MINUTES OF THE COUNCIL
HELD ON

5 February 2015 7.30 - 8.58 pm

PRESENT

COUNCILLORS

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

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
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.
COUNCIL – 5 FEBRUARY 2015
QUESTIONS FROM COUNCILLORS

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.
3. **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.
DATE: 5 FEBRUARY 2015

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

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