

**MINUTES OF THE CABINET
HELD ON**

18 July 2019

7.30 - 8.50 pm

PRESENT

Committee Members

Councillor Mark Ingall, Leader of the Council

Councillor Eugenie Harvey, Deputy Leader and Portfolio Holder for Community and Wellbeing

Councillor Mike Danvers, Portfolio Holder for Resources

Councillor Tony Durcan, Portfolio Holder for Economic Growth

Councillor Danny Purton, Portfolio Holder for Environment

Councillor Lanie Shears, Portfolio Holder for Governance, Equality and Diversity

Councillor John Strachan, Portfolio Holder for Regeneration

Councillor Mark Wilkinson, Portfolio Holder for Housing

Additional Attendees

Councillor Tony Edwards

Councillor Stefan Mullard

Other Councillors

Councillor Simon Carter

Councillor Joel Charles

Councillor Tony Hall

Councillor Chris Vince

Officers

Brian Keane, Managing Director

Andrew Bramidge, Project Director - Enterprise Zone and Interim Head of Planning

Simon Freeman, Head of Finance and Deputy to the Managing Director

Jane Greer, Head of Community Wellbeing

Simon Hill, Head of Governance

Andrew Murray, Head of Housing

Adam Rees, Governance Support Officer

19. **APOLOGIES FOR ABSENCE**

None.

20. **DECLARATIONS OF INTEREST**

None.

21. **MINUTES**

RESOLVED that the minutes of the meeting held on 20 June 2019 are agreed as a correct record and signed by the Leader.

22. **MATTERS ARISING**

None.

a) Minute 10 - Public Space Protection Order for Town Centre

The Leader said that the Public Space Protection Order (PSPO) was due to come into force on 5 August. Jane Greer, Head of Community Wellbeing said that following the sealing of the PSPO there was a six week period for people to object to it.

23. **WRITTEN QUESTIONS FROM THE PUBLIC**

None.

24. **WRITTEN QUESTIONS FROM COUNCILLORS**

The question, together with the answer, is appended to the minutes.

25. **PETITIONS**

None.

26. **FORWARD PLAN**

RESOLVED that the Forward Plan is noted.

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

None.

28. **TOWN CENTRE AREA ACTION PLAN - APPROVAL OF REGULATION 19 CONSULTATION**

Cabinet received a report which requested that the draft Town Centre Area Action Plan was published for the purposes of consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Proposed by Councillor Danny Purton (seconded by Councillor Tony Durcan) it was:

RESOLVED that Cabinet:

A Approved that the draft Town Centre Area Action Plan (as set out at Appendix A to the report), is published for the purposes of consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

B Delegated authority to the Managing Director, in consultation with the Portfolio Holders for Environment and Regeneration, to make and approve any minor or inconsequential amendments to

the Town Centre Area Action Plan arising from the completion of ensuing technical documents and any further legal advice prior to formal publication.

29. **YEAR END 2018/19 JOINT FINANCE AND PERFORMANCE REPORT**

The Cabinet received a report that summarised the Council's financial and operational performance as at year-end 2018/19, proposed carryovers into 2018/19 and contributions to reserves.

Proposed by Councillor Mark Ingall (proposed by Councillor Mike Danvers) it was:

RESOLVED that Cabinet:

- A** Acknowledged the outturn position set out in section three of Appendix A to this report for the year ending 31 March 2019, subject to recommendations in paragraphs 16 and 19 of the report:
- i) Underspending on controllable service budgets of £124,000 or 0.21 per cent of the General Fund budget and a net overspend of £14,300 or 0.02 per cent subject to recommendation Ci).
 - ii) Total General Fund underspending, after taking into account windfall income, non-controllable items and transfers to reserves, of £1.866 million or 3.09 per cent of the General Fund budget.
 - iii) A General Fund balance of £4.488 million after adjusting for the recommended transfers to reserves and carry forward requests set out in this report.
- B** Recognised the operational performance that has been achieved in 2018-19 across all Council services.
- C** Approved:
- i) The carrying forward of £138,300 of budgets from 2018/19 to 2019/20 as set out in paragraph 15 of the report.
 - ii) The transfer to reserves of £4,224,399 as set out in paragraph 16 of the report.

30. **HOUSING REVENUE ACCOUNT OUTTURN REPORT 2018/19**

Cabinet received a report which set out the Housing Revenue Accounts outturn for 2018/19.

Proposed by Councillor Mike Danvers (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that Cabinet:

- A** Acknowledged the Housing Revenue Account (HRA) outturn for 2018/19 as set out in the report as follows:
 - i) An unfavourable variation against the current budget adjusted for carryovers on operational/controllable budgets of £121,000 representing (-)0.23 per cent of the gross HRA budget.
 - ii) A total projected underspend of £3,367,000 representing 7.28 per cent of the gross HRA budget.
- B** Noted working balances at 31 March 2019 of £13,731,000 in respect of the HRA and nil in respect of the Major Repairs Reserve (MRR) are noted.
- C** Recognised the operational performance that has been achieved across all Council services during 2018/19.

31. **CAPITAL PROGRAMMES OUTTURN REPORT 2018/19**

Cabinet received a report which set out the outturn of the Council's Housing and Non Housing Capital programmes for 2018/19.

Proposed by Councillor Mike Danvers (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that Cabinet:

- A** Noted the outturn of the Council's Housing and Non Housing Capital Programmes as at 31 March 2019 detailed as follows:
 - i) Housing Capital Programme expenditure of £17,205,000 against an approved revised budget of £19,513,000.
 - ii) Non Housing Capital Programme expenditure of £10,422,000 against an approved revised budget of £14,903,000.
- B** Approved the carryover of Housing Capital programme schemes to 2019/20 of £3,608,000 to meet capital commitments.
- C** Approved the carryover of Non Housing Capital Programme schemes to 2018/19 of £1,216,000 to meet statutory and agreed capital commitments in the core programme and £260,000 to meet commitments in respect of the Enterprise Zone.

- D Recognised the operational performance which has been achieved across all Council services during 2018/19.

32. **REVISION OF LONDON ROAD NORTH ENTERPRISE ZONE LOCAL DEVELOPMENT ORDER**

Cabinet received a report which recommended that amendments were made to the current Local Development Order for the London Road North Enterprise Zone site and that these amendments were publically consulted on.

Proposed by Councillor Danny Purton (seconded by Councillor Tony Durcan) it was:

RESOLVED that:

- A Cabinet approved the proposed amendments to the London Road North Local Development Order, as set out in Appendix A to the report, and authorises that these now be subject to public consultation.
- B Authority be delegated to the appropriate Head of Service, in consultation with the Portfolio Holder for Environment, to make such minor or inconsequential amendments to the Order as may be required following the consultation process.

33. **HOUSING ASSISTANCE POLICY - HOME ADAPTATION FOR DISABLED PEOPLE**

Cabinet received a report which sought approval for a new Housing Assistance Policy to provide help with home adaptations that are not currently available through statutory Disabled Facilities Grants.

Proposed by Councillor Mark Wilkinson (seconded by Councillor Eugenie Harvey) it was:

RESOLVED that Cabinet:

- A Approves the proposed policy on help with home adaptations attached as Appendix A to the report.
- B Delegated authority to the appropriate Head of Service, in consultation with the Portfolio Holder for Housing, to make such minor or inconsequential amendments to the policy and to approve procedures for giving it effect as may be necessary from time to time.

34. **FUTURE BUS SHELTER PROVISION**

The Leader said that the item would no longer be considered at this meeting. This was in order to wait for further information relating to the Garden Town.

35. **CARBON MANAGEMENT PLAN UPDATE**

Cabinet received a report which recommended the extension of the Carbon Management Plan until the end of 2021/22.

Proposed by Councillor Danny Purton (seconded by Councillor Mark Ingall) it was:

RESOLVED that:

- A** The Council extended its Carbon Management Plan until the end of 2021/22, unless the target is reached prior to this date.

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

a) **Referral from Full Council - Climate Emergency Motion**

Cabinet received a referral from Full Council following a motion where the Council declared a Climate Emergency.

RESOLVED that Cabinet adds an item to the Cabinet Overview Working Group Work Plan to develop a strategy which looks into the feasibility of:

- i) Installing photovoltaic panels on all public council buildings within the next two years where possible; and
- ii) New council built houses having a minimal carbon footprint; and
- iii) Creates an action plan which focuses on reducing the impact of day to day living on the environment beyond that causes by greenhouse gas emissions.

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

RESOLVED that the minutes of the following meetings are noted.

- a) **Minutes of meeting Tuesday, 25 June 2019 of Shareholder Sub Committee**

38. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL

Cabinet – 18 July 2019

Questions from Councillors

1 Councillor Chris Vince to Councillor Mark Ingall, Leader of the Council

At Full Council on 11 July, Councillor Carter said that the Council had given £3 million of Right to Buy Receipts back to the Government. Can the Leader please state whether this is true and if so, set out the reasons why the money has been given to the Government?

Reply from Councillor Mark Ingall (Leader of the Council):

When Councillor Carter said, Harlow had given back £3.5 million to the Government from unspent Right to Buy (RTB) receipts in the financial year 2018/19, he was guilty of over-simplifying the situation to a degree that would have been very misleading to Harlow residents. The simple unvarnished truth is that £3.5 million of Harlow's RTB council house sales receipts was taken from Harlow because Tory policy at a national level made it impossible to do anything else.

Under current arrangements the receipts generated through RTB housing disposals are repayable to the Government. The regulations do allow authorities to retain those receipts if they intend to utilise them for the replacement of housing stock either through new build/conversion or open market purchase.

Unfortunately the regulations also state that receipts that are retained by a local authority can only contribute up to 30 per cent of the cost of replacing the homes lost under RTB. The local authority therefore has to fund the additional 70 per cent of any scheme it implements.

The regulations also state that if RTB receipts are retained they must be applied to schemes and be used within a three year period. If this is not achieved then the full value of those receipts must be repaid to the Government in full and with the addition of a four per cent interest charge.

Based upon the council's housing pipeline costing in the region of £14 million in the next three years the Council has already retained £4 million of 2017/18 RTB receipts to contribute towards 30 per cent of the cost of these schemes.

However, during 2018/19, the Council was unable to retain any further receipts because of the three year time restriction placed upon the use of those receipts by the Government regulations. The Council lost £3.5 million of its receipts in 2018/19 as a result of the Government's regulations, money which could have been retained in Harlow for Harlow if the time restriction and interest penalties had not been in

place. The Council expects to continue to retain RTB receipts during 2019/20 to help to fund later stages of its housing delivery pipeline.

Supplementary Question from Councillor Chris Vince to Councillor Mark Ingall, Leader of the Council

Could the Council have borrowed money to speed up the delivery of new homes?

Supplementary Reply from Councillor Mark Ingall, Leader of the Council

Could we have borrowed to speed up the delivery of new homes and thus retained the £3.5 million Councillor Carter talks about, after all the cap on borrowing for housing was lifted by this government? But that came after legislation from 2012 imposed by the Tories that required, Harlow, like all other Councils in the country, to buy its stock of Council houses in return for the right to keep Council House rents. Harlow had to borrow a quarter of a billion pounds to buy its own Council Houses. However the rental income covered the interest on this loan and some of the capital, but a subsequent decision by the Tories to reduce Council rents by one per cent per annum for four years resulted in damaging our ability to repay the loan we had been forced to take out. We now are able to pay only the interest. And so increased borrowing is simply out.

Of course had the Council tax support given to Harlow not been cut by a cumulative total of £7 million since 2010 by the Tories, we would have had sufficient reserves to have built faster and retained the £3.5 million.

So in summary, is Councillor Carter right to say we have given back £3 million of Council house sales receipts to the government? No. We have been forced, over a barrel by a raft of Conservative legislation, to hand over money that there was no legal way of retaining. Yet again Tory Councillors identify a problem that is caused by a Tory government and attempt to pass the buck onto a successful Labour administration. A deliberate attempt to mislead, or simply not knowing the detail, the residents will decide.