

**MINUTES OF THE COUNCIL
HELD ON**

1 April 2021

7.30 - 8.15 pm

PRESENT

COUNCILLORS

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

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

OFFICERS

Brian Keane, Chief Executive
Simon Hill, Head of
Governance
Adam Rees, Governance
Support Officer
Lisa Thornett, Corporate
Governance Support Officer

75. **TRIBUTES AND MINUTES SILENCE FOR TONY HALL AND STAN
NEWENS**

Tributes were paid to Tony Hall and Stan Newens following their passing. A minutes' silence was observed.

76. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Danny Purton and John Strachan.

77. **DECLARATIONS OF INTEREST**

None.

78. **MINUTES**

RESOLVED that the minutes of the meetings held on 28 January, 24 February and 25 February 2021 are agreed as a correct record and signed by the Chair.

79. **COMMUNICATIONS FROM THE CHAIR**

The Chair said that she had given a speech for the virtual national day of reflection following one year since the first national lockdown started.

80. **PETITIONS FROM THE PUBLIC**

None.

81. **QUESTIONS FROM THE PUBLIC**

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

82. **QUESTIONS FROM COUNCILLORS**

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

83. **MOTIONS FROM COUNCILLORS**

None.

84. **REFERENCES FROM CABINET AND COMMITTEES**

None.

85. **REPORTS FROM OFFICERS**

- a) Annual Reports from Councillors Appointed to Outside Bodies

RESOLVED that the annual reports from Councillors appointed to Outside Bodies be noted.

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

RESOLVED that the minutes of the following meetings are noted.

- a) Minutes of meeting Wednesday, 13 January 2021 of Development Management Committee
- b) Minutes of meeting Tuesday, 19 January 2021 of Licensing Committee
- c) Minutes of meeting Thursday, 21 January 2021 of Cabinet
- d) Minutes of meeting Tuesday, 16 February 2021 of Development Management Committee
- e) Minutes of meeting Tuesday, 9 February 2021 of Scrutiny Committee

- f) Minutes of meeting Thursday, 25 February 2021 of Cabinet
- g) Minutes of meeting Wednesday, 3 March 2021 of Audit & Standards Committee
- h) Minutes of meeting Tuesday, 9 March 2021 of Licensing Committee
- i) Minutes of meeting Tuesday, 16 March 2021 of Scrutiny Committee
- j) Minutes of meeting Wednesday, 17 March 2021 of Development Management Committee

87. **MATTERS OF URGENT BUSINESS**

Councillor Chris Vince paid tribute to Councillor Shannon Jezzard as she was not seeking re-election in the upcoming elections.

CHAIR OF THE COUNCIL

Full Council – 1 April 2021

Questions from the Public

1 Kay Morrison to Councillor Mark Wilkinson (Portfolio Holder for Housing):

I'm aware of the Council Leader's superb work in persuading councils across South-East England to stop using some of Harlow's worst Permitted Developments. However, I understand that councils of all political colours continue to deal with rough sleepers by finding emergency accommodation in Harlow, a prominent example being the Oasis Hotel.

What is the effect on our Council services and how can Harlow Council ensure that vulnerable people with no link to Harlow are not dumped in the town by other local authorities?

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

The effects of Conservative legislation that allowed the conversion of office blocks like Terminus House into accommodation described as “the slums of the future” and further Conservative legislation that forced London Councils to look outside their boundaries for temporary accommodation has created a housing crisis.

Harlow's Labour Council has been working tirelessly to protect Harlow from the worst effects of buildings like Terminus House, while the Conservative Party have been accepting donations from those who have profited from the misery of Terminus House.

Any local authority placing a homeless household into accommodation out of their area should advise the receiving area, by way of a notification called a “section 208 notice.” Unfortunately this often has not happened, and there is little enforcement that a receiving Council can take. However the Leader of the Council has undertaken many meetings with other Council Leaders and has negotiated assurances from them that section 208 notices will now be provided. Also the Council's Safer Harlow Partnership has a specific work stream to look at reducing the impact of poor quality permitted development on the residents living at these properties, and others impacted by them.

The Leader of the Council, and Officers, have also been able to negotiate with the London Council's a protocol on those Boroughs placing homeless families in Essex. The protocol is aimed at reducing the flow of homeless household placed into Essex by London and to make any moves that do happen, work better for that household and the community in which they are

placed. What should be considered as suitable accommodation for a vulnerable household includes whether it is safe to place someone in a particular area, particularly if it is in another town.

Supplementary question from Kay Morrison:

What further measures can the Council take?

Supplementary reply from Councillor Mark Wilkinson (Portfolio Holder for Housing):

The Leader will continue to meet with other leaders to persuade them to not send people into Harlow to provide them with temporary accommodation. The Government also needs to restore planning controls to local authorities.

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

At the Full Council meeting on 10 December 2020 I asked how Harlow Council or its agent determined the value of land which it agreed to sell. You explained why it is not considered appropriate to adopt a 'one size fits all' valuation approach.

Can you tell me how many pieces of land have been sold to individual applicants and how much income this has generated for the Council in the last 5 years?

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

The Council has sold 16 small land parcels with a combined value of £178,975 in the past 5 years.

Full Council – 1 April 2021

Questions from Councillors

1 Councillor Tony Edwards to Councillor Mark Ingall (Leader of the Council):

Approximately three years ago the Council had a debate about the appalling state of Harlow's roads. During the debate there was a presentation of the hundreds and hundreds of Potholes listed by Essex Highways. If you look today on the Essex Highways site, you will still see hundreds and hundreds of reported potholes in Harlow. Could you please tell us how the Harlow Council has sought to raise this matter with the County Council and of their response to date?

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

Councillor Edwards is correct in saying this Council debated the inadequate maintenance of our roads three years ago. In fact more than four years ago, in my maiden speech in this chamber I also brought up this matter. The appalling backlog of maintenance has been an issue that has been at the forefront of residents and councillors minds for a considerable time.

I know that many Councillors and residents have reported concerns through the Essex Highways portal, only to get messaged back that the pothole has been previously reported and no action is planned. As Leader of the Council I wrote to the Conservative Portfolio Holder for Highways and initiated a meeting with him. At that meeting I secured a promise that our estate roads would begin to be targeted for improvements. But walking, driving or cycling around our town shows too clearly that the promise has not been met.

Conservative controlled Essex County Council has failed Harlow when it comes to the maintenance of our roads pavements and cycle tracks. Harlow's Conservative County Councillors have been silent on the issue for three and a half years, only surfacing to claim credit for a few repairs in the months before they are due to stand for election. One even famously claimed on social media a couple of years ago that there were no potholes in his division of Harlow, showing how out of touch he was with the residents he was meant to serve.

Supplementary question from Councillor Tony Edwards:

Given the County Council's failure to meet their obligations to properly maintain our roads, what further action does the Leader propose to take?

Supplementary reply from Councillor Mark Ingall (Leader of the Council):

I have found that creating a media storm has been effective. I would urge Councillors to create petitions. I am also looking at the legal steps necessary to ensure our worst affected roads are repaired.

2 Councillor Simon Carter to Councillor Mark Ingall (Leader of the Council):

In your answer to Question 5 at the last Council meeting you said Terminus House provided only 40 properties qualifying for New Homes Bonus and a net payment of £34,800. Can you show your workings please?

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

The Government publishes New Homes Bonus Calculator on its website at <https://www.gov.uk/government/publications/new-homes-bonus-calculator-2021-to-2022>. The calculation is quite detailed and for the purposes of a reply to the question asked by Councillor Carter so I am happy to arrange for a copy of the calculations to be sent to him.

It is important to remember that the calculations used in determining New Homes Bonus payments, as set out in the original reply in January are not normally calculated on a per property basis but on the overall growth in property numbers from one year to the next. Therefore the calculation, whilst following the methodology has had to make specific assumptions in order to calculate the estimated NHB value.

Supplementary question from Councillor Simon Carter:

Why do you refer to Council Tax Discounts and the Local Council Tax Support Scheme which do not form part of the NHB calculation?

Supplementary reply from Councillor Mark Ingall (Leader of the Council):

I'm confident that the figures provided in the answer are correct. I know there is an open invitation to Councillor Carter to discuss the figures with the Head of Finance if he wishes.

3 Councillor Michael Hardware to Councillor Mark Wilkinson (Portfolio Holder for Housing):

On what basis or under what legislation the council is writing to the 2,500 owners of leasehold properties in Harlow, where the council owns the freehold, seeking copies of gas and electricity safety certificates? There have been numerous mentions of this on social media, direct complaints to councillors and, I understand, complaints to the council.

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

The statutory basis for requesting this information is detailed in relevant “Fire Safety Orders” which require us as a landlord /owner of freehold property to continuously assess the risk factors/ hazards which may affect fire safety in its properties. Risk assessments are regularly reviewed and prioritised as part of this requirement with the letter recently sent, a reminder for all leaseholders and those who sublet homes of their lease /safety responsibilities. There is a lease requirement to maintain their property in a safe manner, and risk assessments update our approaches. Importantly, this will provide added security to other residents in the block as well as proof that these potential lifesaving inspections have been carried out.

So far there has been a positive response with the majority of this information readily available. However, the Council recognises that for some this may prove difficult in arranging and being in a position for producing certificates and that some leaseholders will need longer to arrange inspections. Support and further information is being provided to leaseholders who have contacted us about this issue.

Supplementary question from Councillor Michael Hardware:

What are you going to do with those who fail to provide you with what is needed, or refuse to?

Supplementary reply from Councillor Mark Wilkinson (Portfolio Holder for Housing):

I’ve already stated in my original answer that it is a requirement to have this information and that the Council will provide help to those who request it. I have been a Councillor for nearly twenty years and I have never been so appalled by some of the literature being put out by the Conservatives on fire safety. As a responsible council are taking this issue seriously.

4 Councillor Andrew Johnson to Councillor Mike Danvers (Portfolio Holder for Resources):

Government figures show the Council received £1.74 million in December under the Additional Restrictions Grant Scheme to support local businesses who fell outside the definition of the other Government grant schemes. At the time of the Council's last report to Essex County Council, how much of this grant funding had been dispersed to local businesses?

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

The last reporting to ECC was based upon data at 14 March 2021 and showed that Harlow had paid out 290 payments totalling £749,760 in respect of the Additional Restrictions Grant. Against the original allocation of £1.74 million this represented 43% of the allocation having been spent.

I would also like to publicly put the record straight regarding this Council's performance in making ARG payments to local businesses. Despite the misleading information that has been published by the Harlow Conservatives and based on the data provided to ECC, Harlow was far from the worst performer in Essex. Several neighbouring authorities have paid out less and in some cases far less of their grant allocations than Harlow Council with Conservative controlled Epping Forest having only paid out 13% of their total ARG allocation.

In order to provide a response to the question which reflects the most up to date information I can also inform Councillor Johnson that as at 30 March 2021, a little over two weeks since the data was supplied to ECC, Harlow Council has now paid 564 payments totalling £1,115,840.60. This represents over 64% of the original ARG funding and nearly 45% of the total ARG including the January top up payment.

ARG funding, as announced by the government is to be utilised throughout 2021/22 to also help business recover from the crisis and this Council is now focussed on designing new options for ARG to support those local business that will again fall through the gaps in the Governments Restart Programme in order to support all local businesses recover and be successful as the local economy emerges from this crisis.

I would also point out in responding to Councillor Johnson that it has been reported that nationally 3 million business have fallen through the cracks in the Government's Covid support programmes.

Supplementary question from Councillor Andrew Johnson:

How much ARG funding does the Council still have left which must be distributed by June?

Supplementary reply from Councillor Mike Danvers (Portfolio Holder for Resources):

The Council is acting carefully to ensure that these businesses are supported. Essex County Council has £1 billion of reserves. Let's work together to open the coffers of the County Council so that Harlow business can properly supported.

5 Councillor Andrew Johnson to Councillor Mike Danvers (Portfolio Holder for Resources):

At the time of the Council's last report to Essex County Council, how much of the Business Adaptation grant funding provided by the Government to Harlow had been dispersed to local business?

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

As with my previous response, the data supplied to ECC was based on information as at 14 March and at that time the Council had paid out 6 payments totalling £7,500 in respect of Business Adaptation Grants. Again for completeness I am now able to inform Councillor Johnson that as at 30 March this has increased to 12 payments totalling £14,000. Furthermore there are 12 recent applications being verified or where further information is required and one new application received yesterday. If all of these new or recent applications are successful this could lead to up to a further £19,500 being paid to local businesses giving a total grants paid figure of up to £33,500.

The Council will still have funding available to allocate to businesses and I would encourage any local business that meets the criteria contained within the grant policy agreed by Essex County Council and available on Harlow Council's website to submit an application as soon as they can to help prepare their business for the further easing of Covid restrictions as set out by the Governments Roadmap.

Supplementary question from Councillor Andrew Johnson:

Why is the figure for distributed BAG so low?

Supplementary reply from Councillor Mike Danvers (Portfolio Holder for Resources):

People need to apply for the funding. The Council has been very efficient in distributing funding during the pandemic