

**CABINET**  
**Thursday 21 July 2022 at 7.30 pm**  
**Council Chamber, Civic Centre**

**AGENDA**

5. Written Questions from the Public (Pages 2 - 3)

To receive any questions from members of the public in accordance with Rule 10 of the Council Procedure Rules.

6. Written Questions from Councillors (Pages 4 - 7)

To receive any questions from Councillors in accordance with Rule 10 of the Council Procedure Rules.

# **Cabinet – 21 July 2022**

## **Questions from the Public**

### **1 Sally Jones to Councillor Simon Carter (Portfolio Holder for Housing):**

At the Cabinet meeting on March 24, I asked Councillor Simon Carter 'where is the condition survey for the roof, windows and cladding as we have not received this yet'.

I was informed these would follow in his verbal response but no mention of these in the written response.

To date we have still not seen a condition survey report for the cladding or the roofs but have now been informed that only the flat roofs were surveyed and none of the pitched roofs.

No response regarding the cladding - which is not acceptable as the cladding is not the same on each block on Five Acres, I suggest the one block (7 to 17) that still has timber cladding is the only to be repaired or replaced.

Apparently our window will now be individually surveyed by the contractor.

My question is - if the roofs have not been surveyed how do you know they are in need of replacement? One can not make an assumption this is a requirement, repairs may be sufficient and there are older properties in Harlow that have not been forced to have such works.

### **Reply from Councillor Simon Carter (Portfolio Holder for Housing):**

Thank you for your question. I do understand your concerns and we continue to welcome questions. There is a statutory process we must follow for these works and following the questions at the previous Cabinet meeting we undertook an extensive review of the process. I continue to commit to providing you with the relevant information to understand the works to be undertaken to the blocks.

Through the normal consultation processes, I understand, you have been provided with:

- a "Notice of Intention" for the works dated 09 July 2021,
- a Notice of Estimate" dated 20 January 2022,
- a copy of the intended works specification sent on 24 March 2022, and
- a breakdown of the works dated 19 May 2022.

An evening meeting was held on the 20 June 2022, and a copy of the presentation, question and answers was sent to all leaseholders on 8 July 2022. If you require copies of this information, please do not hesitate to contact the Homeownership section.

Harlow Council will continue to talk through with leaseholders the background information to the above and its intentions for further information. It will formulate these together with conclusions being drawn on the condition of the block and the need for the works being planned as more information becomes available.

It is intended for the pitched roofs to be included in the scope for replacement due to a general assessment of their age and ongoing maintenance costs as the blocks are more than 55 years old. We intend, once the scaffolding is erected to ensure safe access, that further condition surveys will be undertaken and an assessment of next steps. This will be talked through with leaseholders.

The communal windows had condition surveys completed and surveys of the windows in individual flats are currently being completed. Any windows or roofs that do not require replacement will be omitted from the contract, and this will be discussed with leaseholders.

The planning application in respect of the cladding to block 45 – 49 Five Acres will be resubmitted in August.

As landlord we have a responsibility to ensure the buildings are safe and secure. These works will reduce routine repairs and maintenance and make them more thermally efficient. It will also incorporate the latest fire safety standards, which is a key priority for this administration. Residents will have better quality accommodation and lower heating bills.

The formal consultation processes and information provided are aimed to ensure that only works that are appropriate and necessary are carried out.

# Cabinet – 21 July 2022

## Questions from Councillors

**1 Councillor Tony Edwards to Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):**

Could you please detail both verbally and in writing the Strategic Short Term, Medium Term and Long Term ambitions and the Strategic Outcomes with respect to Harlow's roads that as portfolio holder you will be seeking to achieve?

**Reply from Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):**

For too long, Harlow Council has moaned about potholes but not taken any action. We are in detailed and frank conversation with Essex County Council about a way forward which meets our objectives: to make Harlow's roads safer and end the continuous cycle of potholes occurring. We are confident that we will achieve this.

An announcement on the way forward and the outcomes which accompany that will be made soon.

However, I would like to stress that we are already seeing results. Coupled with the work our county councillors are doing, an enormous increase in highway improvements and pothole repairs have already been made in July or are scheduled for full repair in the weeks to come compared with May and that is the most important outcome. This number is also projected to continue rising, alongside major resurfacing works.

**2 Councillor Tony Edwards to Councillor Joel Charles (Portfolio Holder for Community and Business Resilience):**

Could you please confirm the summer opening dates and times for each of the Harlow Council Padding Pools and Splash Pools?

**Reply from Councillor Joel Charles (Portfolio Holder for Community and Business Resilience):**

Harlow's paddling pools are much-loved community facilities. Families flock, particularly during the summer school holidays, to the paddling pools to keep cool outdoors. Preparations for their official opening is always a priority, but the Council must take into consideration external factors that impact when to commence the filling of the paddling pools.

The heatwave this week and recent lack of rain has impacted upon water supply levels significantly and some of our residents have been experiencing supply issues requiring the delivery of bottled drinking water by Affinity Water. It continues to be a dynamic situation, with Affinity Water urging against non-essential use of water this week. The Council has worked to understand the impact of the water supply challenges on community services, including the paddling pools. One of the main impacts has been the low water pressure.

The Council issued a statement on Monday (18<sup>th</sup> of July) to update residents about the town's paddling pools and works on the splash parks. As the heatwave was coming to an end on Tuesday (19<sup>th</sup> of July) the Council approached Affinity Water to confirm it was ok to commence filling the paddling pools following its warning about water supplies. Affinity Water asked the Council to delay filling the paddling pools whilst they restore supplies to reservoirs this week as the primary focus has been to ensure there is no longer a risk to customer supply. The Council agreed to do so and to continue to review the situation on a daily basis with Affinity Water. They have advised officers that the pressure remains low and they will be seeking to address this situation over the coming days. Without adequate pressure the pools cannot be filled quick enough to ensure safe operation with sufficient water able to enter the filtration and chlorination systems in a timely manner. This matters because the Council must ensure water is not sitting for too long as bacteria can grow in continuing warm weather. The Council plans to start filling the paddling pools from Monday (25<sup>th</sup> of July).

Potter Street splash park has been repaired following vandalism, but as it is also water pressure dependent, it will open next week. It is the Council's view that the town's paddling pools and splash parks provide a safe space to keep cool during what is expected to be a summer of further high temperatures.

The Staple Tye splash park opening has unfortunately been delayed for a number of reasons, including theft, vandalism and ongoing supply issues, but it is expected to be open in mid-August under the current works timeline.

Further updates will be issued by the Council to keep residents informed. It is the Council's ambition that disruption to the opening of the paddling pools and splash parks is minimised as much as practically possible. The Council is sorry for the delays, however it is important to balance the need to ensure water supply servicing the town is maintained to an appropriate level, alongside the focus on making sure the paddling pools are open for residents to enjoy during the summer holidays.

**3 Councillor David Carter to Councillor Nicky Purse (Portfolio Holder for Environment):**

After walking through the Market Square, I was disappointed to see the condition of the flower beds, or should I say what flower beds. The areas are covered in weeds, so disappointing. What is being done to clear those weeds?

**Reply from Councillor Nicky Purse (Portfolio Holder for Environment):**

Planting for the new landscape plan for Market Square will take place in the autumn which is the appropriate season for new planting.

The programme has been under constant review since the start of the works and we have been working with both the construction and design contractors to ensure as far as possible that the scheme deliveries according to the programme and maintains the high quality that we set to achieve at the start. The programme has shifted but this is beyond anyone's control and not the fault of the contractors.

This is the first significant, high-quality public realm scheme that has been delivered in the town centre since The Water Gardens and, as a pilot, maintaining quality and delivering a sustainable product has been a priority. We have committed to sourcing materials from UK-based suppliers which unfortunately, over the last six months has been problematic particularly with supply issues (the contractors were not made aware until after placing the order for the raised planters, that the original materials were no longer available), and notable price increases forcing us to seek alternatives whilst not compromising the design nor quality. Again, these are out of the control of the contractor.

We have been working with the design team to ensure that we can deliver planters in line with the planting season this Autumn.

In the meantime, a contractor has been engaged to keep the areas clear of weeds and this work is due to commence shortly.

**4 Councillor Bob Davis to Councillor Nicky Purse (Portfolio Holder for Environment):**

Following a previous question, I asked for the council to consider an appeals procedure against fines issued by NES. What if any progress has been made?

**Reply from Councillor Nicky Purse (Portfolio Holder for Environment):**

Fixed penalty notices may be issued where there is evidence that an offence has been committed under national legislation and where provision has been made in the law for discharge of the offence by paying the fixed penalty notice.

Fixed penalty notices have printed on them information on making Representations. This allows persons receiving a notice to add any information that may not have been provided when questioned under caution about the matter, or to provide information if they were not available for interview.

Where any evidence put forward through a Representation materially alters whether the case can be proved beyond reasonable doubt, then notices are rightly withdrawn.

A person receiving a notice has the choice as to whether to discharge the alleged offence by paying the sum, or to have the matter heard in Court where the case must be proved beyond reasonable doubt, and costs may be claimed. Further, if they are not satisfied with the outcome of the Court case they may appeal in accord with Court processes.

This process is in accord with the central government guidance on environmental enforcement activity. No provision is made either in the guidance or the law for additional appeal mechanisms.

**5 Councillor Bob Davis to Councillor Alastair Gunn (Portfolio Holder for Governance):**

I also asked the council to consider taking this service in house (HTS) so that a percentage of profits could be returned to council. Has there been any progress on this?

**Reply from Councillor Alastair Gunn (Portfolio Holder for Governance):**

The Council will shortly invite tenders for the provision of environmental enforcement services.

The Council is entitled to recover enforcement costs by way of paid fixed penalty notices, but it is not lawful for the Council to make a profit and it does not treat fixed penalty notices as a source of income. This notwithstanding there are legitimate contract management and legal costs direct to the Council to be considered and the Council will expect bidders to show how these will be addressed. The Council will select the bidder who offers the most advantageous bid considering quality and financial information. Bids will be welcomed from all suitable organisations and HTS will in accord with Contract Standing Orders be entitled to bid.