

**SUPPLEMENTARY DOCUMENTS FOR
COUNCIL
7.30 pm on Thursday 10 December 2020
Zoom - Online**

The items below are due to be considered at the meeting listed above and were unavailable for circulation when the agenda for the meeting was published. The agenda items are noted below.

AGENDA

6. Questions from the Public (Pages 2 - 9)
7. Questions from Councillors (Pages 10 - 11)

Full Council – 10 December 2020

Questions from the Public

1 **Mick Patrick to Councillor Danny Purton (Portfolio Holder for Environment):**

I have read and replied to the Government white paper on new proposed planning legislation.

The paper totally removes the 1947 Planning Act, deregulating the rights of councils and communities. They want to move consultation on line 'rather than putting notices on lampposts', meaning they don't want local people to know about specific proposals. This will affect the essential democratic right of communities to comment on and object to the specific proposals which remake our home neighbourhoods, creating poorly planned developments.

Does this mean developers will be able to in fill Harlow's green spaces and sites like our showground, that was fought for, will be built on within 18 months of putting planning processes in place, with no accountability?

Reply from Councillor Danny Purton (Portfolio Holder for Environment):

In Harlow Council's response to the Planning White Paper consultation, we also expressed our concerns at the democratic deficit that would arise from these proposals. The switch in emphasis in focussing consultation on the Local Plan stage rather than at the planning application stage will mean that many people are not able to comment on and influence development that is to take place around them.

However, I can provide an assurance that Harlow's green wedges and other green spaces, such as the showground in the Town Park, are safe from development. At this meeting tonight there is a motion to adopt Harlow's Local Plan for the period up to 2033. This provides strengthened policies to protect our green spaces from development. I would draw people's attention to policies WE1 and WE2 in this new Local Plan. The independent inspector appointed to assess this Local Plan made it very clear that these spaces are to be protected from development as an intrinsic design feature of the town.

Even if the Government's proposals as set out in the White Paper become law, our Green Spaces will still be protected. The proposals would see all land being zoned as either Growth areas, Renewal areas or areas for

Protection. Harlow's green spaces would be classified as 'Protected' areas, meaning that they will be governed by the local policies that we have in place through our Local Plan.

2 Mick Patrick to Councillor Danny Purton (Portfolio Holder for Environment):

With reference to the Government white paper, with the removal of Section 106 that has been deregulated over several years, does this mean we will see very little, or none, of the much needed social housing or council building in the future?

Reply from Councillor Danny Purton (Portfolio Holder for Environment):

Again, in Harlow Council's response to the White Paper consultation we expressed our concerns about these proposals as they could have a significant negative impact upon the ability to deliver social housing. The creation of a national infrastructure fund could, in theory, result in more money being made available from development since the creation of certainty at the start of a development process reduces risk for a developer. However, it is also clear that the Government's proposals for the delivery of affordable housing through developer contributions is intended to be targeted at the delivery of First Homes. This will see the focus on developers providing subsidised homes for purchase, rather than for affordable or social rent.

Harlow Council has submitted an objection to this proposal and many other local authorities have raised concerns about the White Paper proposals. It is by no means certain that they will all come into practice.

However, even if they do, Harlow Council remains committed to the delivery of council housing. We will still build new Council homes utilising other funding mechanisms and the delivery of new Council homes at Bushey Croft and the former Lister House site will commence in 2021. This follows the completion of the Prentice Place development this year, all of which is Council housing.

3 Denis Bubutanu to Councillor Chris Vince (Portfolio Holder for Community and Wellbeing):

Youth Council is aware that Harlow Council has donated money from the cancelled fireworks display to Harlow Foodbank that will help give food parcels to vulnerable families. Are there any plans to continue to support young people and their families through the Christmas period and throughout the pandemic?

Reply from Councillor Chris Vince (Portfolio Holder for Community and Wellbeing):

Throughout the pandemic Harlow Council has been working with Rainbow Services and other organisations in the voluntary sector to offer support to vulnerable families and other residents that have been affected by Covid-19. The Harlow Community Hub provides advice to residents regarding access to food and prescriptions along with referrals to Harlow Food Bank and Community Embrace as well as signposting to a range of other support services. Harlow Council aims to ensure that no-one in Harlow goes hungry during these difficult times and will continue to work with the Essex Lifestyle Service and partner organisations to ensure that residents receive the support that they need.

There is potential for the remaining funding which was given to the foodbank for over half term to be used again, either during Christmas or next year, in case the money given by central government is not sufficient to feed all those in need across Harlow.

The Harlow Health and Wellbeing Board has utilised Public Health grant funding to assist the delivery of a range of initiatives to support vulnerable children and families during the pandemic - including the Harlow Grows Project, Boxes of Hope and Harlow Holiday Lunch Clubs.

The Government recently announced a £400m Winter Grant scheme to support vulnerable families and local agencies are now working together to ensure Harlow's share of this money reaches those most in need in our communities. Some of this funding will be accessible to residents through the Essential Living Fund and Active Essex will lead on the provision of free Holiday Hunger activity clubs across Essex (including in Harlow) from 20 December. These clubs will provide physical activity opportunities and a nutritious meal as well as food hampers to take home for the family.

4 Bethany Tasker to Councillor Chris Vince (Portfolio Holder for Community and Wellbeing):

As young people can be spreaders of the Covid-19 virus Youth Councillors are concerned about the lack of social distancing in school and when school finishes for the day and young people travel home. Are there any plans for the Council to use its social media platforms to engage better with younger people to get the message across about the importance of everyone following the rules?

Reply from Councillor Chris Vince (Portfolio Holder for Community and Wellbeing):

Harlow council recognises that during the pandemic communication with residents of all ages is key. We recognise that for young people this is a very scary and difficult time and that it is difficult to do what is best when balancing the need to keep safe with the desire to be successful at school and socialise with friends. Harlow council will continue to provide hopefully useful information on social media advising all residents of our town, about the importance of following the government guidelines and what everyone can do to reduce the spread of this virus.

However, in response to your specific point our comms team are working with the youth and citizenship team to look at how we can best communicate the importance of young people social distancing, of wearing face masks and to continue to ensure that we sanitise both ourselves and our work spaces, until we have seen an end to this terrible pandemic. As part of Essex County Council's let's stop the spread campaign the council is also working with the County Council to identify key influencers and personalities who can help engage with and communicate messages to families and young people through different social media channels.

5 Nicholas Taylor to Councillor Mike Danvers (Portfolio Holder for Resources):

I understand that the policy and procedures used in respect of the sale of council owned land dating back to 1996 are to be reviewed and revised in 2021. Current procedures do not require officers to consult with residents living nearby before a decision is made to sell land and such a decision is left up to officer discretion, subject to a number of criteria.

It is clear that a land sale can have a detrimental effect on neighbouring properties and their occupants and a decision to sell without neighbouring residents and member involvement lacks any kind of transparency.

Will you give an undertaking that the review in the spring of 2021 will include the need for written consultation to take place with neighbours living in the vicinity of all proposed land sales and that councillors are involved when the council make a final decision on whether to proceed with a sale?

Reply from Councillor Mike Danvers (Portfolio Holder for Resources):

The Council's existing policy makes provision for Officers to decide whether public consultation in an area is appropriate. Historically, where such consultation has been deemed necessary, Officers have carried out

neighbour consultation and considered any representations as part of its decision making process.

The criteria to facilitate a land sale is comprehensive, with much of specifically designed to provide a level of protection against disruption to the amenity of surrounding residents. Additionally, where planning consent for a change of use of land is required (which is applicable in the vast majority of cases), consultation will happen as a matter of course under the planning process.

Whether the emerging land sale policy will provide for mandatory written public consultation in all instances will need to be assessed having regard to the overall terms of revised policy. If the emerging land sale criteria are considered to afford sufficient protection to neighbouring properties, it may not be an appropriate to consult in every case, particularly where public consultation is already required under the planning process.

Therefore, I cannot at this stage provide a firm undertaking that the emerging policy will provide for consultation or that Councillors will be involved in the final decision in all cases. However, I will advise Officers who are leading on the preparation of the new policy to consider the position on these points carefully and to provide clear recommendations to Members on the most appropriate approach.

6 Nicholas Taylor to Councillor Mike Danvers (Portfolio Holder for Resources):

In some cases residents seeking to build a new home in their garden will need to purchase land owned by the council in order to give access to the garden. In legal circles such land is known as a “ransom strip”.

In order to be transparent and upfront, a neighbouring authority explains at the outset that it uses a sum which involves the following, the sale value of the new home to be built, for example £400,000, then taking off the build cost and associated fees, say £150,000, leaving a profit of £250,000 for the applicant. The council will expect to receive one third of this profit, £83,333 to be paid by the applicant on the sale of the new home.

Can you tell me how Harlow Council or it’s agent determines the value of a “ransom strip”?

Reply from Councillor Mike Danvers (Portfolio Holder for Resources):

To ensure compliance with the Council’s fiduciary duty, the Council procures land valuations from appropriately qualified valuation consultants in

accordance with the Royal Institute of Chartered Surveyors (RICS) 'Red Book'.

Whilst there is no particular framework or guidance from the RICS or other regulatory bodies on how to value ransom strips, the starting point for landowners, developers and valuers is generally the case law of *Stokes v Cambridge Corporation* [1961].

The principle set out in this case indicates that the owner of a ransom strip should be entitled to one-third of the increase in the value of the adjacent land, simply for providing access to the development which is broadly in accordance with the residual land valuation approach described by Mr Taylor in his question.

It should however be noted that other legal case such as *Ozanne and ors v Hertfordshire County Council* [1989] provides for a greater proportion of the increase in land value to be paid to the ransom strip owner. It is also imperative that each valuation is assessed on its merits and on the basis of the specific circumstances of that case. Such circumstances to include, whether alternative access routes may exist; whether the applicants land is capable of development for alternative uses, or a smaller scale development without the need to acquire the Council's land; and whether in addition to providing access, the Council's land forms an meaningful proportion of the future developable land area.

For these reasons it is not considered appropriate to adopt a 'one size fits all' valuation approach and for a prescribed valuation methodology or formula to be included within the Council's land sale policy or guidance notes. Such an approach would have the potential to lead to unfair valuation outcomes and a breach of the Council's fiduciary duty.

7 Alan Leverett to Councillor Tony Durcan (Portfolio Holder for Growth and Prosperity):

Could you please inform me how much it has cost the council to refurbish the flats at Prentice Place excluding the costs associated with the remodelling of the external areas?

Reply from Councillor Tony Durcan (Portfolio Holder for Growth and Prosperity):

The cost of refurbishing the flats at Prentice Place, excluding the remodelling of the external areas is circa £2,845,780. This work includes new kitchens and bathrooms, new double glazing, new gas boilers, new front doors, new pitched roof on all three blocks and guttering, new communal lighting,

communal security doors with intercom system, new bin stores and cycle storage, the removal of asbestos and a security camera system.

8 Alan Leverett to Councillor Mark Wilkinson (Portfolio Holder for Housing):

Bearing in mind the ever increasing demand for housing can you explain why it has taken so long for the flats at Prentice Place to be occupied by tenants?

Reply from Councillor Mark Wilkinson (Portfolio Holder for Housing):

Prentice Place scheme provides for badly needed new Council homes that will be allocated to applicants on the Council's Housing Needs Register.

Additional works were required for fire stopping and building control priorities, aligning to new government guidance, for new build properties. The ongoing pandemic has also delayed works during the lockdowns, however, it is anticipated these properties will be advertised to residents in December 2020.

9 James Humphreys to Councillor Mark Ingall (Leader of the Council):

Harlow Council's statement about its Town Fund Bid, published on 4 November, refers to The Harlow Growth Board which is "a partnership of local public, private and voluntary organisations". Having checked the list of these organisations and individuals it appears that no Conservative Councillor is involved, there is little if any representation on behalf of residents and many participants may not live in Harlow.

On reflection do you think that residents of Harlow could and should be better represented on the board, who after all will be making very important decisions about the future of Harlow in the coming months.

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

Harlow Growth Board's remit is to drive the sustainable economic regeneration of the town to deliver long term economic and productivity growth. The Board has been established following the government guidance on running a Town Board which includes advice about which organisations the membership should represent. Harlow Growth Board includes representatives from key organisations and businesses which are based within Harlow along with representation from Rainbow Services, the umbrella organisation for community and voluntary organisations based in Harlow. Along with key local Councillors, the local Member of Parliament for Harlow is

represented. Harlow Growth Board can if it feels it is appropriate review its membership in the future.

10 James Humphreys to Councillor Mark Ingall (Leader of the Council):

The statement goes on to thank those who participated in the consultation exercise leading to this bid. On checking the government website of mytownHarlow, one of the vehicles used to consult with residents, I note that just 130 people responded.

Can you tell me what other steps were taken by Harlow Council to consult with residents before its bid was made and how many responses were received from individuals and organisations?

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

The Towns Fund bid had to meet the strict criteria set out by the government. A long list of potential projects that fitted within the funding guidelines was developed after reviewing the Council's existing pipeline of projects, the responses from previous consultations and public engagement that have been undertaken over recent years, such as through our social media channels, the consultation we ran for the Future High Street Fund bid, Harlow and Gilston Garden Town led consultations, as well as feedback and engagement we have received through our partner forums and networks. The longlist of projects were presented to the Growth Board and they had the chance to add any additional schemes that they felt were missing. We then undertook a robust process of shortlisting and prioritising the projects which included asking the Growth Board members to indicate their top 3 projects and a final review process that ensured that the final selection of projects delivered the level of impact that the Growth Board wished to be delivered through this funding opportunity.

The projects that were selected for the Towns Fund bid were then consulted on via social media and our website. The social media campaign reached 10,998 people; engaged with 3,854 people and received 85 comments within 5 days on being launched.

We are currently waiting for confirmation from the government that we can proceed with our bid. Once we get the go ahead we move to developing the Full Business Cases for the projects included in the bid and this process will involve more extensive community consultation on the details of these projects.

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Questions from Councillors

1 Councillor Michael Hardware to Councillor Tony Durcan (Portfolio Holder for Growth and Prosperity):

Regarding the Perry Road project what is the timescale, what procurement route is being pursued, what type of construction contract will be used and whether it is one or two stage tender?

Reply from Councillor Tony Durcan (Portfolio Holder for Growth and Prosperity):

It is expected that the start on site at Perry Road will be July 2021 with a two to two and a half year build programme. The Council's internal procurement service is being used and the most effective route is currently being reviewed. It is anticipated that it will be a one stage tender.

2 Councillor Michael Hardware to Councillor Mark Ingall (Leader of the Council):

Is Harlow Council going to invest in the Harlow Investment Fund? As he will be aware, Essex County Council approved a £5million investment at cabinet earlier this month and full council earlier this week. The final fund will be up to £50million which will facilitate the wider regeneration of the town centre, allowing the projects to be properly joined up instead of the current fragmented approach and so is very important for the town.

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

A report regarding the Harlow Investment Fund will be taken to Cabinet in early 2021 seeking approval of a £5million investment in the fund by Harlow Council. This date is in line with the majority of other potential investors to the fund. If all parties agree to investing, the fund will provide a major financial contribution to enable the regeneration of Harlow Town Centre.

3 Councillor Simon Carter to Councillor Mark Wilkinson (Portfolio Holder for Housing):

Last week at Cabinet you said that in response to your plans to acquire 45 three-bed houses so far the council had completed the purchase of only one house. You went on to say that you were extending your search to include two bed houses and flats, suggesting you are struggling to find enough properties.

What are the penalties if you fail to acquire sufficient properties by 31 December this year and 31 March 2021?

Reply from Councillor Mark Wilkinson (Portfolio Holder for Housing):

The penalty for not acquiring properties on or before 31 December is that that this Conservative led Government will insist on taking pooled receipts totalling up to £2.232m and would take £291,000 in interest payments in addition too. To date five purchases are progressing to completion and a further 24 offers have been accepted and are progressing through the purchasing process with completions expected prior to Christmas. If all were to be completed then no funds would be returned.

If the required properties are not purchased in the first quarter of 2021 then up to a further £1.554 million would be returned with interest penalties of £202,000. Offers have already been made on 19 properties and it is currently expected that no funding will be returned nor penalties incurred in relation to these pooled receipts.

The Council made representations to the Government to extend the 31 December deadline in light of the Covid crisis but this request was not agreed by MHCLG.