification of critical, urgent or non-urgent. The procedure requires the complainant and the alleged perpetrator of the behaviour to be interviewed regarding the allegation, to ensure that evidence is considered from all parties as part of an impartial and fair investigation.

Where an allegation involves noise nuisance, Housing Officers will work alongside Environmental Health Officers to seek to obtain independent corroboration of the allegation. This is by use of the Council’s noise nuisance out of hours service. If supporting evidence is available from other agencies, this will also be investigated. This process ensures that there is evidence to support any complaint made which would be required for any potential legal action. In addition, multi-agency meetings will also be held to discuss ongoing concerns and joint approaches formed as to interventions.

The process is in place to ensure that the Council can demonstrate that it has undertaken a thorough investigation that is evidence based and that allegations are dealt with in a timely manner to obtain a resolution where possible.

4. Ms J Creak, 18 Pennymead, Harlow to Councillor Jon Clempner, Leader of the Council

When antisocial behaviour is being monitored, and the Council has placed a tenant on the out-of-hours list, could you clarify Harlow Council's procedure when a tenant calls on this service please?

Reply from Councillor Jon Clempner, Leader of the Council

Where a resident alleges statutory nuisance caused by noise, the Council will carry out a reasonable investigation.

Where there is a prima facie case that noise amounts to a nuisance, and where visits out of normal office hours by an Officer appears to be the most appropriate means of gathering evidence, the complainant will be advised to contact the Council's out of office hours telephone service at the time when they feel that the noise amounts to a nuisance.

Subject to the availability of the standby Officer from the Council’s Environmental Health Team, the information in the complainant’s call will be relayed to that Officer.
Agenda item 5 refers

The Officer will review available case history and will usually contact the complainant to discuss and determine a course of action, dependent on the case history and the facts as presented.

Action is dependent on the individual circumstances but in most cases will involve carrying out a visit to the complainant’s home or the immediate vicinity to determine whether there is evidence of noise amounting to statutory nuisance.
Agenda item 6 refers

1. Councillor Andrew Johnson to Councillor Jon Clempner, Leader of the Council

What proportion of the clean-up costs of the illegal/unauthorised encampments has been levied against the occupants of the encampments?

Reply from Councillor Jon Clempner, Leader of the Council

The Council will pursue action against any person(s) who dispose of rubbish on Council land irrespective of whether they are from the settled or non-settled community. However, for the Council to successfully pursue this, there must be a named perpetrator(s) and a witness(es) willing to testify. The Council also has to balance whether it will be successful in pursuing a case and recovering its costs. This is often more difficult where the true identity of a perpetrator(s) is not forthcoming. £79 has been charged to members of the non-settled community against expenditure for clean-up costs of £26,905.46.

2. Councillor Russell Perrin to Councillor Jon Clempner, Leader of the Council

Will the Leader tell the Council what the latest unemployment figures for Harlow are?

Reply from Councillor Jon Clempner, Leader of the Council

As at January 2015, the percentage of Harlow residents claiming Job Seekers Allowance (that is people under pensionable age who are available for, and actively seeking, work of at least 40 hours a week) is 2.4%. This compares with 2% nationally and 1.5% in the East of England. For Harlow 18 to 24 year olds, the percentage of claimants in Harlow is 3.5%. This compares with 3.1% nationally and 2.5% in the East of England.
MINUTES OF THE AUDIT & STANDARDS COMMITTEE
HELD ON

4 March 2015 7.30pm - 9.04 pm

PRESENT

Committee Members
Councillor Manny Doku (Chairman)
Councillor Waida Forman (Vice-Chair)
Councillor Simon Carter
Councillor Jean Clark
Councillor Eddie Johnson
Councillor Edna Stevens

Officers
Brian Keane, Interim Head of Governance
Sarah Marsh, Internal Audit Manager
Jo Maskell, Governance Support Officer

External Auditor Representatives
Steve Bladen, Ernst & Young
Debbie Hanson, Ernst & Young

APOLOGIES

Councillor Jacqui Cross
Councillor Russell Perrin
Councillor Terry Spooner

36. DECLARATIONS OF INTEREST
None.

37. MINUTES

RESOLVED that the minutes of the meeting held on 3 December 2015 are agreed as a correct record and signed by the Chairman.

38. MATTERS ARISING
None.

39. WRITTEN QUESTIONS AND PETITIONS
None.
40. **NON CONTENTIOUS BUSINESS**

**RESOLVED** that no items are taken as non-contentious business.

41. **EXTERNAL AUDITOR- ANNUAL AUDIT PLAN 2014/15**

The Committee received the external auditor’s proposed annual audit plan for 2014/15.

**RESOLVED** that the Ernst & Young report and the planned audit work to be undertaken by them, are noted.

42. **EXTERNAL AUDITOR - CERTIFICATION OF CLAIMS AND RETURNS ANNUAL REPORT 2013/14**

The Committee received the annual Certification of Claims and Returns report from the external auditor, which included the 2013/14 certification fees charged to the Council.

The Committee was gratified to note the exceedingly low level of errors identified (ie: 0.134% of the £41,987,311 total value of the claims audited) and wished to record their appreciation to the Revenues and Benefits Team.

**RESOLVED** that the Council’s external auditors report and the significant improvements made in the Council’s processes to have achieved this positive review, are noted.

43. **INTERNAL AUDIT COMPLIANCE WITH THE PUBLIC SECTOR INTERNAL AUDIT STANDARDS**

Further to the last self-assessment against the Public Sector Internal Audit Standard (PSIAS) (Minute 13, 26/613) and following the introduction of a shared internal audit service with Broxbourne Borough Council, a review had been undertaken to ensure continued compliance with this Standard.

The Committee received a report on this review, together with an action plan for improvement.

**RESOLVED** that

(a) it is acknowledged that the Shared Internal Audit Service is compliant with the Public Sector Internal Audit Standards and relevant legislation;

(b) the Action Plan, contained within the report, is agreed subject to references in the report to the ‘Head of Internal Audit’ being amended to read ‘Internal Audit Manager’.
44. **INTERNAL AUDIT STRATEGY AND PLAN 2015/16**

The Committee received the Internal Audit Strategy and Plan for the coming municipal year.

Members of the Committee considered the effectiveness and contribution of the Audit Strategy and Plan within the Council’s assurance framework.

**RESOLVED** that

(a) ‘and appropriate legislation’ is added to the end of the fourth bullet point in paragraph 2 of the report; and any reference to the ‘Head of Internal Audit’ in the report, Strategy and Plan is substituted with ‘Internal Audit Manager’;

(b) the Audit Strategy and Plan for 2015/16, as amended above, is approved;

(c) consideration is given to introducing separate Key Performance Indicators to monitor budgets against planned days delivered;

(d) the Committee’s Work Plan is submitted to each meeting of the Committee.

45. **PERIOD 11 INTERNAL AUDIT ACTIVITY REPORT**

Contrary to the agenda, the Committee received the Period 11 Internal Audit Activity Report for 2014/15 in open session, with the proviso that any discussion regarding the first two bullet points in paragraph 3 of the report would be taken in private session.

The Committee was concerned that the introduction of a reporting regime to CMT/Heads of Service and Councillors regarding Insurance risks was overdue (*Recommendation Tracker Ref: 1.1-1.3*). It was agreed that the Head of Finance would let members of the Committee know the outcome of recent discussions about this issue.

The Committee resolved to move into private session solely to pose a question regarding an issue which was likely to involve the disclosure of exempt information as specified under Paragraph 2 of Part One of Schedule 12A of the Local Government Act 1972 (Paragraph 2: Information is such that it is likely to reveal the identity of an individual).

Following which, the Committee returned into open session to complete its consideration of this report.

The year-end report on progress against the 2014/15 Audit Plan would be reported to the next meeting of this Committee.
RESOLVED that the contents of the report are noted.

46. REFERENCES FROM OTHER COMMITTEES

None.

47. MATTERS OF URGENT BUSINESS

The Chairman ruled the following item as a matter of urgent business.

(a) Councillor Training

The Committee was reminded that there was a shared training session with Broxbourne Borough Council on Tuesday, 17 March 2015.

CHAIRMAN OF THE COMMITTEE
MINUTES OF THE SCRUTINY COMMITTEE
HELD ON

17 March 2015 7.30 - 8.03 pm

PRESENT

Committee Members
Councillor Waida Forman (Chairman)
Councillor David Carter (Vice-Chair)
Councillor Joel Charles
Councillor Jacqui Cross
Councillor Manny Doku
Councillor Dan Long
Councillor Patrick McCabe
Councillor Dennis Palmer

Also Present
Councillor Rod Truan

Officers
Graham Branchett, Chief Operating Officer
Jane Greer, Acting Head of Community Wellbeing
Zulfi Kiani, Tenant Initiative Officer
Andrew Murray, Head of Housing
Marysia Rudgley, Community Safety Team Manager
Joel West, Governance Support Officer

59. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Maggie Hulcoop and Councillor Linda Pailing.

60. DECLARATIONS OF INTEREST

None.

61. MINUTES

RESOLVED that the minutes of the meeting held on 3 February 2015 are agreed as a correct record and signed by the Chairman.

62. MATTERS ARISING

Further to Minute 52 - Review of Hate Crime in Harlow - interviews with witnesses and interim report – the Committee noted that the requested Police statistics of disability hate incidents in Harlow and Essex had yet to
be provided. Officers informed Councillors they would seek an update from Essex Police.

63. **WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC**

None.

64. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

65. **RESPONSES OF THE CABINET TO REPORTS OF THE SCRUTINITY COMMITTEE**

a) Response of Cabinet - Review of the Council's Customer Services

**RESOLVED** that the Cabinet’s response to the recommendations from this review is noted.

66. **REVIEW OF MODERN HOMES WORKS CUSTOMER CARE - FINAL REPORT**

The Committee received the final report for the review of Modern Homes Works Customer Care. Andrew Murray, Head of Housing, introduced the report and provided a brief summary of the review’s findings and recommendations.

The following Council tenants who had Modern Homes improvements to their homes were in attendance for this item:

I. Mrs Alford
II. Mr Russel.

Councillors requested more detail on the Issues Log summarised in Table 2 of the report. Andrew informed the Committee that more detailed information on complaints, enquiries and issues is provided regularly to the Council’s Housing Standards Board.

The Chairman invited the Portfolio Holder for Housing, Councillor Rod Truan, to address the Committee. Councillor Truan thanked the Committee for its valuable review into Modern Homes customer care and noted the excellent ideas proposed by the Committee to improve processes. He especially thanked the Council tenants who had participated in the Committee’s review.

**RESOLVED** that the Scrutiny Committee notes the report and enhancements to Modern Homes Customer Care processes outlined in paragraphs 19-26 of the report submitted.
67. REVIEW OF HATE CRIME IN HARLOW - FINAL REPORT

The Committee received the final report for the review of Hate Crime in Harlow. Marysia Rudgley, Community Safety Team Manager, introduced the report and outlined its key proposals.

Marysia informed the Committee that, further to comments made at the 3 February meeting, the Harlow Youth Council would (subject to Cabinet approval of the Committee’s recommendations) be invited to contribute both to the Safer Harlow Partnership’s work on Hate Crime and the arrangements for the Anne Frank Exhibition in the Gibberd Gallery.

The Committee asked that the Safer Harlow Partnership’s work include a focus on disability Hate Crimes and hate incidents.

RESOLVED that it is RECOMMENDED to Cabinet that:

A The initiative to develop greater understanding of Hate Crime in Harlow through the production of a leaflet that could be utilised in schools and other public bodies in regular contact with members of the public, is approved.

B The Safer Harlow Partnership is requested to obtain an up to date and detailed analysis of Hate Crime and investigate any trends revealed by that data which might inform further partnership approaches to address these issues.

C The Safer Harlow Partnership is requested to prioritise Hate Crime in recognition of the rise in incidents.

D The Harlow Arts Trust be asked to explore the possibility of the Anne Frank Exhibition in the Gibberd Gallery.

68. REVIEW OF COMMUNITY ENGAGEMENT AND SERVICE USER ENGAGEMENT - SCOPING REPORT

The Committee received a scoping report for the Review of Community Engagement and Service User Engagement. Jane Greer, Acting Head of Community Wellbeing, introduced the report and reminded the Committee that this review stemmed from a referral from the Cabinet made in January 2015 to implement some of the recommendations of the LGA’s Corporate Peer Challenge.

The Committee asked that community representatives be included in the review.

RESOLVED that the Committee agrees the scope of the review of the Council’s approach to community engagement and service user engagement as set out in the report.
69. **WORK PLAN**

The Committee received a report detailing the items that had been included on its 2014/15 work plan, but that had not been started or allocated dates of consideration during 2014/15. Graham Branchett, Chief Operating Officer, introduced the report and informed the Committee that any items recommended for progression would be reported to the first meeting of the Committee in 2015/16, where that year’s work plan would be formally agreed.

**RESOLVED** that:

A  The 2014/15 work plan is noted.

B  The items listed in paragraphs 6-13 of the report submitted are recommended for inclusion in the 2015/16 Scrutiny Committee work plan.

70. **REFERENCES FROM OTHER COMMITTEES**

None.

71. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE
MINUTES OF THE LICENSING COMMITTEE
HELD ON

24 March 2015 7.30pm - 7.59pm

PRESENT

Committee Members
Councillor Maggie Hulcoop (Chairman)
Councillor Tony Durcan
Councillor Dennis Palmer
Councillor Edna Stevens

Officers
Michael Pitt, Environment and Licensing Manager
Dimple Roopchand, Assistant Solicitor
Jo Maskell, Governance Support Officer

APOLOGIES

Councillor Jacqui Cross
Councillor Nick Churchill
Councillor Emma Toal

43. DECLARATIONS OF INTEREST

None.

44. MINUTES

RESOLVED that the minutes of the meeting held on 20 January 2015 are agreed as a correct record and signed by the Chairman.

45. MATTERS ARISING

None.

46. WRITTEN QUESTIONS AND PETITIONS

None.
47. COMMITTEE WORK PLAN

The Committee received its Work Plan for the current municipal year and discussed items for inclusion in the programme for 2015/16.

It was agreed to include a report on the Council’s Gambling Act Policy, which was due to be reviewed and republished by January 2016.

RESOLVED that the 2014/15 Committee Work Plan is noted and a Review of the Council’s Gambling Act Policy included in the Plan for 2015/16.

48. IMPACT OF DEREGULATION BILL ON LICENSING ACT 2003 AND HACKNEY CARRIAGE & PRIVATE HIRE REGULATION

The Committee received a report on the impact on the Council of the proposed deregulation of certain licensing requirements. The Deregulation Bill, which was expected to become law by the end of March 2015, would relax nine of the current licensing functions implemented by the Council.

The Committee agreed that further consideration would need to be given to the licensing functions where the Council would have discretion on whether or not a licence were required (eg premises licensing for late night refreshment).

RESOLVED that

(a) the changes to the Licensing Act 2003 and the Local Government (Miscellaneous Provisions) Act 1976, to be brought about by the Deregulation Bill, are noted;

(b) a report on the implementation of the Deregulation Act is submitted to a future meeting of this Committee.

49. EMISSION CONDITION FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Committee received a report proposing options for the amendment of the current policy on Hackney Carriage and private hire vehicle emissions.

Members of the Committee considered that Option 2 in the report offered the best balance of benefit and risk.

RECOMMENDED TO COUNCIL that the policy condition requiring all Hackney Carriage and private hire vehicles licensed for the first time to comply with Euro 3 emissions standards, be amended such that the words ‘to comply with Euro 3 standards’ are replaced with the words ‘to comply with MOT test standards appropriate to Euro 3 compliant vehicles’.
50. **OPTIONS FOR FUTURE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE MOT AND COMPLIANCE TEST**

Further to Minute 40 (20/1/15), the Committee received a report on the feasibility of designating more than one provider as a Hackney Carriage and private hire testing station. A summary of the market research responses from the garage trade was tabled.

The Committee considered the various options for MOT and compliance testing outlined in the report. It was agreed to keep to a single provider for the contract renewal in April 2015, but to give further consideration to the delivery of compliance testing in future.

In response to a query, it was confirmed that the door stickers alluded to under ‘Miscellaneous Matters’ in the Private Hire Compliance Test Requirements appended to the report, were Council issued door stickers that displayed the name of the licensing authority (Harlow Council) and the vehicle plate number. It was noted that discussions would be held with the Trade regarding review of door sticker requirements building on experience with the current scheme.

**RESOLVED** that the current approach to MOT and compliance testing arrangements are maintained subject to further consultation and review in January 2016.

51. **REFERENCES FROM OTHER COMMITTEES**

None.

52. **MATTERS OF URGENT BUSINESS**

None.

CHAIRMAN OF THE COMMITTEE