

**MINUTES OF THE COUNCIL
HELD ON**

18 December 2018

7.30 - 9.25 pm

PRESENT

COUNCILLORS

Maggie Hulcoop (Chair)
Clive Souter (Vice-Chair)

Simon Carter	Shannon Jezzard
Joel Charles	Andrew Johnson
Jean Clark	Shona Johnson
Mike Danvers	Sue Livings
Bob Davis	Frances Mason
Jodi Dunne	Stefan Mullard
Tony Durcan	Danny Purton
Tony Edwards	Lanie Shears
Michael Garnett	Edna Stevens
Michael Hardware	Chris Vince
Eugenie Harvey	Phil Waite
Mark Ingall	Mark Wilkinson

OFFICERS

Brian Keane, Managing
Director
Adam Rees, Governance
Support Officer
Lisa Thornett, Corporate
Governance Support Officer

54. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors David Carter, Nick Churchill, Tony Hall, Eddie Johnson, Russell Perrin, John Strachan and Emma Toal.

55. **DECLARATIONS OF INTEREST**

Councillor Mark Wilkinson declared a non-pecuniary interest in item 8b due to a relative that uses the centre.

Councillors Michael Garnett, Michael Hardware and Clive Souter declared a non-pecuniary interest in item 8a and 8b as Essex County Councillors.

Councillor Joel Charles declared a non-pecuniary interest in item 8b as he is Director of Future Care Capital Charity.

56. **MINUTES**

RESOLVED that the minutes of the meeting held on 1 November 2018 are agreed as a correct record and signed by the Chair.

57. **COMMUNICATIONS FROM THE CHAIR**

The Chair of the Council outlined various events she has attended and in particular drew attention to the Fireworks Night, Remembrance Festival, Sparkle the reindeer visiting Princess Alexandra Hospital, and the Sports Awards. The Chair also informed the chamber of the Duke of Kent's visit to Astro Lighting where they were awarded the Queen's Award for Enterprise: International Trade in 2018 for the second time.

Harlow Educational Awards were a huge success. Michael Beard from Public Health England presented the awards and said how amazing the evening was and how he could see lots of the children and their parents obtaining employment within Public Health England.

The Chair spoke of the pantomime Aladdin at the Playhouse which was "the best she had ever seen in Harlow." She advised that she had also attended the Makin Steps Show case and how amazing it was to see so many young talented children taking part.

She reminded her colleagues of the following dates: 30 January 2019 for Celebrate Harlow and 22 March 2019 for Harlow Civic Dinner and Dance.

58. **PETITIONS FROM THE PUBLIC**

None.

59. **QUESTIONS FROM THE PUBLIC**

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

60. **QUESTIONS FROM COUNCILLORS**

None.

61. **MOTIONS FROM COUNCILLORS**

a) Libraries in Harlow

Proposed by Councillor Shannon Jezzard (seconded by Councillor Mark Ingall):

"This Council is concerned by Essex County Council's plans to close public libraries in Harlow. Libraries are vital to promoting literacy and fostering a love of reading amongst all people. They are used by pre-school children taking their first steps towards reading, those at the other end of the school journey and by young adults studying for their exams. Libraries also provide essential services for the least well off in society, providing computer access to people looking for jobs and accommodation, completing Universal Credit forms and for those filling out online school admission applications. This Council believes that library closures run counter to the County's health and

wellbeing agenda and therefore requests that the Leader of the Council writes to the County Council urging it to keep all of Harlow's libraries open.”

Councillor Andrew Johnson, seconded by Councillor Joel Charles proposed the following amendment:

“This Council joins Robert Halfon MP in being concerned by Essex County Council's consultation on plans to close public libraries in Harlow. Libraries are vital to promoting literacy and fostering a love of reading amongst all people.

They are used by pre-school children taking their first steps towards reading, those at the other end of the school journey and by young adults studying for their exams. Libraries also provide essential services for the least well off in society, providing computer access to people looking for jobs and accommodation, completing Universal Credit forms and for those filling out online school admission applications.

This Council believes that library closures run counter to the County's health and wellbeing agenda and therefore requests that the Leader of the Council writes to the County Council urging it to keep all of Harlow's libraries open and offers Harlow Council's support and advice to help achieve this by:

- Investigate grouping all affected libraries together as part of a county-wide independent public service mutual, supported by an anchor revenue generator to ensure the sustainability of this type of model;
- suggesting a cross-county solution for the Districts on the Hertfordshire border;
- opening talks about the shared use of District Council facilities;
- work to secure local assurances about maintaining ongoing access to the county-wide library management system; and
- offering financial contributions, including support to deliver alternative revenue propositions and the potential for the co-location of services.”

The Amendment was debated and a vote was taken. The amendment was lost. Following this Councillor Stefan Mullard (seconded by Councillor Chris Vince) proposed the following amendment.

“This Council is concerned by Essex County Council's plans to close public libraries in Harlow. Libraries are vital to promoting literacy and fostering a love of reading amongst all people. They are used by pre-school children taking their first steps towards reading, those at the other end of the school journey and by young adults studying for their exams. Libraries also provide

essential services for the least well off in society, providing computer access to people looking for jobs and accommodation, completing Universal Credit forms and for those filling out online school admission applications. This Council believes that library closures run counter to the County's health and wellbeing agenda and therefore requests that the Leader of the Council writes to the County Council urging it to keep all of Harlow's libraries open and invites the Leader of the Opposition to sign the letter."

Both the proposer and the seconder of the previous motion accepted the amendment and this became the substantive motion.

The motion was carried.

b) Maples Respite Care Home

Councillor Shona Johnson was not in the room for the consideration of the motion.

Proposed by Councillor Chris Vince (seconded by Councillor Jean Clark):

"This Council is dismayed by Essex County Council's plans to halve the number of beds in the Maples Respite care home in Little Parndon. Respite care is a vital resource for parents who have children with complex needs. Unlike alternatives, like child minding, centres like the Maples provide specialist support to children with a variety of needs and ensures they are provided with the stimulating environment that they need. This Council requests the Leader of the Council to write a letter to Essex County Council describing the benefits of this service and asking them to reconsider any proposed cuts."

A vote on the motion was recorded. The details of the recorded vote are below.

The motion was carried.

Maples Respite Care Home (Motion)	
Councillor Maggie Hulcoop	For
Councillor Clive Souter	Abstain
Councillor Simon Carter	Against
Councillor Joel Charles	Against
Councillor Jean Clark	For
Councillor Mike Danvers	For
Councillor Bob Davis	For
Councillor Jodi Dunne	For
Councillor Tony Durcan	For
Councillor Tony Edwards	For
Councillor Michael Garnett	Against
Councillor Michael Hardware	Against
Councillor Eugenie Harvey	For

Councillor Mark Ingall	For
Councillor Shannon Jezzard	For
Councillor Andrew Johnson	Against
Councillor Sue Livings	Against
Councillor Frances Mason	For
Councillor Stefan Mullard	For
Councillor Danny Purton	For
Councillor Lanie Shears	For
Councillor Edna Stevens	For
Councillor Chris Vince	For
Councillor Phil Waite	For
Councillor Mark Wilkinson	For
Carried	

62. **REFERENCES FROM CABINET AND COMMITTEES**

a) Referral from Licensing Committee - Animal Welfare Licensing

Proposed by Councillor Mark Ingall (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that:

- A** The scheme of fees and charges with respect to The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (attached as Appendix A to the report) be adopted, with the fees and charges to be reviewed annually thereafter as part of the Council's annual fees and charges setting round.
- B** The arrangements for formal decision making (attached as Appendix B to the report) be approved.
- C** The procedure for appeal against a risk rating score of an operator (attached as Appendix C to the report) be approved.

b) Referral from Licensing Committee - Review of Gambling Act Licensing Policy

Proposed by Councillor Mark Ingall (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that:

- A** The replacement Gambling Act Licensing Policy (attached as Appendix A to the report) be approved.

- c) Referral from Cabinet - Treasury Management Strategy Statement 2018/19: Mid-Year Review

Proposed by Councillor Mark Ingall (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that:

- A** The Mid-Year Review of the Treasury Management Strategy, attached as Appendix A to the report, be noted.

- d) Referral from Cabinet - Local Council Tax Support Scheme Proposals 2019/20

Proposed by Councillor Mark Ingall (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that:

- A** The that the current scheme remains unchanged for 2019/20 and that the introduction of fixed period awards for Local Council Tax Support is not implemented at the current time and kept under review.

63. **REPORTS FROM OFFICERS**

- a) Appointment of Monitoring Officer

Proposed by Councillor Mark Ingall (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that:

- A** Simon Hill is appointed on a permanent basis as the Council's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 (as amended) with effect from 2 January 2019.

- b) Appointment to Committees, Sub-Committees and Panels of the Council and their Chair and Vice-Chair

Proposed by Councillor Mark Ingall (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that:

- A** Councillors are appointed as members/substitute members of Council Committees, .Sub Committees and Panels as detailed in Agenda Item 10b

- c) Nomination for Appointment of Council Representatives on Outside Bodies

Proposed by Councillor Mark Ingall (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that:

- A** The Council representatives nominated for appointment to the outside bodies are agreed as detailed in Agenda Item 10c.

64. **MINUTES OF CABINET AND COMMITTEE MEETINGS**

RESOLVED that the minutes of the following meetings are noted.

- a) Minutes of meeting Tuesday, 20 November 2018 of Licensing Committee
- b) Minutes of meeting Wednesday, 28 November 2018 of Audit and Standards Committee
- c) Minutes of meeting Tuesday, 4 December 2018 of Scrutiny Committee
- d) Minutes of meeting Thursday, 6 December 2018 of Cabinet

65. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COUNCIL

Agenda item 6 refers

1. Mr David Forman to Councillor Eugenie Harvey, Portfolio Holder for Community and Wellbeing

The latest House of Commons Work and Pensions Committee 19th report on benefit sanctions highlights the lack of detailed research on the effects sanctions have on claimants' wellbeing.

The report concludes that 'the Welfare Reform Act 2012 and subsequent changes have made sanctions longer, more severe and applicable to more people than ever before. The failure to evaluate the 2012 reforms is unacceptable. It is time for the Government to urgently evaluate the effectiveness of reforms to welfare conditionality and sanctions introduced since 2012, including an assessment of sanctions' impact on people's financial and personal well-being.'

Consequently, will the Portfolio Holder for Community and Wellbeing publicly state what she and her Labour administration will do to:

- a) Assess the impact of sanctions on the wellbeing of Harlow's benefit claimants and on the Council's finances;
- b) Publicise the rights and methods of appeal benefit claimants have when facing a sanction;
- c) Provide additional support to sanctioned claimants through the Council's Welfare Panel, and
- d) Bring forward a motion to full council making demands of the Conservative government to gather full statistics of the sanctions being applied by the DWP and to initiate a full investigation of the effects of sanctions on people's financial and personal well-being.

Response from Councillor Eugenie Harvey, Portfolio Holder for Community and Wellbeing

The Council recognises the study undertaken by the Work and Pensions Committee and the report it has produced specifically relating to Benefits Sanctions as referred to in the question.

I would also like to make reference to the work already undertaken by the Council's Scrutiny Committee over the past 12 months which has focussed on the impacts of the roll out of Universal Credit in Harlow and the work it has

done with the Job Centre Plus to understand the impacts and the issues for local residents.

It is important to recognise that the Work and Pensions Committee report specifically focusses on those benefits administered by the Department for Works and Pensions (DWP) and that its focus is not on areas of the benefits system which fall to the responsibility of local authorities. The benefits administered by the Council (namely Housing Benefit and Local Council Tax Support) do not have claimant commitments nor sanctions contained within their supporting legislation.

Whilst the Council may be privy to some of the outcomes and impacts of sanctions applied to claimants through the direct contact it has with local residents, its ability to assess the full impact of sanctions is very limited. Data relating to sanctions imposed is solely held by the DWP to which the Council has no direct access.

The Works and Pensions Committee report describes the lack of review of sanctions since their introduction in 2012 as being “unacceptable” and calls for the Government to “urgently evaluate the effectiveness of reforms to conditionality and sanctions”

I fully support this recommendation and look towards the publication of the findings of the DWP review. I especially support the recommendations that the application of sanctions to specific vulnerable claimants especially those with limited capability for work, care leavers and single parents.

It is the Council’s understanding that all claimants subject to sanctions are fully advised in the sanction notifications they receive of their full appeal rights. Whilst the Council could publicise claimants appeal rights on its website, it would be difficult to ensure that any such content was up to date as the Council does not set the rules and has no control over any amendments or updates to those rights.

The Housing Welfare Panels remit is limited to specific cases, namely Council tenants who have breached the terms of existing County Court possession orders and many of the cases the panel deals with will not involve tenants who are subject to DWP sanctions.

The Panel does, however, inform tenants of the availability of advice from relevant support agencies where issues are identified. It should be noted however that the Panel does not have the authority to alter any payment terms ordered by the County Court, or the terms of any sanctions imposed by the DWP.

The Council does offer some support and its Discretionary Housing Payments (DHP) which are administered by the its Revenues & Benefits service. DHP can be awarded to support customers in receipt of Housing Benefit or Universal Credit who have been sanctioned and are struggling to maintain their rental payments.

In addition where a claimant is sanctioned, their income is reduced for the purposes of calculating Council Tax Support, which increases the award, and their Council Tax payments are much lower, helping to reduce any financial hardship.

The Council believes that the recommendations made in the report should be implemented by the DWP and findings resulting from it made public to help influence and change the conditionality and sanctions introduced in the 2012 Act. It believes that this work should be undertaken in the first instance and that if this is carried out the core issues identified within the question posed should be addressed.

2. Mr John Wake to Councillor Mark Ingall, Leader of the Council

Has the Council carried out a study of the feasibility of reducing the Council Tax burden of householders in receipt of out-of-work benefits, within the past year?

Response from Councillor Mark Ingall, Leader of the Council

The Council reviews its Local Tax Support Scheme each year. As set out in the original reports when the scheme was introduced there were significant Government funding cuts of 10 percent when compared to the funding provided for the abolished Council Tax Benefit scheme.

As set out at the time, the Council and the other precepting bodies in Essex were not able to absorb this reduction and hence the local scheme design includes claimant contributions that are reduced by 76 per cent.

As detailed in the most recent report regarding the 2019/20 LCTS scheme proposals, the Council's funding has continued to reduce at a faster rate than the reduction in the cost of the LCTS scheme, with the result that the Council now subsidises the LCTS scheme by over £400,000 per annum.

Having carried out the annual review in preparation for the 2019/20 scheme it is not possible to further reduce the direct burden of council tax on out of work households. However the Council does consider specific cases of hardship and helps support those residents in greatest need as a result of this and other Government welfare changes wherever possible.

3. Mr Hugh Hoad to Councillor Mark Ingall, Leader of the Council

If a library in the Harlow area is closed by Essex County Council, will Harlow Council provide computer facilities in the area of the closed area of the library?

Response from Councillor Mark Ingall, Leader of the Council

We will consider this question when debating the motion later in the agenda. Currently the Council only retains 17 pence in every £1 of Council Tax it collects. The remaining 83 pence goes to the Police and Fire Commissioner for Essex and Essex County Council. For this Harlow residents have a right to expect an adequate police force and community services such as libraries. It is unlikely that the Council can keep on picking up the bill for cuts to services made at County level.

4. Mr Hugh Hoad to Councillor Mark Ingall, Leader of the Council

With the planned expansion of Harlow, are there any plans for Harlow to become a unitary authority?

Response from Councillor Mark Ingall, Leader of the Council

There are no plans for Harlow Council to become a unitary authority.