

**MINUTES OF THE COUNCIL
HELD ON**

17 September 2020

7.30 - 8.00 pm

PRESENT

COUNCILLORS

Maggie Hulcoop (Chair)
Bob Davis (Vice-Chair)

David Carter	Eddie Johnson
Simon Carter	Shona Johnson
Joel Charles	Sue Livings
Nick Churchill	Frances Mason
Jean Clark	Stefan Mullard
Mike Danvers	Russell Perrin
Jodi Dunne	Danny Purton
Tony Durcan	Lanie Shears
Tony Edwards	Clive Souter
Michael Garnett	Emma Toal
Eugenie Harvey	Chris Vince
Mark Ingall	Phil Waite
Shannon Jezzard	Nancy Watson
Andrew Johnson	Mark Wilkinson

OFFICERS

Brian Keane, Chief Executive
Hannah Criddle, Governance
Support Officer
Simon Hill, Head of
Governance
Lisa Thornett, Corporate
Governance Support Officer

16. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Michael Hardware and John Strachan.

17. **DECLARATIONS OF INTEREST**

None.

18. **MINUTES**

RESOLVED that the minutes of the meeting held on 16 July 2020 are agreed as a correct record and signed by the Chair.

19. **COMMUNICATIONS FROM THE CHAIR**

The Chair set out the events she had attended since the previous meeting. She invited Councillors to attend the Charity Golf Day at Cannons Brook Golf Club on 23 October, which would be going ahead subject to any changes in Government Guidance on Covid-19.

20. **PETITIONS FROM THE PUBLIC**

None.

21. **QUESTIONS FROM THE PUBLIC**

The questions, together with the answers, are appended to the minutes.

22. **QUESTIONS FROM COUNCILLORS**

None.

23. **MOTIONS FROM COUNCILLORS**

None.

24. **REFERENCES FROM CABINET AND COMMITTEES**

- a) Referral from Cabinet - Annual Treasury Management Report 2019/20

Full Council received a referral from Cabinet on the Annual Treasury Management Report for 2019/20.

Proposed by Councillor Mark Ingall (seconded by Councillor Eugenie Harvey) it was:

RESOLVED that that Annual Treasury Management Report for 2019/20, as set out in Appendix A to the report, including that the Council operated within the Treasury Management Strategy Statement during 2019/20 is noted and approved.

- b) Referral from Cabinet - Report of the Covid-19 Recovery Working Group

Full Council received a referral from Cabinet which recommended that a further Corporate Priority of 'Resilience and Recovery' is introduced into an amended Corporate Plan with the associated Action Plan.

Proposed by Councillor Mark Ingall (seconded by Councillor Eugenie Harvey) it was:

RESOLVED that a further Corporate Priority of 'Resilience and Recovery' be introduced into an amended Corporate Plan with the associated Action Plan.

25. **REPORTS FROM OFFICERS**

None.

26. **MINUTES OF CABINET AND COMMITTEE MEETINGS**

- a) Minutes of meeting Tuesday, 7 July 2020 of Licensing Committee
- b) Minutes of meeting Thursday, 9 July 2020 of Cabinet
- c) Minutes of meeting Tuesday, 14 July 2020 of Scrutiny Committee
- d) Minutes of meeting Wednesday, 19 August 2020 of Development Management Committee
- e) Minutes of meeting Thursday, 27 August 2020 of Audit and Standards Committee
- f) Minutes of meeting Tuesday, 1 September 2020 of Scrutiny Committee
- g) Minutes of meeting Wednesday, 2 September 2020 of Development Management Committee

27. **MATTERS OF URGENT BUSINESS**

Having given prior notice to the Chair, Councillor Purton raised a matter of urgent business in relation to the Chequers Public House. He explained that following concerns about activities taking place at the Chequers. The Council had been working with the County Council and Essex Police and following a multi-agency review, the Chequers had been issued a Community Protection Directive. This acted as a final warning before a Closure Order.

Councillor Joel Charles welcomed the issuing of the Directive, and the work between the Police, County Council and the Council. The three Ward Councillors and MP had been working closely on this matter and the Directive sent out a message that licensed premises who ignore the Guidance will have action taken against them.

CHAIR OF THE COUNCIL

Full Council – 17 September 2020

Questions from the Public

1 Steve Dean to Councillor Mark Ingall (Leader of the Council):

I have been advised by Council Officers that there is a general presumption against the disposal of Harlow Council land unless certain criteria are met. Also, Harlow Council's web site states that new applications for purchasing small land parcels are not currently being accepted until the new Local Plan and the updated land sale policy have been approved and this is not expected to be the case until Spring 2021.

I have become aware that subject to Planning Approval the Council has very recently agreed to the sale of a plot of land to enable a resident to build a new house. There was no neighbour consultation carried out prior to this decision being made and the criterion for refusal of sale based on 'loss of an important, or balanced landscape feature' has been ignored.

This land is associated with Planning Application HW/FUL/20/00316 at 108 Greygoose Park, Harlow, that was refused on the basis of the criterion referred to above.

Can you tell me why the loss of landscape criterion was ignored and neighbours not consulted prior to approval of the land sale and can you give me an assurance that, if the applicant of Planning Application HW/FUL/20/00316 appeals against its refusal, the landscape criterion will be upheld and neighbours consulted before final approval for the sale of this land is given?

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

In this instance, the application to purchase the land was submitted and agreed (subject to planning) in March 2017, before the Council stopped accepting new applications.

As part of the land sale application process, Officers consulted with the Council's Landscape and Biodiversity officer and the criteria for the "loss of an important or balanced landscape feature" were fully considered. The initial land purchase application included areas marked A,B,C and D on the attached plan. Following consultation with the Council's Landscape and Biodiversity Officer, the Council refused to sell the area A, as this would lead

to loss of an important landscape feature and refused to sell the area B, C on other grounds. The Council decided to sell the area marked D only, an area that was not considered by the Council's Landscape and Biodiversity Officer to constitute an important balanced landscape feature.

In regards to the neighbourhood consultation, it is the land application Case Officer's decision whether to carry out neighbourhood consultation. In this case it wasn't considered necessary.

It should be noted that land sale and planning processes and criteria are different. The decision to sell the land is given before the planning application is submitted, although only provisionally as it is subject to obtaining planning approval. The Council therefore ensures that both land sale criteria and planning policy criteria are met.

If the planning application is granted on appeal, the Council will proceed with the land sale.

2 Nicola Purse to Councillor Danny Purton (Portfolio Holder for Environment):

Following consideration of my petition at Full Council on 11 July last year, the Council approved ten projects totalling £133,400 to improve the landscaping in Church Langley. One year on, can you tell me how many projects have been delivered and how much has been spent?

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

The schemes set out in the report were based on a discussion between Councillor Simon Carter and Officers, appeared reasonable and were given budget estimates by from the Environment Client team.

Councillor Simon Carter was engaged in discussion with Officers about practical implementation of the proposed schemes, which should be given priority, what precise works should be done in practice, land ownership and interaction with other proposed schemes. It was agreed anticipated that practical works could be carried out during 2020/21.

Unfortunately no further progress with any of the schemes has been made since the need to respond to Covid-19 crisis.

However the funding remains available and the Council will continue to pursue these schemes or schemes of a like nature within the approved budget envelope as circumstances permit.

Supplementary Question from Nicola Purse:

Has someone been appointed on a part-time basis to carry out works identified in the report which accompanied the petition?

Supplementary Reply from Councillor Danny Purton, Portfolio Holder for Environment:

I cannot comment as that is a matter for the budget holder. My initial reply was based on the activities carried out by the department I am responsible for. The schemes are complicated by land ownership, as well as areas the County Council are responsible for.

3 Eleanor Kent to Councillor Mark Ingall (Leader of the Council):

In the last few days residents living in Rushes Mead and Bushey Croft have been dismayed to learn the Council have had to take legal action to change the status of the land between these two estates in order that it can build homes on it. The relevant legislation, section 122 of the Local Government Act of 1972 and section 232 of The Town and Country Planning Act of 1990 requires the authority to carry out public consultation. Only now have residents become aware that the Council published an Open Space Notice on 9 January 2020; no wonder the Council received no response from residents.

Knowing that the Planning Application was opposed by more than 180 residents, can you explain:

- a) Why the change in use was only applied for after Planning Permission was granted?
- b) Where the Open Space Notice was published and how long was given for comments to be made?
- c) Why residents living nearby were not written to advising them of the consultation?

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

- a) Appropriation is a legal remedy for ensuring the Council's accounts (HRA & General Fund) are correct. In relation to Bushey Croft, the change of use to that of Housing is to accommodate the proposed new use of the land as housing land. This involves transferring the management of the land to the Council's Housing Revenue Account.

The reason that the appropriation process was pursued after the grant of the Planning Permission is that appropriation for the purposes of the new

development could only be safely pursued once the Planning Permission for that development had been granted.

- b) On 9 January 2020 an Open Space Notice was displayed for 2 consecutive weeks in a local newspaper (Epping Forest Guardian), on the Council's website, and was physically displayed in the reception area of the Civic Centre. The purpose of the Open Space Notice was to appropriate the site for housing purposes.

The closing date for comments was 7 February 2020. No objections were received to this Open Space Notice. Harlow Allotment Society did respond to request further information which was supplied to them.

- c) The Council undertook all the legally required consultations in relation to the appropriation.

