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.
Proposed by Councillor Emma Toal (seconded by Councillor Jean Clark)

Cabinet:

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.
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.