

Cabinet – 13 July 2023

Questions from the Public

1 David Forman to Councillor Dan Swords (Leader of the Council):

The recent LGA Corporate Peer Challenge feedback report states on page 26: "The broad issues in relation to housing and the approach of the council and HTS have been known about for a long time, with recent years having seen rising levels in the backlog of repairs and growing levels of complaints from residents. Some of these issues have been diagnosed in detail, in the form of the 'forensic analysis' commissioned by the council last year of various aspects of HTS."

Arising from that forensic analysis the feedback report highlights on page 27 three examples of poor practice at HTS and the Council:

- a) "we understand that HTS still rely on a series of systems which are paper-based and require manual inputting and analysis – reducing responsiveness and insight."
- b) "key stakeholders we spoke to across HTS and the council were unable between them to pinpoint the existence of a recent stock conditions survey."
- c) "there is no shared understanding as to the extent to which HTS are responsible for the undertaking of planned maintenance across the council housing stock."

In conclusion to these issues the report says:

"We understand that the 'forensic analysis' undertaken reflects the need for a major overhaul of the governance arrangements around HTS, with accountabilities central to this."

Consequently, would you please state:

- a) How you intend to remedy the three examples of poor practice;
- b) Will incorporating the Cabinet portfolios of Finance and Governance help to achieve "a major overhaul of the governance arrangements around HTS"
- c) Is the feedback report correct in relation to delivery plans when it advises on page 28 that "these need to be underpinned by the mechanisms to

enable the monitoring of progress, management of risk and reporting to all key stakeholders"?

Reply from Councillor Dan Swords (Leader of the Council):

Thank you for your question regarding the housing and environmental maintenance services the council provides.

First and foremost, I am clear that the services that have been provided for a number of years have not been good enough. As the Leader of the Council, I would like to take this opportunity to apologise on behalf of the council, for the poor services and further make clear, that this will now change in earnest.

The council has failed in its role as the shareholder of HTS as well as in its role as the client of these services. This, again, will now change.

To answer your specific questions:

- A) A number of forensic reviews were commissioned last year by industry experts. The recommendations of these reviews are now being implemented which will address this issue in full.

HTS are investing in new ICT systems this year which will significantly help with information management and with integration with Harlow Council's systems. This will bring dramatic efficiencies and better productivity to services.

A new 100% stock condition survey is to be commenced in the next few weeks. It is planned that 20% of this will be carried out in this financial year with the remainder rolling into next year. This will allow for proper maintenance planning and transform the council's approach to capital investment.

Regular dialogue between the council and HTS management teams has rectified any lack of clarity and I am confident that this will not be an issue moving forward. New service standards have also been provided to bring absolute clarity to this matter.

The Shareholder Sub-Committee will meet shortly to embed a number of these changes.

- B) Yes. The review work that the Council has undertaken has identified the need for a range of other actions which will include revised Key Performance Indicators, revisions to the contractual arrangements, changes to the structure of the board, changes to the council's role as the shareholder and much more besides. There have been management changes both at HTS

and within the council, and we will shortly be announcing a comprehensive plan to restructure the governance of HTS.

- C) Yes, it is correct that delivery plans will be required and since February the Council and HTS have been developing these for a range of improvements to both the housing repairs and environmental maintenance programmes. These are in place and are now being implemented which will enable better reporting through the Shareholder Sub-Committee and the ongoing monitoring of progress. You may have seen the news today highlighting the fact that the backlog in housing repairs has fallen for the first time in June for over 18 months. That success is as a direct result of the interventions we have made, and I am committed to updating Cabinet in the coming months on further results from our interventions.

I will conclude by saying, I am under no illusions of the scale of the issues residents face. I know that the council has fundamentally failed to provide good services. This will now change, and we will take every required action to ensure that is the case.

2 David Forman to Councillor Dan Swords (Leader of the Council):

The LGA Corporate Peer Challenge feedback report on page 21 highlights 10 performance categories which the LG Inform system compares Harlow Council against 15 other councils in its Chartered Institute of Public Finance and Accountancy 'family' grouping of similar authorities.

Of those 10 categories the first half are performing well. However, the last five are poor performers against the 15 other councils:

- The percentage of non-domestic rates due that was not collected was the poorest (2021/22);
- The percentage of council tax due that was not collected was the fourth poorest (2021/22);
- The proportion of the population aged 16-64 qualified to at least Level 2 was the poorest (2021);
- The time taken processing housing benefit new claims and change events was the poorest (2022/23 quarter 2);
- The number of affordable homes delivered was the second poorest (2021/22).

Consequently, I would like to know:

- a) How do you intend to improve performance in each of the five categories above;
- b) Please state the timescales envisaged for a substantial improvement in performance in each of the five categories relative to the other 15 councils?

Reply from Councillor Dan Swords (Leader of the Council):

Thank you for your question regarding the council's performance in these areas and how we benchmark against other authorities. I note that you reference the areas in which the council performs well, but I will focus on the areas in which we do not.

As you may be aware, improving council services is one of our five priorities for the year ahead. There are a number of steps we are taking to do just that, including an outward looking benchmarking standard to look at best practice in other authorities.

Performance monitoring in the council has historically been done on a quarterly basis and has lacked real meaning. This will now drastically change to a timelier monthly performance monitoring system, which is clear, meaningful and will allow for timely interventions to make a significant difference.

I expect to see improvements to all of our services, and these will be monitored and published monthly from now on to ensure residents can see how we are improving council services.

3 Nicholas Taylor to Councillor Dan Swords (Leader of the Council):

In Cllr Souters election campaign literature he stated that "A vote for any other Party is a vote to allow Sumners West to go ahead".

In view of the fact that the land in question is in the Epping Forest DC area and Conservative Councillors there voted to accept the Local Development Plan on 6 March, can you explain how your Party can stop this development?

Reply from Councillor Dan Swords (Leader of the Council):

Thank you for your question regarding the Harlow Conservatives' long-held position to stop Sumners West.

You will be aware that this development does not yet even have a live planning application, let alone permission.

In September 2021, the Harlow Conservatives' passed a motion which stated:

"This Council resolves that it:

- i) Remains against growth to the southern and western boundaries of the town, preferring any growth to be to the north (Gilston Villages) and east of Harlow.
- ii) Will make any representations necessary to communicate that it does not support any development of Sumners West or any other developments to the south or west of Harlow.
- iii) Will not sell or lease any land or rights of way which it possesses that may assist in the development of Sumners West or any other developments to the south or west of Harlow."

As you will be aware, there are key passages of land owned by Harlow Council that would be required to facilitate this development. We will not sell them which was not the historic position of the previous Labour administration. Therefore, I fully endorse the statements made by Cllr Souter – whom I note was re-elected as a councillor for the area.

4 Nicholas Taylor to Councillor Dan Swords (Leader of the Council):

I noted the LGA's comments about the Council's consultation with residents and then took a look at the Council's Community Engagement Strategy. It is very clear that this strategy is not being implemented. It is interesting to note for example that none of the councils notice boards are used to advertise council events or published information.

Can you advise me how many public exhibitions, newsletters, pop up events, meetings, forums and drop in events have been held by the Council since your Party took control of the Council?

Reply from Councillor Dan Swords (Leader of the Council):

Thank you for your question regarding community engagement.

In direct response to your question, excluding events for statutory consultations for planning or licensing applications which run into the several hundreds, since May 2021 the Council has held at least:

- a) 20 exhibitions;
- b) 13 newsletters;

- c) 423 pop-up/drop-in events;
- d) 172 meetings; and
- e) 18 forums.

However, I do strongly believe that this has not been sufficient and that we need to significantly improve our consultation and community engagement.

That's why, we are currently carrying out a specialist residents' survey which has already spoken to hundreds of Harlow residents and has received an extraordinary amount of information and residents' views on the council and its activities.

However, this is just the start. I am pleased to announce that a new community engagement hub will shortly open in the town centre as a forum for engagement on the town's future and our transformational regeneration plans. This will provide a physical one-stop-shop for the council to engage in a way it has not done for many many years with residents.

Furthermore, as Leader, I will be carrying out a series of public meetings over the Autumn to consult on our plans and to hear residents' voices.

Our notice boards are now fully populated and will be refreshed on a regular basis.

We are making significant changes to our communications activities in this spirit.

I have listed just a few ways in which we will be changing our approach to community engagement, and I will write to you with further details outlining this approach.

5 Karen James to Councillor Nicky Purse (Portfolio Holder for Sustainability and Environment):

At Full Council on the 15 July 2021, a question was asked about the maintenance of council owned trees. The response was that a programme of work had been commenced and that a town wide inspection of trees was being carried out. It is clear from looking around the town that very little work is being carried out, many homes are now blighted by the close proximity of trees.

Can you advise me of what progress has been made to complete the inspection of trees, has a long-term programme of work been identified and how many trees had work carried out on them in the municipal year 2022 to 2023?

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

Thank you for your question about the significant work we are doing to address the maintenance of trees in the town.

As you will be aware, there has been only reactive tree maintenance in the town for many years. Residents are also frustrated with the council's historic tree policy. That's why we are bringing forward a new pro-active tree policy which is scheduled to come forward in September.

Further to this, we are carrying out both a comprehensive survey of every council-owned tree in the town to ensure we are planning proactive maintenance properly, but we are also now carrying out the works arising from the survey, as well as any urgent tree works townwide.

I have requested full details of the figures you request and will write to you with these as soon as I have them.

This means we have now put in place a proper maintenance process, policy and programme to our tree maintenance and residents will begin to see the benefits of that very soon.

6 Karen James to Councillor Nicky Purse (Portfolio Holder for Sustainability and Environment):

Many residents have become very concerned about the number of mature trees that are being felled to make way for the sustainable transport corridor between the Town Centre and Harlow Town railway station.

Can you advise me how many trees will eventually be felled to make way for this project?

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

The works referred to are part of the enabling works being planned for, and being undertaken by ECC, in order to deliver the planned North to Centre Sustainable Transport Corridor. ECC advise that all the trees that are being affected by the works have now been removed. There were 40 trees directly related to the scheme but over 80 new trees are being planted. The replacement trees will be semi-mature specimens (approx. 10-20 feet in height). Overall ECC advise that many more trees will be replanted than removed throughout the corridor, and a 5 year maintenance programme is being put in place. Landscaping is also planned along the route to create areas of new habitat and

bio-diversity, while also creating an attractive environment for pedestrians and cyclists.

7 Steve Dean to Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

It has come as a surprise to many residents that Rank House is to be demolished.

Can you advise me how many individuals and families will have to be provided with an alternative home by the Council?

Reply from Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

There are 26 households currently residing in Joseph Rank House, that wish to remain in Harlow. Housing are currently working directly with Places4People to work through the housing applications and any barriers that maybe in place.

8 Steve Dean to Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

You will be aware that very little work to paint and repair the external fabric of Council houses has taken place in the last two decades.

Can you advise me if any such work is to be carried out during the current financial year and if so what estates are to be included?

Reply from Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

Thank you for your question regarding the council's £122 million Housing Capital Programme. There is an annual programme of cyclical works. For 2023/24 the following estates will be completed – Little Pynchons, Hare Street Springs, Jocelyns, Little Grove Field, Rams Gorse, Spencers Croft, Fortunes and Stile Croft.

9 Alan Leverett to Councillor Dan Swords (Leader of the Council):

The previous Leader of the Council indicated that investing in the purchase of the Harvey Centre would produce a profit of £500,000.

Could you provide me with a summary of how this claim can be made in view of the interest on the £21M investments, and whether the statement still stands true in light of the fact that more retail space has become vacant in recent weeks?

Reply from Councillor Dan Swords (Leader of the Council):

Thank you for your question about the council's historic decision to acquire the Harvey Centre in line with our priority to rebuild our town by regenerating the town centre.

The Harvey Centre is significantly exceeding expected performance as recorded elsewhere on the Cabinet agenda tonight as part of the 2022/23 financial reports. I am pleased to report that a surplus of £767,000 has been achieved above and beyond what was expected at this time. This represents the centre operating 24.3% better than expected at this time. This outstrips many competitors in the industry, and I am sure that you will agree that this has shown that the council's prudent management has already to date produced an incredible surplus compared with our business planning.

During the business planning and budgeting prior to acquisition, prudent assumptions were made about the income profile from the tenants. Whereas the technical vacancy percentage based on number of units has increased from 2.27% at acquisition to 6.82% today, this has been due to two small kiosks closing, one restaurant operator going into administration, and one unit being repossessed due to significant rent arrears and the need to protect the Council from further risk.

This gives the appearance of challenge however, the original business plan allowed for some tenants to vacate at the end of their leases. We have successfully secured their continued occupation, so the net result is that income before debt is actually 24.3% above acquisition forecast due to lower than budgeted void costs and requirements for capital expenditure to renew shop units.

Significant announcements will shortly be made about new tenants and facilities coming into the centre, which I believe will be strongly welcomed and show the benefits of our acquisition.

The centre will continue to be managed prudently and in line with the Council's plans for long term improvement to the town centre. The Council used a variety of sources to raise debt in a prudent manner, and the performance of the Harvey Centre continues to provide a margin which is intended to help support town centre regeneration.

On top of the £767,000 surplus achieved to date, the council has secured the reverse premium of the former BHS unit, on which the council has received an extra £4 million of capital receipt on top of the £767,000 surplus. We are now actively planning the regeneration of the centre as a result of this.

Therefore, I would consider that you are correct in your assertion that the figure given by the former Leader of the Council was wrong. However, you seem to believe it would be far lower than £500,000 and you put an open-ended time frame on this. I have set out that we have already achieved a £767,000 surplus above and beyond our expectations to date, as well as a further £4 million capital receipt having been received. I hope that this puts to bed the doubters who vehemently opposed this acquisition.

10 Alan Leverett to Councillor Michael Hardware (Portfolio Holder for Economic Development):

The Council has paid £1 million to purchase Occasio House.

Can you advise me if the council produced a cost analysis for the demolition of the building and how much has now been set aside to construct alternative buildings on the site? If so, can this information be shared with Council Tax payers?

Reply from Councillor Michael Hardware (Portfolio Holder for Economic Development):

Thank you for your question regarding the council's fantastic plans to regenerate the town centre, in line with our priority to rebuild our town.

A demolition cost analysis was produced as part of the Levelling Up Fund bid process, which the Ocasio House Site demolition will be funded by following the successful award of nearly £20million that was awarded to Harlow Council to deliver against the ambitions for a new cultural quarter.

The cultural elements of the building will also be funded by the Levelling Up Fund award, with options for the funding of the residential elements currently being considered as part of the delivery process for the scheme. There are several positive options including additional grant funding and alternative forms of investment.

Further updates will be announced once scheme designs have been developed and final decisions surrounding the funding model have been made.

The demolition programme is set to begin in the coming weeks.

11 Edmund Wilson to Councillor Nicky Purse (Portfolio Holder for Sustainability and Environment):

With Harlow Woods now closed to horse riders and other member of the public unable to traverse the newly installed barriers. Can Harlow Council please publish the advice received from Natural England that leave the council in a position where they are unable to lift restrictions? This is in stark contrast to communications received direct from Natural England the very same week.

Where Natural England would welcome discussions with the council regarding horse riding in Harlow Woods and encourage our continued dialog with the council. Sadly, we have been unable to continue any dialogue despite emails and recorded delivery mail.

I would also ask how this stance fits the “Harlow health and wellbeing strategy 2023 to 2028” which contains many opposing statements to the current actions of the council. I believe the publication of these communications would be in the interest of the published code of conduct specifically (Appendix 1) The Nolan Principles and Section 28(1) of the Localism Act 2011. Sections: 2) Integrity, 3) Objectivity, 4) Accountability and 5) Openness.

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

Firstly, I would like to correct the statement that has been made in the question - Harlow Woods is not “now closed to horse riders” – the woodland has carried a restriction preventing unauthorised motorcycling and horse riding for many years.

You will also be very aware that currently there are no designated bridleways within the woodland area known as Harlow Woods which has been identified as a Site of Special Scientific Interest (SSSI), so there is no permitted formal access for horse riders within the woodland.

Harlow Council has worked very closely with the Forestry Commission and Natural England to agree a management plan for the woodland which is recognised as currently being in unfavourable condition with a recovering status due to the current programme of conservation management in place. This effort will need to be sustained with adequate safeguards to achieve favourable condition status for the SSSI feature, which aligns with national government Environmental Improvement Plan (EIP) targets. Conserving the biodiversity value of this nationally designated site should be a key focus for the Council within its environmental sustainability plan

Natural England has clearly stated to the Council that it is unclear how access for horse riding could be achieved by Harlow District Council and is beyond the

scope of the current management plan that has been agreed for the management and recovery of the SSSI.

The Landscapes and Biodiversity Team fully endorse the “Harlow health and wellbeing strategy 2023 to 2028”. However, this cannot be to the detriment of the sustained efforts in achieving favourable condition for Harlow Council’s only SSSI feature.

We are also arranging a further meeting with you and specialists from Natural England to bring resolution to this matter.

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Questions from Councillors

1 Councillor Chris Vince to Councillor Dan Swords (Leader of the Council):

A number of trees have been cut down by Essex highways as part of the sustainable transport corridor. Although I understand trees will be replaced, I am concerned replacing mature trees with new saplings is not like for like. Can you tell me what warning Essex Highways gave Harlow council about these trees being cut down, what justification they gave to them being cut down so far in advanced of any planned highways work and what evidence they provided that the scheme will be carbon neutral?

Reply from Councillor Dan Swords (Leader of the Council):

Thank you for your question regarding the significant investment secured to massively upgrade our transport infrastructure on this key route between Gilston, the train station and our town centre.

In addition to the response to Question 6 in the Questions from the Public, ECC advise that scheme briefings were held with District Councillors in August 2022, both online and in person, and prior to the tree removal a briefing note was issued. Notices were also sent to residents advising of the works, including the need for tree removal and their replacement. In addition, these works were flagged up in a joint press statement by HGGT partners, where the then Leader of the Council, Councillor Perrin, acknowledged that “whilst some trees are being removed to enable the works, these will all be replaced with semi-mature trees with long-term maintenance plans to ensure they flourish. More trees will be planted than removed and a number of trees being removed are diseased, dying or affected by ash dieback. The nearby Town Park will not be impacted. No trees from the Town Park or the row of trees along the boundary of the park will be removed.”

I strongly welcome the fact that the transport infrastructure upgrades are being put in place before the development is constructed. This is key to our priority to secure investment into Harlow. However, in light of your question, I have asked for reassurances on the works programme and timescales. We are also taking further steps to advertise the works and the significant investment to upgrade our transport infrastructure.

2 Councillor Chris Vince to Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

In a previous meeting we were told that with regards the experiences of the residents of Five Acres about major works the council had 'recognised the need to improve communication on major works schemes and to ensure better processes are in place for future schemes. Bearing in mind lease holders of Wedhey have been hit with a potential bill of £46,000, a decision taken outside of a council or cabinet meeting, how has the process of consulting with residents been improved?

Reply from Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

Thank you for your question regarding major works to upgrade our flat blocks which is part of our £122 million Housing Capital Programme to fix council housing.

There is an ongoing review into this process which is being finalised. Officers have reviewed the process in line with the statutory requirements of Section 20 Leasehold consultation and have enhanced the consultation process, prior to works commencing, during works and post works. In addition to introducing two internal reviews of the proposed scope and scheduling of works along the scope has been reviewed to focus only on component failure.

Key changes to the process are:

- a) Due to escalating cost of works, the scope of works will now only include health and safety works, fire safety works and component failure, which is a move away from the Housing Investment principles of total block refurbishment;
- b) Built into the process now are two opportunities to review the scope and if required value engineer the scope, to minimise the financial impact for leaseholders, and to take account of consultation feedback; and
- c) Earlier engagement on works planned with all residents, enhanced engagement whilst works are in progress with the introduction of a newsletter and closure letter post works.

These principles were applied to the Wedhey project, and through the value engineering process the overall cost of works was reduced £58,000 to £46,000. Financial support packages are available for leaseholders whereby the property is their one and only principal home. The new process is robust and ensures that the Council meets its statutory requirements aligned to the Leaseholder

Consultation requirement as set out in the act, whilst giving residents more opportunity to discuss concerns at an earlier stage.

Once the final review is completed, it will be reported as a Portfolio Holder decision for full transparency and scrutiny.

3 Councillor Tony Durcan to Councillor Nicky Purse (Portfolio Holder for Environment and Sustainability):

Over the weekend I have been approached over concerns raised about vandalism of council property at Ridsen Woods.

An open letter has appeared in your Harlow that could appear to lay the blame over the damage being carried out by someone from the horse riding stable. This is purely based on the evidence of horse droppings. As you can imagine this has caused huge offence.

Could you please provide an update on what actions are being taken to mitigate possible further escalation of this situation, including:

- a) What has been the cost of installing these barriers to date;
- b) What will be the cost to recover and repair;
- c) Providing the risk assessment to show why these type of barriers were justified; and
- d) Finally whether you would agree that whilst these barriers may stop young people enjoying horse riding it also may be a breach of the equality act by preventing others from enjoying and accessing these woods.

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

Thank you for your question regarding the repeated damage being caused at Ridsen Woods.

In respond to the four parts of our question:

- a) £0. The restrictions were installed using materials already to hand and using volunteers to install them and supervised by a Council Officer.
- b) £0.

- c) Unauthorised horse riding and motorcycle riding in the woods has been prohibited for a significant number of years as notified on signage at 2 of the entrances to the woods. The barriers were installed because of unauthorised use of the woods continued in spite of the restrictions which have been in place for many years as advertised by the signage.
- d) The Equality Act requires Councils to make reasonable adjustments to be able to offer access to their facilities to all. What is classed as a reasonable adjustment relies on a number of factors which include, amongst other things, how practicable the changes are, how much money and resources are available and the cost of making the changes. Due to the SSSI status of Hospital & Ridsen Woods, it is not possible to alter the terrain and surfacing to enable accessibility, due to the steep gradients and uneven surfaces. Constraints associated with SSSI sites limit the balancing of access with the conservation of our natural heritage.

Parndon Wood Nature Reserve which is adjacent to the Hospital and Ridsen Woods SSSI offers accessibility for all users with access to several key features which include a bird hide, conservation centre, outdoor seating area, café, toilets and along some areas of permissive footpath. There is also an accessible car park located near to the entrance.

4 Councillor Tony Edwards to Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

Given that it was reported in the minutes of the Housing Standards Board 15 May that:

- a) The costs for aborting the Five Acres Flat Block Contract was £191,221; and
- b) Only £13,742 of repair work was carried out.

Please can you give precise reasons for aborting the contract and detail the specific lessons learnt by the Council.

Reply from Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

The major works contract at Five Acres was stopped because of concerns received from leaseholders which included formal representations to Cabinet in October and November 2022 in relation to the consultation process and cost of works.

As a result of the concerns raised by the leaseholders at these meetings, Officers were instructed to cease all works at Five Acres pending a review of the Major Works Process. Letters detailing this decision were sent to all residents.

That letter stated that any future decision about the need for works, would not be made until the council has fully reviewed its major works processes, including resident and leaseholder consultation. Therefore, a decision would not be made until the 2023/24 financial year.

Whilst the works were halted, there was a need to complete urgent works to block 7 – 17 Five Acres.

The costs of the aborted works were originally estimated at £500k however the final costs were £476,259 broken down as follows:

Cost of aborting Cosmur contract – includes site set up costs etc - £191,221

Cost of materials purchased and stored pending commencement of works and scaffold costs - £271,296

Repairs to 7 – 17 Five Acres, - includes tiles, gutters etc. - £13,742

The review of the major works processes is nearing completion and once the final review is completed, it will be reported as a Portfolio Holder decision for full transparency and scrutiny.