

CABINET
Thursday 9 July 2020 at 7.30 pm
Zoom - Online

This meeting is a virtual meeting which is being hosted on Zoom. Councillors and registered public participants will be sent access details nearer the date of the meeting.

Members of the public who wish to watch the meeting can do so via a livestream which will appear on the Council's YouTube page
<https://www.youtube.com/user/HarlowCouncil>

Members

Councillor Mark Ingall, Leader of the Council
Councillor Eugenie Harvey, Deputy Leader and Portfolio Holder for Resilience and Recovery
Councillor Mike Danvers, Portfolio Holder for Resources
Councillor Tony Durcan, Portfolio Holder for Growth and Prosperity
Councillor Frances Mason, Portfolio Holder for Governance, Equality and Diversity
Councillor Danny Purton, Portfolio Holder for Environment
Councillor Chris Vince, Portfolio Holder for Community and Wellbeing
Councillor Mark Wilkinson, Portfolio Holder for Housing

AGENDA

1. Apologies for absence
2. Declarations of Interest

Councillors' declarations of interest (if any) in relation to any items on the agenda.
3. Minutes (Pages 4 - 17)

To approve the minutes of the meeting held on 27 February 2020.
4. Matters Arising

Any matters arising from the minutes of the previous meeting.
5. Written Questions from the Public

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

6. Written Questions from Councillors

To receive any questions from Councillors in accordance with Rule 11 of the Council Procedure Rules.

7. Petitions

To consider any petitions that have been referred to the Cabinet under the Council's Petition Scheme.

8. Forward Plan (Pages 18 - 28)

To note the Forward Plan, which lists all upcoming Cabinet decisions and provides notice of key decisions and those expected to be taken in private session.

9. Recent Relevant Decisions Taken by The Leader, Deputy or Portfolio Holder(s)

There have not been any decisions taken by Portfolio Holders under delegated powers since the last meeting of the Cabinet.

10. Covid-19 Recovery – Progress and Working Group Terms of Reference (Pages 29 - 36)

11. Year End 2019/20 Performance Report (Pages 37 - 64)

12. Energy Procurement Framework Review (Pages 65 - 70)

13. Flat Block Refurbishment of 97-126 The Hides (Pages 71 - 74)

14. Procurement Strategy Update (Pages 75 - 90)

15. Portfolio Holder Delegations (Pages 91 - 101)

16. Appointment of Cabinet Overview Working Group, Panels and Partnership Bodies 2020/21 (Pages 102 - 103)

17. Communications from Committees/Working Groups/Parties and Panels

a) Referral from Scrutiny Committee - Review of Overview and Scrutiny (Pages 104 - 130)

18. Minutes of Panels/Working Groups

To note the following draft minutes of Cabinet appointed bodies. Minutes remain draft until approved by the relevant body.

- a) Minutes of meeting Thursday, 23 January 2020 of Safety Committee (Pages 131 - 133)
- b) Minutes of meeting Thursday, 12 March 2020 of Cabinet Overview Working Group (Pages 134 - 135)

19. Matters of Urgent Business

Such other business which, in the opinion of the Chair, should be received as a matter of urgency by reason of special circumstances to be specified in the minutes.

**MINUTES OF THE CABINET
HELD ON**

27 February 2020

7.40 - 9.45 pm

PRESENT

Committee Members

Councillor Mark Ingall, Leader of the Council
Councillor Eugenie Harvey, Deputy Leader and Portfolio Holder for Community and Wellbeing
Councillor Mike Danvers, Portfolio Holder for Resources
Councillor Tony Durcan, Portfolio Holder for Economic Growth
Councillor Danny Purton, Portfolio Holder for Environment
Councillor John Strachan, Portfolio Holder for Regeneration
Councillor Mark Wilkinson, Portfolio Holder for Housing

Other Councillors

Councillor David Carter
Councillor Simon Carter
Councillor Joel Charles
Councillor Michael Hardware
Councillor Andrew Johnson
Councillor Russell Perrin

Officers

Brian Keane, Chief Executive
Andrew Bramidge, Head of Environment and Planning
Simon Freeman, Head of Finance and Deputy to the Chief Executive
Jane Greer, Head of Community Wellbeing
Simon Hill, Head of Governance
Andrew Murray, Head of Housing
Adam Rees, Governance Support Officer

115. **APOLOGIES FOR ABSENCE**

None.

116. **DECLARATIONS OF INTEREST**

None.

117. **MINUTES**

RESOLVED that the minutes of the meeting held on 23 January 2020 are agreed as a correct record and signed by the Leader.

118. **MATTERS ARISING**

None.

119. **WRITTEN QUESTIONS FROM THE PUBLIC**

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

120. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

121. **PETITIONS**

None.

122. **FORWARD PLAN**

RESOLVED that the Forward Plan is noted.

123. **RECENT RELEVANT DECISIONS TAKEN BY THE LEADER, DEPUTY OR PORTFOLIO HOLDER(S)**

RESOLVED that following decisions are noted.

- a) Portfolio Holder for Housing - 11 February 2020
- b) Leader of the Council - 18 February 2020

124. **LOCAL DEVELOPMENT PLAN - MODIFICATIONS PRIOR TO CONSULTATION**

Cabinet considered a report which sought approval to begin a formal consultation on the Planning Inspector's Main Modifications, as well as a number of minor modifications to the Local Plan.

Proposed by Councillor Danny Purton (seconded by Councillor Mark Ingall) it was:

RESOLVED that Cabinet:

- A** Approved the proposed Main Modifications to the Harlow Local Development Plan and the amendments to the Policies Map, as set out in Appendix B, C and D to the report, and provided authority that these now be subject to formal public consultation.
- B** Delegated authority to the Head of Environment and Planning, in consultation with the Portfolio Holder for Environment and the Chair of the Local Development Plan Panel, to forward any responses received to the consultation to the Planning Inspectorate.
- C** Noted the updated Local Development Scheme, as set out in Appendix E to the report, and approved it for publication.

125. **TOWN CENTRE AREA ACTION PLAN - FINALISATION OF REGULATION 19 AND SUBMISSION TO PLANNING INSPECTORATE FOR EXAMINATION UNDER REGULATION 22**

Cabinet considered a report which sought approval to finalise aspects of the Regulation 19 of Town Centre Area Action Plan, and then to submit the Plan for inspection under Regulation 22.

Proposed by Councillor Danny Purton (seconded by Councillor John Strachan) it was:

RESOLVED that:

- A** Approved the publication of the revised draft Town Centre Area Action Plan (as set out at Appendix A to the report), for the purposes of consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- B** Delegated authority to the Chief Executive, in consultation with the Portfolio Holders for Environment and Regeneration, to make and approve any minor or inconsequential amendments to the Town Centre Area Action Plan arising from the completion of ensuing technical documents and any further legal advice prior to formal publication.
- C** Delegated authority to the Chief Executive, in consultation with the Portfolio Holders for Environment and Regeneration, following the consultation exercise, to submit the Town Centre Area Action Plan to the Planning Inspectorate for Examination under Regulation 22.

126. **TOWN WIDE HMO ARTICLE 4 DIRECTION**

Cabinet considered a report to approve 12 month notification period for a subsequent Article 4 Direction which would remove permitted development rights from properties for conversion to Houses in Multiple Occupation.

Proposed by Councillor Danny Purton (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that:

- A** Covenants restricting the use of properties to single family dwellings be enforced, where applicable, with any variation to this being agreed by the Head of Environment and Planning, in consultation with Portfolio Holder for the Environment.
- B** Cabinet approved the making of a non-immediate Direction under Article 4 of the Town and Country Planning (General

Permitted Development) (England) Order 2015 across the whole District to remove permitted development rights from properties for conversion to Houses in Multiple Occupation.

- C** Cabinet agreed that the final decision on the implementation of the Article 4 Direction will be taken by Cabinet following the completion of the 12 month notification period.

127. **DISPOSAL OF MOBILITY HOUSE AND MOBILITY HOUSE ANNEX**

Cabinet received a report which sought approval to dispose of Mobility House and Mobility House Annex.

Proposed by Councillor John Strachan (seconded by Councillor Eugenie Harvey) it was:

RESOLVED that:

- A** Declared Mobility House and Mobility House Annex (the Properties) are surplus to requirements.
- B** Approved plans to dispose of the freehold interest in the Properties conditional upon the purchaser delivering a satisfactory scheme of redevelopment.
- C** Delegated authority to the Head of Finance and Deputy to the Chief Executive, in consultation with the Portfolio Holder for Regeneration, to negotiate and finalise the terms of the disposal and (subject to being satisfied that it would be for the best consideration reasonably obtainable) thereafter procure the legal completion of the sale documentation.

128. **CHARGING POLICY FOR PRE-APPLICATION ADVICE**

Cabinet received a report to approve the introduction of a charging scheme for pre-application advice.

Proposed by Councillor Danny Purton (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that:

- A** Approved the introduction of a charging scheme for pre-application planning advice in accordance with the proposed Charging Schedule and exemptions as set out at Appendix A, to take effect from 1 April 2020.
- B** Delegated authority to the Head of Environment and Planning, in consultation with the Head of Finance and the Portfolio Holder for Environment, to review or update the Charging Schedule.

- C Delegated authority to the Planning and Building Control Manager, in consultation with the Head of Environment and Planning, to decide on the scale of the fees for any mixed-use developments on a case by case basis and clarify exemptions.

129. **COMMUNICATIONS FROM COMMITTEES/WORKING GROUPS/PARTIES AND PANELS**

As the duration of the meeting would exceed two hours, it was agreed under paragraph 9.1 of the Council Procedure Rules that the meeting would continue until the remaining business on the agenda had been considered.

a) Recommendations from Religious Diversity Working Party

Cabinet considered the recommendations from the Religious Diversity Working Party.

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

RESOLVED that the Action Plan, attached as Appendix 1 to the report, be approved.

130. **MINUTES OF PANELS/WORKING GROUPS**

RESOLVED that the minutes of the following meetings are noted.

a) Minutes of meeting Tuesday, 19 November 2019 of Housing Standards Board

131. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL

Cabinet – 27 February 2020

Questions from the Public

1 Mr David Forman to Councillor Mark Ingall, Leader of the Council

In response to the BBC's Panorama programme aired on 3 February regarding the conversion of office blocks to temporary accommodation, much reaction has centred on ending Permitted Development Rights to convert offices.

Consequently, does the Leader of the Council agree:

- a) That a more fruitful discourse would be to formulate a national plan for large scale investment in affordable and, in particular, social rented accommodation;
- b) That one solution is offered by the National Housing Federation in its report 'Capital grant required to meet social housing need in England 2021 – 2031' published in June 2019, that details a viable financial model for building 137,059 affordable homes, of which 80,285 are social rented, each year for ten years from 2021. This would require Government capital grant funding of £12.8bn per year at 2019/20 prices, producing an average grant funding rate of 44% of total scheme costs;
- c) That the National Housing Federation are correct about the necessity of this scale of building and Government investment when it says: "Given the pressures facing the housing market, it is also the only route to reaching the Government's target of building 300,000 homes per year"?

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

The problems that have arisen from some of the Office block conversions in Harlow have their roots in Government Policy. Since the introduction of Universal Credit there has been a significant rise in homelessness resulting in increased demand for temporary accommodation.

The decision in 2016 to freeze the Local Housing Allowance Cap, that limited the maximum rent a Council could pay to the bottom third of the market in its area at a time when rents were rising fast, has meant that many Councils can no longer find any accommodation within their borders that they can legally afford to rent for those on housing benefit.

Permitted Development Rights, agreed in 2013 allowing for the conversion of office blocks into residential accommodation without planning permission, has enabled

private companies to cash in on the problems caused by Universal Credit and the Local Housing Allowance Cap and provide accommodation that often falls short of decent space standards. The profits these companies make from housing benefit relies on a model of full occupancy hence their less than scrupulous vetting of the mix of tenants they house.

You are entirely right that a national plan for large scale investment is the only long term answer to solving the national housing crisis and that the National Housing Federation solution makes some sense.

Supplementary Question from Mr David Forman

What will Harlow Council do to support people behaving in an anti-social manner who may well have been traumatised by their displacement to our town?

Supplementary Reply from Councillor Mark Ingall, Leader of the Council:

For some time Harlow Council has adopted a multi-agency approach to help identify and support families through the transition period.

The police do work with landlords to support and deal with matters relating to antisocial behaviour

Harlow Council also produce a leaflet that helps families and other households through the transition period. This signposts to services and facilities available and helps those new to the town settle into their new community.

2 Mrs Sheila Sullivan to Councillor Mark Wilkinson, Portfolio Holder for Housing

At present all Houses in Multiple Occupation (HMO) in Harlow need to be licensed by the local authority. This ensures all HMO tenants are protected and all landlords are treated equally. Large HMOs (5 or more occupants) are licensed under the Statutory Licensing Scheme. Small HMOs (4 or fewer occupants) are licensed under the Additional Licensing Scheme which Harlow Council established in April 2015.

That scheme expires in April 2020, but can be renewed. As the Council's website explains, it just needs to advertise its intention to establish an Additional Licensing Scheme for 10 weeks before bringing it into force. Together the Statutory and Additional Licensing Schemes also provide a database for future planning decisions looking to control the frequency of HMOs in a community.

Does Harlow Council plan to renew the Additional Licensing Scheme when the present one expires in April 2020?

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

Nearly every HMO that was covered by the five-year Additional Licensing scheme adopted by the Council is now subject to national mandatory licensing under Part 2 of the Housing Act 2004, since the definition of HMOs to be licensed in that way was changed by central government with effect from 1 October 2018. The new requirement extends to HMOs that are occupied by five or more people in more than one household. The Council's Additional Licensing scheme applied to HMOs occupied by two or more people.

In practice six smaller dwellings with fewer than five residents were included in the Council's Additional scheme, which will not need to be licensed under the national mandatory licensing powers. Once their current licenses expire these dwellings would not need to be licensed in future, unless another new five-year Additional Licensing scheme were put in place specifically to bring that about.

To designate their areas for an additional licensing scheme a Local Housing Authority has a statutory obligation to show that a significant proportion of the HMOs in question are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public, and that other measures to address the particular problems will not be sufficient. Further, designation of areas for such Additional Licensing schemes is subject to confirmation by central government.

There is not at this time substantive evidence of such particular problems associated with the small number of small HMOs in question so as to satisfy the statutory requirements for proposing such a designation. In these circumstances, and in the light of the fact that government has quite recently considered which HMOs ought to be licensed by default when extending the mandatory requirements, and has determined that such smaller HMOs would not be included, it appears most unlikely that central government would approve such a designation. For these reasons the Council has no current plan to introduce a further Additional Licensing scheme.

The dwellings concerned have however been brought to the Council's adopted standards for fire safety and standard amenities, and remain subject to inspection and remedial action where necessary even though they will no longer be licensed. The Council will keep the position under review in case circumstances change.

Supplementary Question from Mrs Sheila Sullivan

I am concerned that there is a loophole within the system. What will the Council do about this?

Supplementary Reply from Councillor Mark Wilkinson, Portfolio Holder for Housing:

Whilst smaller HMOs do not tend to have the same negative effects as larger ones, we will keep the situation under review.

3 Mr Nicholas Taylor to Councillor Mark Ingall, Leader of the Council

The Harlow and Gilston Garden Town Plan will see hundreds of homes being built on Green Belt land to the west and south west of Harlow, clearing away many acres of greenhouses used for food production, jeopardising the importance of the Lee Valley as a food production area. The Lee Valley Growers Association formed in 1911 formally objected to the Plans of Epping Forest DC at the Local Plan examination.

The Harlow Alliance Party are aware that a number of the land owners of this land, some of whom have had businesses there for many decades, do not want to sell their livelihoods and then try to find land which someone else might want to sell to be used for food production.

Can you tell me why this Labour controlled Council are in favour of building on the green belt, the destruction of local businesses and jobs and the loss of food production, threatening the importance of the Lee Valley as a centre of food production in this country?

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

The sites referred to are located within Epping Forest District and so are contained within Epping Forest District Council's Local Plan. The Lee Valley Growers Association should refer their concerns to Epping Forest District Council.

Policy E3 in the EFDC draft Local Plan specifically provides policies to promote and protect the glasshouse industry in the Lee Valley with an aim of increasing production by 20% in the Local Plan period. It should also be noted that the land within the Water Lane masterplan area has been consistently promoted by the landowners for inclusion within the Plan and for future residential-led development.

4 Mr Nicholas Taylor to Councillor Mark Ingall, Leader of the Council

In view of the response to my questions last month, it is clear that come the end of the current Local Plan period in 2033, that despite Harlow Council's house building programme, it will have less homes than it did in 2012. The Plans of neighbouring authorities for new homes on Harlow's borders will not see any Council owned

homes built, at best a small number of the overall number of new builds may be owned by Housing Associations.

Can you explain how these Plans help the thousands of families living locally, desperate for a Council home, who will never be able to afford to buy even a so called "affordable" home?

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

In 2012 Harlow had a stock of 9,824. In 2019 the stock had fallen to 9,180, a reduction of 644 properties over a seven year period. The local plan provides for 10,620 new homes, with the policy being that 30% of these should be available as affordable housing.

Supplementary Question from Mr Nicholas Taylor

Of the 10,620 homes, how many will be publically owned, rented properties?

Supplementary Reply from Councillor Mark Ingall, Leader of the Council:

It is too early to say.

5 Mr Alan Leverett to Councillor Mark Ingall, Leader of the Council

The outcome of the Inspectors examination of Harlow Council's Local Plan will be known later this year. It is noted that the Council produced a document a couple of months ago which set out how it was going to engage with residents in the future.

Harlow Council will very soon now need to consult residents about the changes which the Inspector finally makes to The Local Plan. Can you give specific examples of what residents can expect to be different as a result of the recent undertaking compared with the consultation it carried out with residents during the 4 year period that it took to construct it's Local Plan?

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

The latest phase of creating Harlow's Local Plan now provides certainty to local residents. Previous consultations, over several years, have focussed on looking at options for growth locations. The conclusion of this process now fixes these and so residents of Harlow will have certainty about which areas of the town will be available to be developed and which will not.

In terms of what will be different in the Local Plan, the Inspector has removed seven sites from the list of sites allocated for housing development and so these will now remain as green space. There are also a number of minor amendments to Green

Belt boundaries in Harlow and there is a new policy requiring developments to contribute to the health and wellbeing of the town.

6 Mr Alan Leverett to Councillor Mark Ingall, Leader of the Council

Councillors from both Parties as well as Harlow residents have expressed concerns about the plight of many of the residents uprooted from the area they live to be placed in office conversions in Harlow often miles from their extended families and support network. The hope must be that councils will cease this practice.

If this was ever the case, do you or indeed the Council have any thoughts about what these office conversions will be used for in the future?

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

The Council does not own any of the buildings that have been converted to residential use and so cannot control their future use unless Permitted Development Rights are ended and they become subject to planning control. In the event that this does happen it is hoped that some may be suited for conversion to better quality residential development or that those in industrial areas can be re-converted back to employment use.

7 Mrs Sue Lydamore to Councillor Mark Ingall, Leader of the Council

Many residents have expressed concerns that at the same time as Occasia House has remained empty for a considerable period, there are homeless families being placed in unsatisfactory accommodation and individuals are living on the street.

Are you able to give an update on what is the future of this building and has the Council given any thought about purchasing it and converting it into family sized homes for people on Harlow Council's Housing Register?

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

Harlow Council is discussion with the owners of the building regarding its future use. This dialogue is ongoing and for commercially sensitive reasons it is not possible to give more information on the progress of these discussion at this time.

8 Mrs Sue Lydamore to Councillor Mark Ingall, Leader of the Council

The towns Masterplan of the 1940's envisaged that the towns hospital would be sited in the centre of town, giving easy, quick access to as many residents as possible. Over a decade later this proposal had stood the test of time and the

hospital was built as originally proposed. Early responses to a survey presently being carried out by The Harlow Alliance Party show that 66 % want the new hospital to be located on it's present site.

Can you advise me what is Harlow Council's preferred option, building a new hospital on the present site or near to the new junction 7a some 3 miles from the present site?

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

Whilst there are many strong arguments to rebuild the hospital on it current site, there are also strong arguments for a new hospital to be built on a new site. Harlow Council, working with the MP for Harlow, have taken the view that what matters is that Harlow has a new hospital. Ultimately the location of the new hospital is a decision that will be made by the PAH trust and the Department for Health.

9 Mr Steve Dean to Councillor Mark Ingall, Leader of the Council

At last year's examination of Harlow Council's Local Plan, an officer of the Council, was asked about the consultation which the Council had carried out with residents living near those sites being considered for building homes on them. The officer stated that the Council had employed a business to do this, the responses then formed one element of the matrix used to determine whether the sites should remain on the list. Having spoken to hundreds of residents living near these sites, members of the Harlow Alliance Party have yet to come across anyone who was approached on this subject.

Can you tell me how many residents were consulted at each site, whether it be at the first stage when hundreds of sites were identified, the second stage when the number was less than eighty or the final stage for just 20 sites, and when this took place?

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

Consultants LUC undertook an Open Spaces Study which included the auditing of open spaces across the district. As part of this, public consultation was undertaken in a number of ways, in order to try and reach a broad range of Harlow residents:

- a) 850 individuals were contacted to take part in a telephone interview;
- b) a letter was sent to 4,000 residents, local groups and stakeholders to asking them to participate in the study by filling in a questionnaire;
- c) two workshops were undertaken for local residents and local groups;

- d) two focus groups were undertaken focusing on underrepresented groups;
- e) a total of 356 responses were received from the questionnaire and telephone interviews (118 phone and 238 questionnaires). In addition to this were detailed views of those individuals that attended the two workshop events and the two focus groups (which targeted children and young people).

In terms of the Local Plan, in addition to exhibitions, press notices/articles, website notices, notices in local libraries and the Civic Centre, the following numbers of people were sent notification letters/emails at each stage of the Local Plan production:

- a) Issues and Options stage – approximately 1,800 contacts;
- b) Emerging Strategy and Further Options stage – approximately 2,381 contacts;
- c) Development Management Policies stage – approximately 2,231 contacts; and
- d) Pre-Submission Publication stage – approximately 2,800 contacts.

The contacts comprised consultees on the Council's database, including individuals who expressed an interest, environmental organisations, resident associations and adjoining Councils.

10 Mr Steve Dean to Councillor Mark Ingall, Leader of the Council

Back in the 1990's Harlow Council carried out work to a number of sites around the town to stop travellers from occupying Council land. In view of the recent case involving Bromley Council, Harlow Council may find they are unable to get a further injunction against travellers setting up encampments in Harlow when the existing legal restriction expires in June of this year.

Has the Council any plan in place to carry out physical works around the town to stop travellers from being able to gain access to sites which they have used before?

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

The procedure Bromley Council used to seek an injunction was very different to the procedure used by Harlow. Our advice is that Bromley's failure to secure an injunction does not make Harlow Council's plans to renew our successful injunction any the less likely.

Work has already been carried out to secure vulnerable parts of the town. Should further areas be deemed to be vulnerable, the Council will look at the possibility of protecting that piece of land. We ask members of the public to remain vigilant, and to report any areas of concerns regarding the vulnerability of land that they may have.

11 Mrs Kimberley Dew to Councillor Mark Wilkinson, Portfolio Holder for Housing

For decades Harlow Council had a repair and painting programme for the external fabric of its houses, effectively protecting its asset. Houses have not had such work carried out for at least 15 years and many houses are now suffering defects and looking shabby as a result. When can the tenants of Harlow Council's houses next expect their homes to be repaired and painted externally?

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

The Council has a programme of cyclical painting which is prioritised annually based on resources available, priorities, and the condition of dwellings. These programmes include painting and associated repairs of both the external fabric of flat blocks and houses and the internal decoration of communal areas within flat blocks.

A programme of external painting of estates on the Council website will be updated in May 2020.

12 Mrs Kimberley Dew to Councillor Mark Wilkinson, Portfolio Holder for Housing

Work to construct homes at Bushey Croft and at the former Lister House site (and Elm Hatch) are due to commence later this year. Can you advise what sort of tenure these new homes will be?

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

The new homes planned for Bushey Croft and Elm Hatch will all be council homes. We expect all of these homes to be rented and offered to people from Harlow's Housing Register.

Harlow Council Forward Plan

Published on 10 June 2020

This plan contains all decisions that the Council's Cabinet expects to take over the coming year. Where relevant, each decision has been identified as a Key Decision or as involving consideration in private session.

The definition of a Key Decision is given in Article 12 of the Council's Constitution but is also set out here for clarity.

A 'Key Decision' means a Cabinet/Portfolio Holder decision which is likely:

- a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates. For this purpose, expenditure or savings are deemed to be significant if they exceed £50,000
- b) to be significant in terms of its effects on communities living in an area comprising two or more wards in Harlow.

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Each decision listed in this Forward Plan has been assigned an exemption status as follows:

Open – members of the press and public are expected to be allowed to attend during consideration of this matter.

Confidential – members of the press and public are expected to be excluded during consideration of this matter. The reasons for this exclusion will be stated in column 5, and relate to a lawful power to exclude the press and public when specific classes of information are being discussed, as contained in the [Local Government Act 1972](#).

A Decision Notice for each Key Decision is published within five days of it being made. Decision Notices and documents to be considered by decision makers are open for inspection on the Council's website www.harlow.gov.uk and at the Civic Centre, The Water Gardens, Harlow, CM20 1WG. Representations on an upcoming key decision can be made by writing to the Chief Executive, using the address above.

The current members of the Cabinet are as listed on the Council's website at the following page <http://moderngov.harlow.gov.uk/mgCommitteeDetails.aspx?ID=121>

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 364	Year End 2019/20 Performance Report	Cabinet	9 Jul 2020	Key decision: No Likely exemption status: Open	Officer's report	Leader of the Council (Councillor Mark Ingall) Brian Keane
I010 693	Energy Procurement Framework Review	Cabinet	9 Jul 2020	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I010 622	Flat Block Refurbishment of 97-126 The Hides	Cabinet	9 Jul 2020 Netteswell	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Housing (Councillor Mark Wilkinson) Andrew Murray
I010 603	Procurement Strategy Update	Cabinet	9 Jul 2020	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Governance, Equality and Diversity (Councillor Frances Mason) Simon Hill

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 543	Covid-19 Recovery – Progress and Working Group Terms of Reference	Cabinet	9 Jul 2020	Key decision: No Likely exemption status: Open	Officer's report	Deputy Leader and Portfolio Holder for Resilience and Recovery (Councillor Eugenie Harvey) Simon Hill
I011 084	Referral from Scrutiny Committee - Review of Overview and Scrutiny	Cabinet	9 Jul 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Governance, Equality and Diversity (Councillor Frances Mason) Simon Hill
I011 546	Year End 2019/20 Finance Report	Cabinet	10 Sep 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 367	Joint Finance and Performance Report, Quarter 1 2020/21	Cabinet	10 Sep 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 368	Housing Revenue Account, Quarter 1 Finance Report 2020/21	Cabinet	10 Sep 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers), Portfolio Holder for Housing (Councillor Mark Wilkinson) Andrew Murray, Simon Freeman
I011 369	Capital Programmes, Quarter 1 Finance Report 2020/21	Cabinet	10 Sep 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Housing (Councillor Mark Wilkinson), Portfolio Holder for Resources (Councillor Mike Danvers) Andrew Murray, Simon Freeman

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 370	Annual Treasury Management Report 2019/20	Cabinet	10 Sep 2020	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 371	Debt Write Offs	Cabinet	10 Sep 2020	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 372	Treasury Management Strategy Statement 2020/21: Mid-Year Review	Cabinet	3 Dec 2020	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 373	Joint Finance and Performance Report, Quarter 2 2020/21	Cabinet	3 Dec 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 374	Housing Revenue Account, Quarter 2 Finance Report 2020/21	Cabinet	3 Dec 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers), Portfolio Holder for Housing (Councillor Mark Wilkinson) Andrew Murray, Simon Freeman
I011 375	Capital Programmes, Quarter 2 Finance Report 2020/21	Cabinet	3 Dec 2020	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Housing (Councillor Mark Wilkinson), Portfolio Holder for Resources (Councillor Mike Danvers) Andrew Murray, Simon Freeman
I011 376	Debt Write Offs	Cabinet	3 Dec 2020	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 377	Local Council Tax Support Scheme Proposals	Cabinet	3 Dec 2020	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 378	Corporate Plan	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Leader of the Council (Councillor Mark Ingall) Brian Keane
I011 379	Medium Term Financial Strategy 2021/22 - 2023/24	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 380	General Fund Budget 2021/22	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 381	Housing Revenue Account Business Plan 2020-2050	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers), Portfolio Holder for Housing (Councillor Mark Wilkinson) Andrew Murray, Simon Freeman
I011 382	Housing Revenue Account Budget 2021/22	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Housing (Councillor Mark Wilkinson), Portfolio Holder for Resources (Councillor Mike Danvers) Andrew Murray, Simon Freeman
I011 383	Capital and Treasury Report 2021	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 384	Capital Programmes 2020/21 - 2022/23	Cabinet	21 Jan 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers), Portfolio Holder for Housing (Councillor Mark Wilkinson) Andrew Murray, Simon Freeman
I011 385	Joint Finance and Performance Report, Quarter 3 2020/21	Cabinet	25 Mar 2021	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I011 386	Housing Revenue Account, Quarter 3 Finance Report 2020/21	Cabinet	25 Mar 2021	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Housing (Councillor Mark Wilkinson), Portfolio Holder for Resources (Councillor Mike Danvers) Andrew Murray, Simon Freeman

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
I011 387	Capital Programmes, Quarter 3 Finance Report 2020/21	Cabinet	25 Mar 2021	Key decision: No Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers), Portfolio Holder for Housing (Councillor Mark Wilkinson) Andrew Murray, Simon Freeman
I011 388	Debt Write Offs	Cabinet	25 Mar 2021	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Resources (Councillor Mike Danvers) Simon Freeman
I009 925	Regeneration Strategy	Cabinet	To be confirmed Subject to OWG approval	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Growth and Prosperity (Councillor Tony Durcan) Jane Greer

Ref.	Decision title	Decision Maker	Expected Date of Decision and Ward(s) affected	Key Decision and private consideration status	Documents to be considered by decision maker	Portfolio Holder and Lead Officer
1009 572	Stewardship Arrangements	Cabinet	To be confirmed	Key decision: Yes Likely exemption status: Open	Officer's report	Portfolio Holder for Environment (Councillor Danny Purton) Andrew Bramidge

REPORT TO: CABINET

DATE: 9 JULY 2020

TITLE: COVID-19 RECOVERY – PROGRESS AND WORKING GROUP TERMS OF REFERENCE

PORTFOLIO HOLDER: COUNCILLOR EUGENIE HARVEY, DEPUTY LEADER AND PORTFOLIO HOLDER FOR RESILIENCE AND RECOVERY

LEAD OFFICER: BRIAN KEANE, CHIEF EXECUTIVE (01279) 446004

CONTRIBUTING OFFICER: SIMON FREEMAN, DEPUTY TO THE CHIEF EXECUTIVE AND HEAD OF FINANCE AND PROPERTY (01279) 446228

SIMON HILL, HEAD OF GOVERNANCE (01279) 446099

This is not a Key Decision
It is on the Forward Plan as Decision Number I011543
Call-in Procedures may apply
This decision will affect no ward specifically.

RECOMMENDED that:

- A** The initial response to the pandemic and recovery Workstreams be noted.
- B** The appointments made to the Covid-19 Working Group be noted.
- C** The current financial position be noted.
- D** The Terms of Reference for the Working Group, which will be confirmed at its first meeting, be noted

REASON FOR DECISION

- A** The Council has taken steps to respond, and latterly to begin the process of social and economic recovery of Harlow to the pandemic. During the crisis the Council has been able to operate through Business Continuity Provisions but now needs to take co-ordinated steps with members full input.
- B** The Covid crisis has had a number of financial impacts on the Council and has also involved the Council in the delivery of a number of national emergency schemes to help and support the local economy. More details are provided

within this update to inform Cabinet of the current and continually evolving position and impacts upon the financial situation.

BACKGROUND

1. The Council and its management teams have worked during the Covid outbreak in two complimentary ways, response and recovery, whilst still delivering services in the most effective way possible during a pandemic. During March, the Council's Business Continuity Plan was brought into effect. This brought together a multi-disciplinary group of staff to plan the Council's immediate response to the pandemic.
2. Examples of the work overseen by the group are:
 - a) Enabling over 330 workers to access technology to work from home;
 - b) Introducing measures to create safe working environments at the Civic Centre and the Latton Bush Centre to allow critical Council and third party services (including NHS teams) to continue;
 - c) Working with county and national planning agencies to ensure a coordinated response for those shielding and residents requiring assistance;
 - d) Facilitating the initial set up of the Community Hub service, delivered as a joint initiative between voluntary sector and the Council;
 - e) Making decisions in the public interest on the short term suspension of Council facilities and services and to set in motion groundwork for recovery work to commence re-delivery of these as soon as safe to do so;
 - f) Digesting and disseminating the fast moving Covid-19 related guidelines and restrictions so that the Council, and Harlow residents, have understood the appropriate responses at each stage of the pandemic to mitigate risk to themselves and protect safety of others;
 - g) Recording and analysing the effect of Coronavirus on both Council and key delivery contractor staffing capacity so that impact to residents could be mitigated and services continue as close to normal as possible; and
 - h) Providing alternative respite spaces for Veolia staff to use.
3. As the Council moves towards the easing of restrictions over the coming months, the Council faces challenges addressing the longer term impacts on the town and the Council's operation.

4. The Leader has appointed a Cabinet Portfolio Holder, titled Resilience and Recovery to help oversee the recovery process. Their role is to work with Officers and the community to:
 - a) Prepare a post pandemic action plan for recovery;
 - b) Mitigate the effect of the pandemic on the community of Harlow and the Council;
 - c) Scope the requirements of the Council to meet changing service need post pandemic and the resources required;
 - d) To enable the Council to assess funding streams to support the town's recovery
 - e) Work with county, regional and national agencies and the community and business partners on recovery measures;
 - f) Bring forward new methods of working across the Council and community, and bringing forward opportunities for innovative and creative working;
 - g) To ensure effective communication/consultation with stakeholders and the community;
 - h) Steer the Council to a position where it can make decisions on recovery on:
 - i) businesses and the economy
 - ii) the Voluntary Sector
 - iii) the Faith Sector on social cohesion
 - iv) the social impact on the town's residents as a whole and the support required
 - v) housing, including social housing, homelessness and private landlords
 - vi) those using accessing existing or temporary benefits

ISSUES/PROPOSALS

5. The Council has established a number of work streams to address the future challenges faced by the town. These work streams are:
 - a) Council Business Impact – the changes that are required internally to business continuity arrangements for the Council including

arrangements for the period during which social distancing measures are still required; guided by government directives.

- b) Community Impacts – social impact on the town as a whole and emotional support required long term, with particular focus on those who fall into marginalised or vulnerable groups. This Includes working with hard working families, those not previously considered vulnerable and key stakeholders in voluntary sector.
 - c) Business and Economic Support – impact on local economy, additional benefit claimants, debt issues, and fulfilling required roles as identified by Government initiatives, including distribution of financial support.
 - d) HTS Group of Companies – Business Continuity arrangements across the HTS Group contract, including how services can continue to be delivered under social distancing guidance issued by the Health and Safety Executive (HSE) and central government.
6. Each work stream will report into the Senior Management Board (SMB), forming a Management Board Recovery Working Group, who will work closely with the newly appointed Portfolio Holder. The governance structure for this activity is attached as Appendix A to the report.
7. The governance structure makes provision for the establishment of a working group with the suggested following Terms of Reference:
- a) To advise the Portfolio Holder on the proposals contained within the pandemic action plan;
 - b) To provide a forum for consultation on measures within the pandemic action plan;
 - c) To discuss Council-related impacts that require additional resources or alternate service delivery methods; and
 - d) To provide a focus community action; business engagement and new ways of working.
8. It has been suggested that the working group comprise ten members and nominations are required at this meeting. It may also invite relevant people to attend, or provide testimonials, where appropriate to assist with the strategic objectives of the Working Group.
9. It is suggested that the Working Group confirms it's Terms of Reference at its first meeting and that meetings be held at a frequency driven by the emerging milestones in the action plan being developed.

Financial Impact

10. The purpose of this section of the report is to provide an overview of the current impact on the Council's overall financial position as a result of the Covid crisis.
11. The financial position has been monitored closely across all services, but with an immediate focus on the impacts on the general fund and Housing Revenue Account (HRA) budgets. It is likely that it will be several months before a more complete picture will emerge, with the position being a changing one during that time. It is also important to highlight that impacts of the crisis will be a feature of not only the current year's budget, but also the medium term financial forecasts. There is likely to be a need for the Council to realign its medium term plans and manage its financial response in a controlled way over the medium term. This continues to be an important message in dealing with the crisis.
12. The full impact of Covid-19 on the revenue budgets will not be fully known until it is clear how long the recovery phase will last before we return to some form of economic activity more aligned to that of the pre Covid situation. Only then will we be able to begin to see how income streams will recover alongside the reduction in any Covid specific costs.
13. The following table highlights the current forecast impact in 2020/21 of the Covid crisis on the General Fund budget:

Table 1 – High Level Summary

Table 1 -High Level Summary	£'000
Forecast reduction/loss of income	1,481
Forecast increased costs	122
Forecast Impact	1,603
Government Covid grant	(919)
Forecast Net impact for General Fund	684

14. Income or the loss of it is a significant contributing factor to the overall position reflected in Table 1 above. Inevitably there will be other areas of income and expenditure which collectively will impact the overall position, particularly areas such as recycling and waste charges/income, investment income and garage income. It is also important to remember that some income streams will recover and are only deferred whilst others are lost and will not recover to budgeted levels in 2020/21. Further work will be undertaken in the coming weeks to understand the wider impacts and is likely to be included within the first quarter monitoring reports to Cabinet in September.
15. There is the possibility that further grant support will be made available by the Government in what is an ever evolving situation as this report is written however it is not possible to determine how much this grant might be if it is provided or equally what distribution methodology will be used to target specific Covid pressures across the local government sector.

16. There will be a number of implications for the Council's council tax and non-domestic rate (NDR) income over the course of the year. Impacts on collection rates will feed through the Collection Fund and impact in the 2021-22 financial year as a deficit, as will any impacts on the underlying Council and NDR tax bases (the number of properties we have estimated to be eligible for the taxes). Council tax collection rates continue to show reductions of around one per cent. Some reductions in the collection rates at the start of the year may recover later in the year depending upon how long lockdown continues and what restrictions are in place when it comes to an end. Any deficit (or surplus) is shared between ourselves and the precepting authorities.
17. The Government has made funding available for:
- a) Small Business Grants and the Retail, Hospitality and Leisure Grants (£11.7 million for Harlow). The Council has currently paid out £11.3 million (96.5 per cent of the grant allocation) to 841 local businesses
 - b) Local Discretionary Grants to businesses – this is being funded from within the £11.7 million shown above and the scheme is currently running locally for applications to be made
 - c) Extended retail Relief Reliefs given to business rate payers (now estimated to be £17.4 million for Harlow businesses)
 - d) Hardship Grant (£933,000 for Harlow) which will provide an additional £150 support for those of working age who are entitled to Local Council Tax Support (LCTS) and will receive new bills with this reduction shown.
18. In respect of the HRA there will inevitably be an impact for a number of reasons, with the most concern being around falls in rent income and service charges. At the end of May payments for rent (housing and garages) continue to be lower than for the same period in 2019, despite the evidence which shows that residents have changed their payment methods during the crisis. As previously highlighted this could be simply because the normal method of payment is not available to customers but could also be linked to the national picture of increased claims for Universal Credit and LCTS indicating reductions in local household incomes. This inevitably will translate into a fall in the ability of households to pay bills.
19. Work will continue over the summer to analyse and review the situation across all areas of the Council's financial activities including the capital programme and a further update will be included in future finance reports to Cabinet beginning in September.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

As contained within the report.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT, and Property and Facilities)

As contained within the report.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

The establishment of a Recovery Working Group will support the already established governance arrangement of Housing Portfolio Holder and wider Cabinet in developing a strategic action plan that can be used to align corporate priorities going forward as well as bidding for external resources for the wider benefit of residents, businesses, and the Harlow community.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

As contained within the report.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

As contained within the report.

Author: Simon Hill, Head of Governance

Appendices

Appendix A – Proposed Governance Model

Background Papers

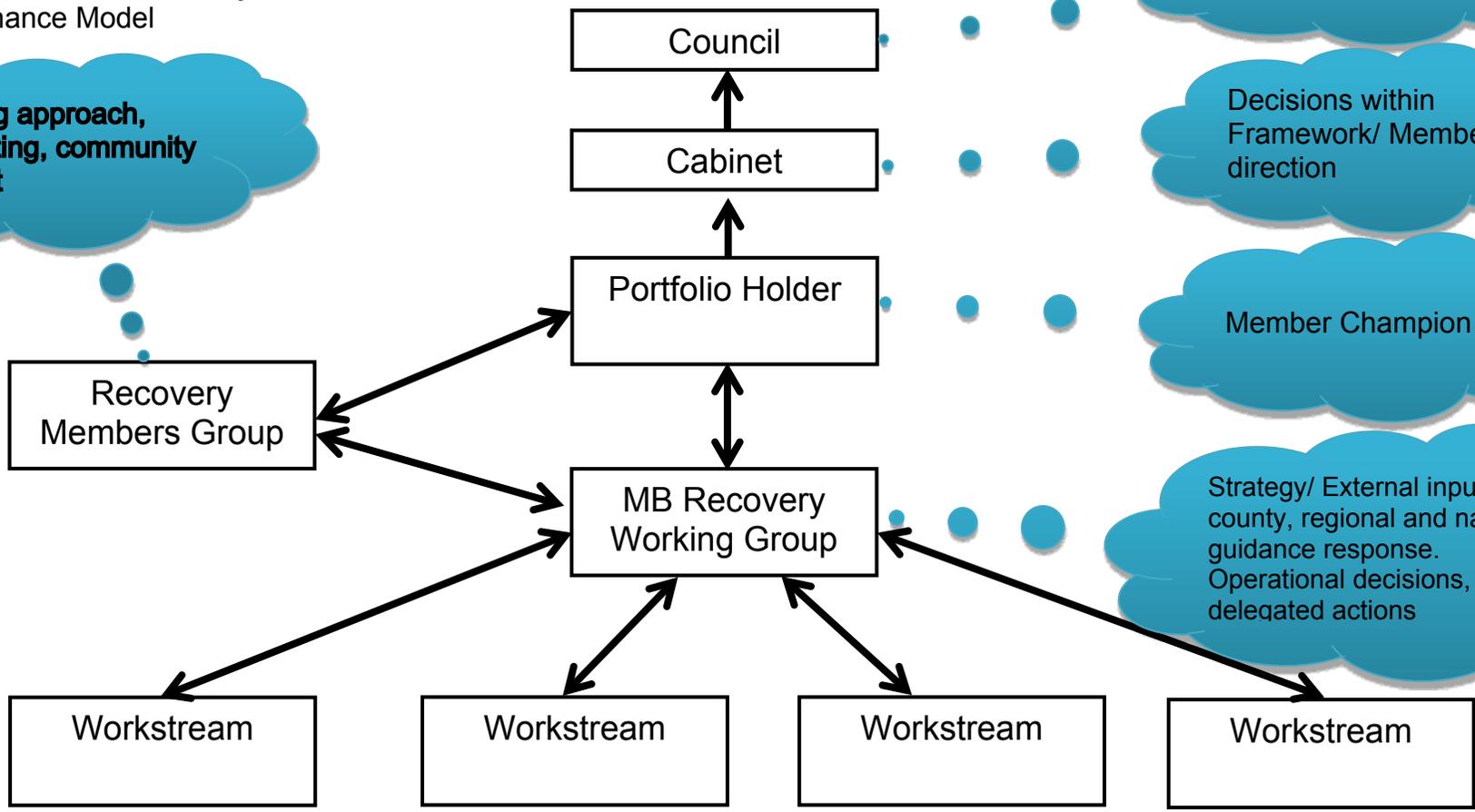
None.

Glossary of terms/abbreviations used

HRA – Housing Revenue Account
HSE – Health and Safety Executive
LCTS – Local Council Tax Support
NDR – Non-Domestic Rates

Pandemic Recovery Governance Model

Sharing approach, consulting, community conduit



Policy and Budget Framework

Decisions within Framework/ Member direction

Member Champion

Strategy/ External inputs, county, regional and national guidance response. Operational decisions, delegated actions

Action plans, delivery, stakeholders engagement and activities

REPORT TO: CABINET

DATE: 9 JULY 2020

TITLE: YEAR END 2019/20 PERFORMANCE REPORT

PORTFOLIO HOLDER: COUNCILLOR MARK INGALL, LEADER OF THE COUNCIL

LEAD OFFICER: BRIAN KEANE, CHIEF EXECUTIVE
(01279) 446000

CONTRIBUTING OFFICERS: POLICY AND PERFORMANCE TEAM
(01279) 446252

SENIOR MANAGEMENT BOARD (01279) 446004

This is not a Key Decision

It is on the Forward Plan as Decision Number I011364

The decision is not subject to Call-in Procedures for the following reason:

The recommendations are within the scope of the original budget and Corporate Plan approved by Full Council in February 2019.

This decision will affect no ward specifically.

RECOMMENDED that Cabinet:

- A** Recognises the End of Year operational performance and risk management that has been achieved in 2019/20 across all Council services.

REASON FOR DECISION

- A** To ensure that Cabinet reviews performance and risk against the Council's Corporate Plan for 2019/20.

BACKGROUND

1. Central Government requires all Councils to collect and report data relating to their function as a Local Authority in areas such as waste, planning, benefits, and housing.
2. The Council monitors its performance and risk against its Corporate Priorities, Principles and Goals through its Performance Management and Risk Frameworks. The Frameworks sets out the mechanisms for performance and risk management within the Council, which utilise a range of tools to assist staff and Councillors in gathering and reporting on its performance data and risk management.

3. The report sets out the Council's End of Year operational performance in providing its services and the delivery of its Corporate Priorities and Principles.
4. Section Five of Appendix A details the Council's End of Year operational performance. The Council performed on or above target for 51 out of 54 (94.4 per cent) of its monthly, quarterly, and annual performance indicators.
5. Fifty per cent of the Corporate indicators have been maintained or improved compared to Quarter Four 2018/19. Ninety-four per cent of the Corporate milestones were successfully completed. However, due to changes in priorities and Covid-19, six per cent of the milestones were deferred, cancelled, or suspended until the new financial year (2020/21).
6. Section Six of Appendix A shows that at the End of Year the Council had no exceptional strategic risks (rated 20 or higher – high likelihood, high impact) recorded in the Council's Risk Register.

ISSUES/PROPOSALS

7. The Council continues to improve performance in key areas linked to its Corporate Priorities and Principles. Some of the performance indicators that have contributed to this achievement are:
 - a) NI185: CO2 reduction from Local Authority operations
 - b) CS04b: No. of hits to website
 - c) BF005: Average days to process new claims
 - d) NI157b: Processing of minor applications within 8 weeks or agreed timescale
 - e) CS25q: % of customers complaints responded to within target time
 - f) BF006: Average days to process change events
 - g) BV082aii: Household waste recycled (tonnes)
 - h) HTS2.4: Average time (in hours) to remove fly tips
 - i) NI156: Number of households living in temporary accommodation
 - j) RGN001: Commercial property portfolio occupancy rate

Significant Risks/Opportunities

8. The Council continues to operate in a period of major change driven by both worldwide economic conditions and legislative changes being introduced by the

Government at the end of 4th Quarter 2019/2020 is starting to see impact from Covid-19. Key changes that will or continue to impact on the Council include:

- a) Variations in income from fees and charges and other specific grants.
 - b) Ongoing low staff turnover rates which put at risk the achievement of the vacancy savings targets allocated to each service within the Council's budget.
 - c) The uncertainty regarding the future financial settlements including the end of the current four-year funding deal beyond the current spending review period from 2021/21 onwards.
 - d) Short and medium term impacts of the Brexit process following the UK's exit of the European Union and the transition period through to December 2020.
 - e) Effects of Covid-19 pandemic. Working with key partners and businesses will be necessary through lockdown and beyond.
9. Significant opportunities continue to arise and develop to benefit the town and its residents. The Council must ensure it continues to work with all stakeholders to realise those benefits. Examples where opportunities arise include:
- a) Harlow and Gilston Garden Town.
 - b) Enterprise Zone delivery and skills plan to support development of a skilled workforce.
 - c) Public Health England relocation to Harlow including partnership working to address employment skills development and supply chain opportunities.
 - d) Road and transport infrastructure including M11 Junction 7a.
10. The Senior Management Board continues to review strategic risks on a regular basis to assess future impact and necessary controls required to keep risks at acceptable levels.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

As contained within the report.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT, and Property and Facilities)

As contained within the report.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

As contained within the report.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

As contained within the report.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

As contained within the report.

Author: Simon Hill, Head of Governance

Appendices

Appendix A – Performance Report, Year End 2019/20

Background Papers

None.

Glossary of terms/abbreviations used

None.

Appendix A

Harlow Council **Performance Report for the Period Ending** **31/03/2020**

Foreword from the Leader of the Council



Report Summary from Mark Ingall, Leader of the Council

As we review our performance over 2019/2020, we can once again be proud of what Harlow Council has achieved for our town.

Our performance over the last year shows that we are an effective council and an effective community leader and that we have improved our performance.

We have made good progress in meeting our climate emergency pledges making it a great year for Harlow's environment. A key target was to reduce the CO2 emissions from our operations. With the help of over 100 residents we also planted over 5,000 trees beating the target of planting 1,000 trees in a year! We have also eliminated the use of single-use plastic across the council and we did this four months ahead of our target.

As I write this, we are in the middle of an international pandemic which has tested the council's resolve and resilience as a community leader and service provider. Our priorities have and will change as we respond to the pandemic and lead our town's recovery, but we can be very proud of what has been achieved and the strong foundations we have built as a council which is flexible enough to respond. We have met the challenges head on, providing the essential services that our residents and businesses need and adapted our services to ensure those in need are helped and supported.

I know that residents and businesses need reassurance and security at this time, and they will need it as we move forward too. For the town's recovery it is now vital that we move ahead with projects and schemes which will help Harlow to rebuild and become an even better place to live, work and visit. Despite some uncertainty for the future our ambition to improve Harlow whilst retaining those things people hold dear remains.

The world-leading public health science campus moves a step closer every day and work continues on the Harlow and Gilston Garden Town project. Harlow Enterprise Zone led by the council will be vital in supporting Harlow's economy and we will keep playing our part in making sure Harlow's residents and those who work so hard at Princess Alexandra Hospital get a new modern hospital. We want to move ahead with building new council homes and also improving our town centre.

There is a lot to look forward, Harlow's future continues to shine brightly. We will ensure that we keep pressing for the investment and attention that our town needs.

As well as making sure Harlow gets what it needs our day-to-day role in providing services will remain. We have to continue being an effective council and work closely with those who provide services for the town. Whatever operational and financial challenges lie ahead I'm confident that as a council we will do our very best for Harlow and to support those who need us.

I thank council staff, councillors, our partners and the community groups we work with for their help and hard work over the last year.

Mark Ingall
Leader of Harlow Council

Foreword from the Chief Executive



Report Summary from Brian Keane, Chief Executive, Harlow Council

We can look back at 2019 to 2020 and be very proud of our performance. We have performed well across the council and made improvements. We continue to provide a wide range of services for Harlow. The pressure on the council to always deliver and the expectations of residents do not change. We know we need to continue to perform and provide good quality services.

There will always be challenges and opportunities which we must be prepared for. Resources continue to be tight; we cannot do everything on our own, we need to work together to make things happen. We are in the middle of a global pandemic which towards the end of the financial year changed the way we operate and will impact on the way we operate in future.

There is no bigger challenge than being in the middle of this pandemic, but I am proud of how we are responding. We never started the last financial year expecting anything like this would ever happen, but we have shown that as a council we can be flexible, and we can work together in times of need.

Our day-to-day work has and is going to change. Priorities are going to be different. The communities we serve are going to continue to need our help and leadership. We have a prominent role in reducing the spread of this virus.

The health and safety of our communities is our number one priority and we will do whatever we can to protect the people who live and work here from the coronavirus. From making sure the services and facilities we and our partners provide are safe, to ensuring that the public and businesses have the very latest public health information and guidance, we will work together to keep everyone safe.

We can however look ahead with renewed opportunism because developments such as Public Health England's relocation, Harlow & Gilston Garden Town and Harlow Enterprise Zone continue. We will do what we can to make these things happen. How we respond as the town recovers is probably going to be our greatest challenge.

Thank you to all our staff for everything they have done this year and will continue to do for Harlow.

Brian Keane
Chief Executive

The Council's aim for 2019-20:-

"to improve Harlow for residents, businesses and visitors"

The Council's priorities:

1. More and Better Housing



2. Regeneration and a Thriving Economy



3. Wellbeing and Social Inclusion



4. A Clean and Green Environment



5. Successful Children and Young People



How to use this report

You may wish to consider the following questions to form an idea on how well the Council is doing in achieving its priorities and objectives.

Questions which the reader may wish to consider:

1. What are the reasons for the performance being below target?
2. What is the Council's expenditure on this service?
3. Has performance fluctuated between quarters and what are the reasons for this?
4. Is it anticipated that the target will be met by the end of the year?
5. What are the proposed actions to improve performance and achieve the target and when will this be done by?
6. How well is the Council responding to gaps in performance or shortfalls in income?

Other areas for consideration could include:

1. Is the indicator a high priority for the Council? Is this reflected in the budget?
2. How does the service compare to other local authorities in terms of value for money – how does the Council's expenditure on this service and performance achieved compare to similar local authorities?
3. What are other Council's doing to improve performance in this area?
4. Are there any overspends/underspends in the budget area within which the underperforming indicator sits?
5. Are there any future projects planned that will enhance existing performance?
6. How severe or likely are risks associated with lower level performance?

Performance Symbols:

Symbols used to measure performance.

Below Target: e.g. more than 5% worse than target	On Target: e.g. within 5% of target	Above Target: e.g. more than 5% above target	Data not yet available: e.g. survey information pending
			

Section One: Key Considerations

The key issues relating to the Council's finances, performance, risks, and corporate plan:

FINANCE

47

Due to Covid 19, there is no financial performance information currently available. An assessment of the Council's financial /budgetary position is taking place. A report to be made available at a later date.

The following indicators had poor performance in Quarter 4 2019/20:

- CS50 Average waiting times of calls received by Contact Harlow
- BV008 Invoices paid within 30 days (%)
- HTS: 3.11d Tree works carried out within 80 working days

PERFORMANCE

RISK

At end of Quarter 4 2019/20, there are no exceptional strategic risks (rated 20 or higher – high likelihood, high impact) recorded on the Council's Risk Register.

The position of the Corporate Milestones as at 31 March 2020 are broken down as follows:

- 94% (145 out of 155) of the milestones have been successfully completed;
- 6% (10 out of 155) of the milestones were either deferred due to Covid 19 or cancelled/suspended due to changes in priorities; until the new financial year 2020/21.

CORPORATE PLAN

Section Two: What our customers are telling us (Complaints)

The council provides and commissions a large number of services, to a population of around 86,600 residents (2018 estimate). Every year the council undertakes over 600,000 housing transactions and deals with hundreds of thousands of enquiries at Contact Harlow.

Contact Harlow also provides an administrative service for housing benefit and local council tax support. The caseload for this is just under 8,000 benefit claimants and is down from 9,000 last year, due to the impact of Universal Credit.

The council aims to respond and resolve all Stage One and Stage Two complaints within 10 working days, and Stage Three complaints within 15 working days.

The chart below shows two years of complaints (April 2018 to March 2020) by the monthly and quarterly figures, monthly is in blue and quarterly is in red.

When quarter four of 2019/20 is compared to the same quarter in 2018/19, there is a 52.6% increase in the number of complaints received.

Being a significant increase, further work was undertaken to ascertain the reason for this.

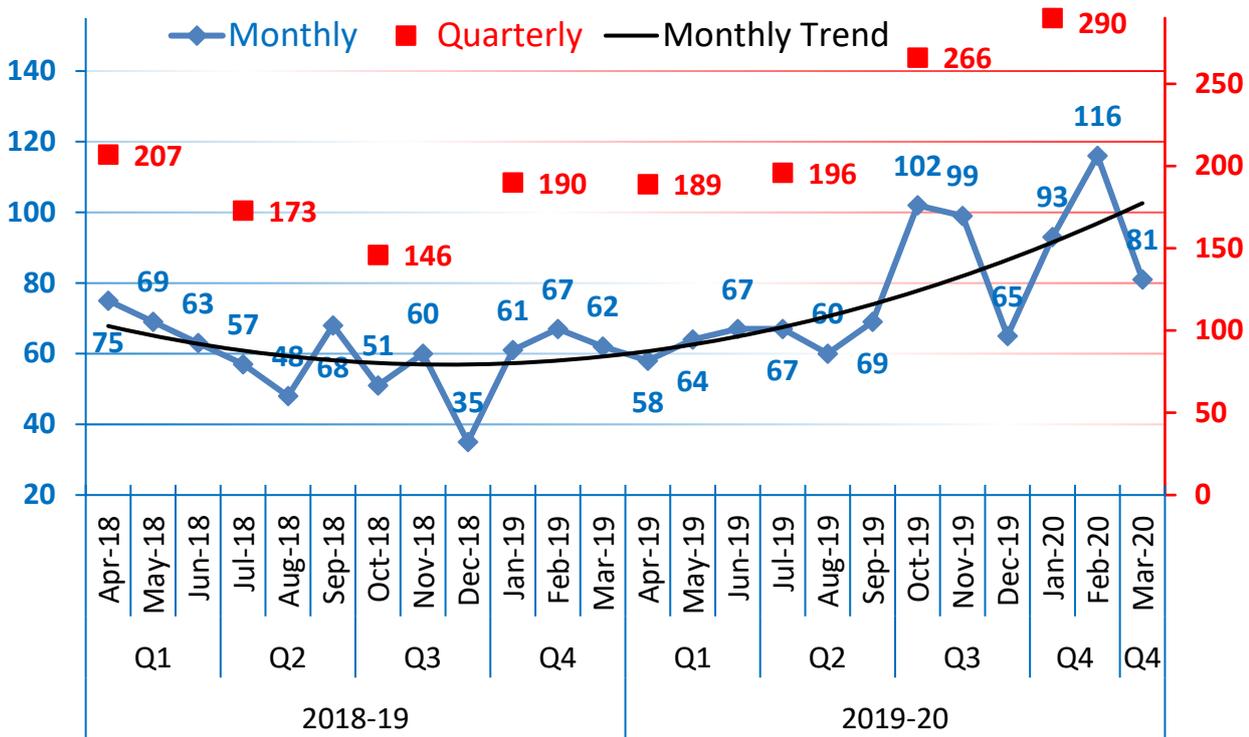
One of the key themes highlighted from the HTS (Property and Environment) Ltd complaints analysis include customer contact, communication, and access issues.

This has been looked at by HTS and they are in the process of reviewing their customer access procedures as part of the wider Best Value Improvement Plans reported to the council. These are currently being reviewed in response to Covid-19 implications and organisational priority requirements.

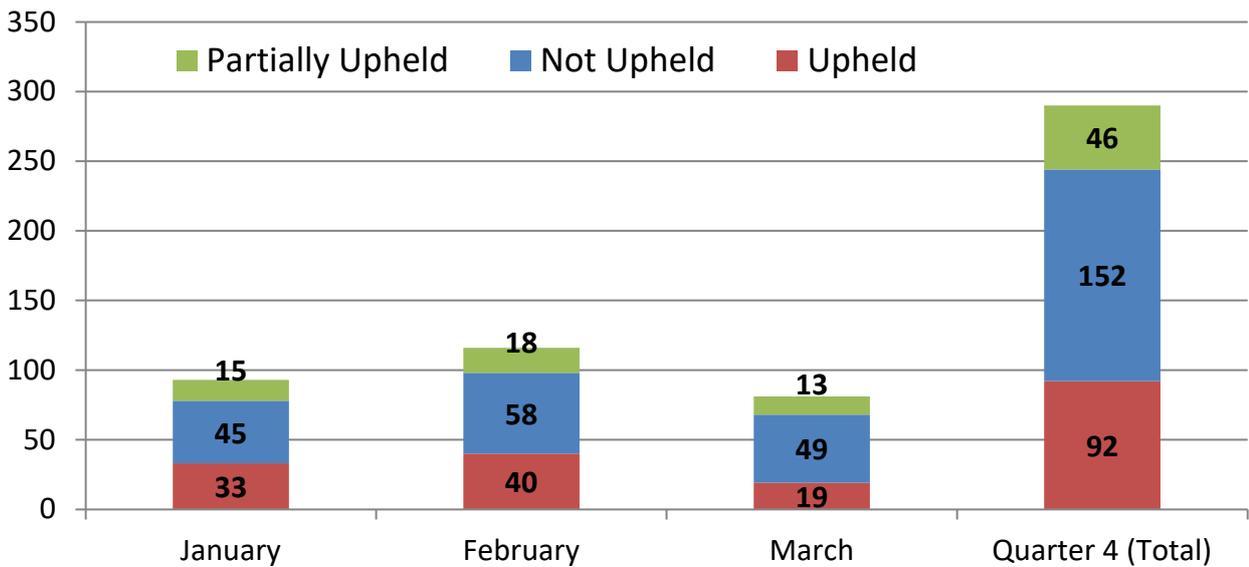
HTS (Property and Environment) Ltd have also been requested to provide a performance action plan to the Senior Management Board in the first instance to ensure that there is a structured approach to continuous improvement.

With regard to Environment and Planning complaints, Veolia had some short-term issues with supervisory capacity in January and February which resulted in some loss of communications with the workforce about some collections. This was rectified by March with the appointment of new permanent supervisors and the level of complaints dropped off significantly as a result.

In the last twelve months (April 2019 to March 2020) there was an average of 78 complaints per month, whereas in the previous 12 months (April 2018 to March 2019), the monthly average was 60. The increase in this period, equates to 30%.



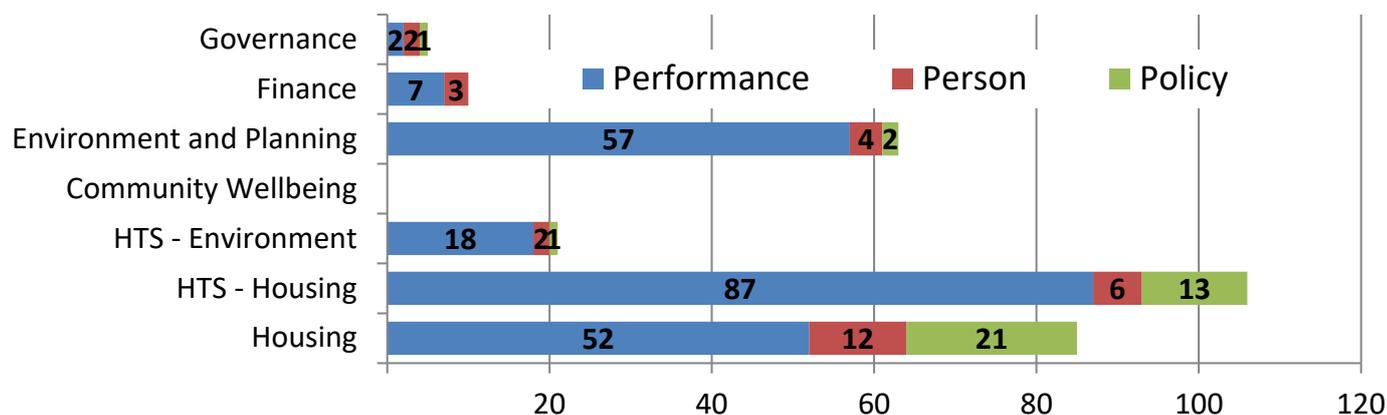
In quarter four (2019/20), the council received a total of 290 complaints. These complaints break down as 92 (32%) upheld, 152 (52%) not upheld and 46 (16%) partially upheld. The chart below shows the breakdown by classification for each month and the quarter total.



The table below shows the breakdown of complaints by the stage, for each month in quarter four. Eighty-two percent of the complaints were resolved by stage one, 13% of complaints were resolved by stage two and 4% of the complaints reached stage three.

Month	Stage One	Stage Two	Stage Three
January	75	11	7
February	99	13	4
March	64	15	2
Quarter Four Total	238	39	13

The chart below shows a breakdown of the three complaint types and the number of complaints against the relevant service area. In quarter four (2019/20), there were 223 performance: 29 person and 38 policy related complaints.



Additional information is collected on all closed complaints that were either upheld or partially upheld, to ensure lessons are learnt to improve service delivery and minimise the risk of reoccurrence.

This information is logged by the service areas responding to the complaint and includes:

- What will be done as a result of the complaint?
- Who by?
- By when?

The Customer Services Officer receives monthly reports, to ensure that action(s) are being completed. Any failures/blockages are reported to the Customer and Media Services Manager, to progress to the relevant Head of Service.

Reports on trends and resolutions are provided to the Senior Management Board, to ensure continuous improvement.

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Finance and Property. Simon Freeman

The Service has performed very well during 2019/20 and has met the majority of its key performance targets and service milestones. The one KPI that has missed the target relating to payments performance features in the Improvement Action Plan as part of this report. Financial performance will feature in a later report once the Council's accounts have been closed in line with revised timescales resulting from the national Covid crisis.

Performance of Key Contracts

HTS (Property and Environment) Ltd

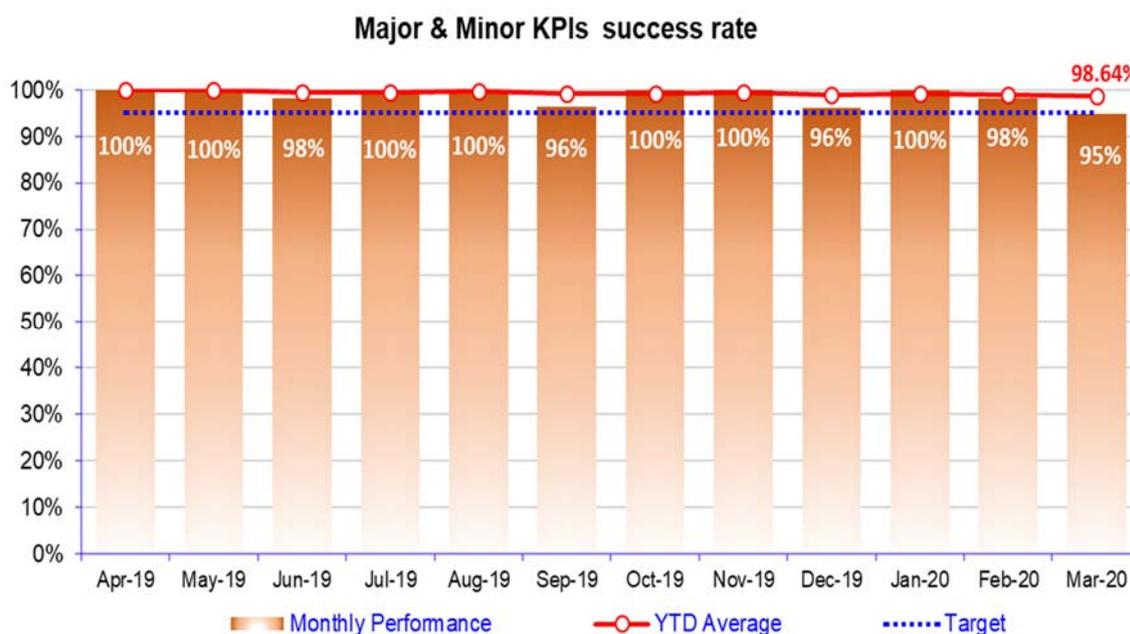


HTS (Property and Environment) Ltd. started operations in February 2017 to serve Harlow residents with their housing repairs and maintenance needs as well as looking after the Town's environment.

HTS (Property and Environment) Ltd. provides:

- Council housing repairs and maintenance including garage repairs
- Council building repairs and maintenance
- Street cleaning, dumped rubbish collection and graffiti removal
- Grass cutting and landscape maintenance
- Cleaning and caretaking of communal areas.
- Pest control
- Stray dog collection
- Drainage, gully, and highways repairs on Harlow Council land.

HTS successfully completed its third year (2019/20) of operation with an average performance of 98.64% against full suite of Major and Minor KPIs that govern the contract across all work streams.



Notable highlights in performance include:

Housing:

- 99% of emergencies attended within 2 hours and completed within 24 hours.
- 100% compliance with turning voids around into lettable properties within agreed timescale.
- 96% tenants' satisfaction from questionnaires feedback.
- 100% compliance for Gas Compliance (annual servicing completed).

Street Scene:

- 91% customer satisfaction with street cleaning services
- 100% of offensive and non-offensive graffiti removed within 24 hours.
- Average time taken to remove fly tips reduced to 1 hour and 35 minutes.
- 100% of damaged bins repaired or replaced within 2 working days.

Grounds Maintenance:

- 100% compliance with Prevention of dangerous trees reported, inspected, and made temporarily safe within 24 hours
- 100% Maintenance of existing playgrounds and hard standing areas.

Non-Housing:

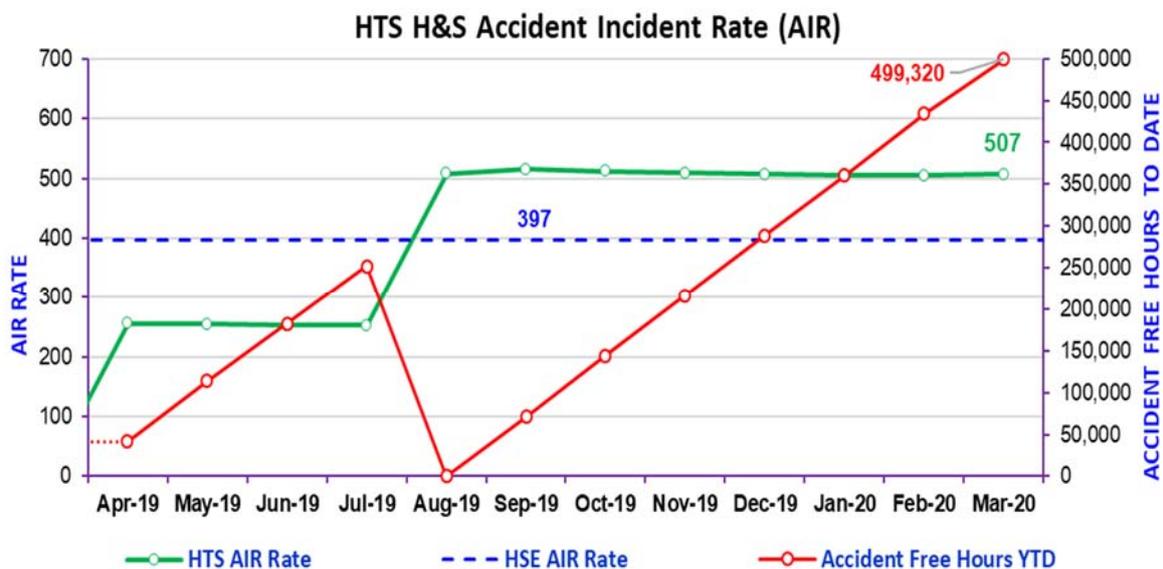
- 99% Customer Satisfaction with Non-Housing Repairs service.
- 100% compliance with managing emergencies (attend within 2 hours).

Call Centre

- Call centre has consistently exceeded its target, performing at an average of 94% customer service answering level against the target of 90%.

Safety Health Environment & Compliance (SHEC)

- Covid 19 national lockdown: working with each section to discuss disaster recovery plans and the impact of the pandemic. Plans for reducing staffing, 'emergency only' and 'no leaving the home' all now in place.
- Completed 499,320 working hours without an incident.
- AIR rating of 507 achieved following RIDDOR in August 2019.
- RoSPA Gold award received in both H&S and Fleet.
- British safety council award achieved for the 4th year running



**Veolia:
Waste and Recycling services**



Veolia Environmental Services collect domestic recycling, food waste and residual (black bag) waste town-wide; and ancillary services include bulky, green, and nappy/incontinence waste.

The Veolia Team works closely with the Council's Client and Communications Teams to ensure consistent service delivery, and to minimise service disruption due to adverse weather, bank holidays and similar events.

Veolia has established a flexible and adaptable approach to changes in requirements. The collection methodology introduced in the current contract continues to ensure high rates of diversion of waste from landfill.

The residual household waste per head of population remains low. Unfortunately, uncertainty over the developing international Coronavirus outbreak led the Council and Veolia to delay preparations to roll out a revised green waste collection service, although mainstream collections continued to operate normally.

**Westerleigh:
Crematorium**



Westerleigh Group leases the Cemetery and Crematorium site from the Council and takes responsibility for all operations and maintenance.

There is access to industry expertise and a wider pool of equipment and staff resources within the Group; this together with the capital resources has enabled much needed investment into the site infrastructure with a wide ranging upgrade to the customer experience.

The business continues to perform well in 2019/20 with a corresponding benefit of rental income for the Council.

Section Four: Performance

The Council performed on or above target for 51 out of 54 (94.4%) of its monthly, quarterly, and annual indicators. Fifty per cent of the indicators have been maintained or improved compared to Quarter Four 2018/19.

Percentage of indicators within or better than target	Qtr ended 31/03/19	Qtr ended 30/06/19	Qtr ended 30/09/19	Qtr ended 31/12/19	Qtr ended 31/03/20
	100%	96%	98%	98%	95%
Percentage of indicators improving or unchanged from the same period last year	Qtr ended 31/03/19	Qtr ended 30/06/19	Qtr ended 30/09/19	Qtr ended 31/12/19	Qtr ended 31/03/20
	62%	57%	60%	57%	50%

Good Performance:

Thirty-eight (70.4%) of the indicators performed significantly better than their targets. Listed below is a selection of the performance indicators which have contributed to this achievement.

		31/03/20	31/03/20	31/03/19	31/03/19
		Actual	Target	Actual	Target
★	NI185:CO2 reduction from Local Authority operations	38.55	20.00	12.93	15.00
★	CS04b: No of hits to website	662,536	500,000	523,827	500,000
★	NI156: Number of households living in temporary accommodation	251.00	332.00	255.00	287.00
★	BF005: Average days to process new claims	21.58	25.00	25.39	25.00
★	NI157b: Processing of minor applications within 8 weeks or agreed timescale	83.33	65.00	80.00	65.00
★	BF006: Average days to process change events	8.78	13.00	9.85	13:00
★	HTS 2.4: Average time (in hours) to remove fly tips	1.35	3.50	1.19	3.50
★	BV082aii: Household waste recycled (tonnes)	7,642.46	7,200.00	7,985.37	8,000.00
★	CS25q: % of customers complaints responded to within target time	92.35	85.00	94.74	85.00
★	RGN001: Commercial property portfolio occupancy rate	94.00%	87.00%	94.00%	87.00%

Section Five: Improvement Action Plans

The Council and HTS (Property & Environment) Ltd monitors all performance indicators which have been subject to an Improvement Action Plan (IAP) during the past 12 months. The table below illustrates how the indicators subject to an IAP have performed over time.

All performance indicators are reported as red, blue, and green in line with the Council performance monitoring.

Quarterly / Monthly Performance Indicators	QTR ended 31/03/2019	QTR ended 30/06/2019	QTR ended 30/09/2019	QTR ended 31/12/2019	QTR ended 31/03/2020
BV008 Invoices paid within 30 days (%)	●	●	●	▲	▲
CS50 Average waiting time of calls received by Contact Harlow	★	▲	●	●	▲
BV010 NNDR collected (%)	●	●	▲	●	●
CS02b% Lost calls for Contact Harlow (Quarter Cumulative)	★	▲	★	★	★
HTS 3.11d Tree works carried out within 80 working days *	★	★	▲	●	▲

Number of Red Quarterly/ Monthly Performance Indicators	0	2	2	1	3
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Annual Performance Indicator	QTR ended 31/03/2019	QTR ended 31/03/2020
Number of Red Annual Performance Indicators	0	0

*As part of a reassessment of KPI HTS 3.11d, it was established that the 'green' performance reported by HTS (P&E) Ltd in Quarter 2 2019/20 was incorrect. The actual performance of the KPI should have been 'red'. The Improvement Action Plan (IAP) for Quarter 4 2019/20 will address and ensure the performance of the KPI is brought back on track for 2020/21.

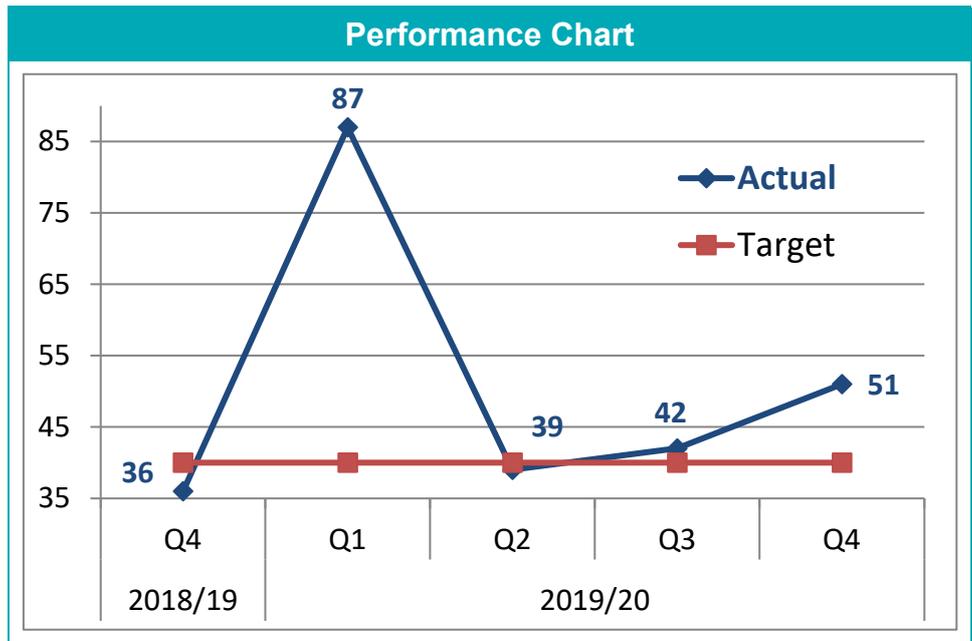
Improvement Action Plan

Reporting Period Ended: 31/03/2020

KPI
CS50 Average waiting time of calls received by Contact Harlow

Performance					
Harlow	to 31/03/19	to 30/06/19	to 30/09/19	to 31/12/19	to 31/03/20
Actual	36.00	87.00	39.00	42.00	51.00
Target	40.00	40.00	40.00	40.00	40.00

Description
Average waiting time of calls received by Contact Harlow before they speak to a Customer Advisor



Direction of Travel
↑ ✘

What is the performance situation?

Increase in calls in January following Christmas and New Year closedown added to an increase in March regarding Corona Virus means that the call waiting times increased.

What practical steps are being taken to improve?

Several staff have now returned from maternity leave and one from a secondment meaning that the additional demand can be dealt with effectively.

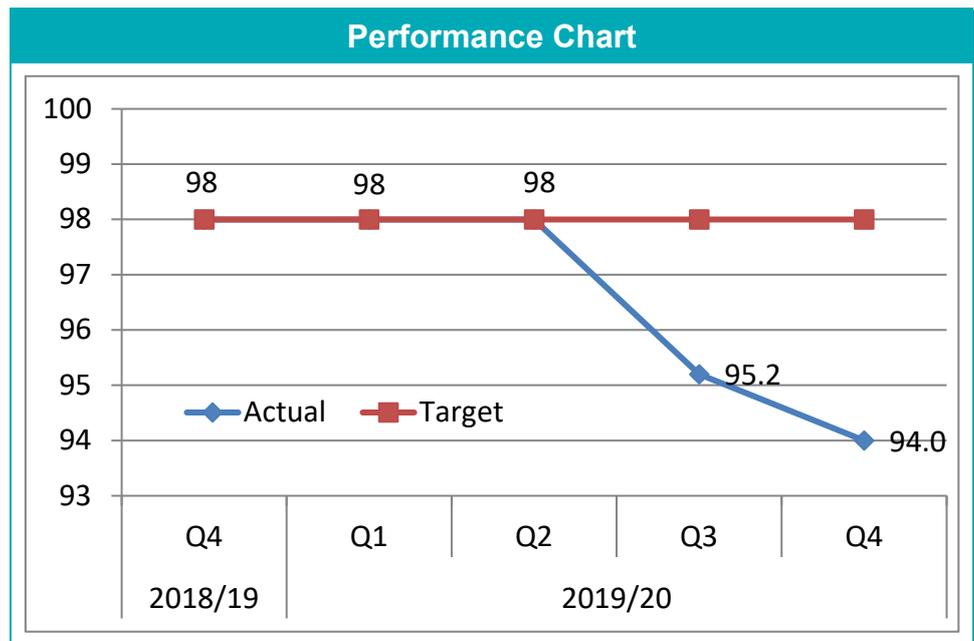
Improvement Action Plan

Reporting Period Ended: 31/03/2020

KPI
BV008 Invoices paid within 30 days (%)

Performance					
Harlow	to 31/03/19	to 30/06/19	to 30/09/19	to 31/12/19	to 31/03/20
Actual	98.00	98.00	98.00	95.20	94.00
Target	98.00	98.00	98.00	98.00	98.00

Description
The percentage of invoices for commercial goods and services which were paid by the authority within 30 days of such invoices being received by the authority.



Direction of Travel

What is the performance situation?

There is an issue across service areas where they are failing to correctly identify the date an invoice is received or to notify the payments team if they are in dispute/under query with the supplier. This has an implication for achievement of the KPI 30 day target for payment.

Whilst training is the key to addressing this issue it was not undertaken in Q3 and this has been exacerbated by the homeworking situation imposed as a result of the Covid lockdown in late March.

What practical steps are being taken to improve?

Despite the homeworking arrangements training has been delivered during Q1 2020/21 and in addition the Covid crisis has forced new ways of working to be explored which it is expected will result in improved performance against the KPI in Q1 2020/21 and moving beyond that reporting period.

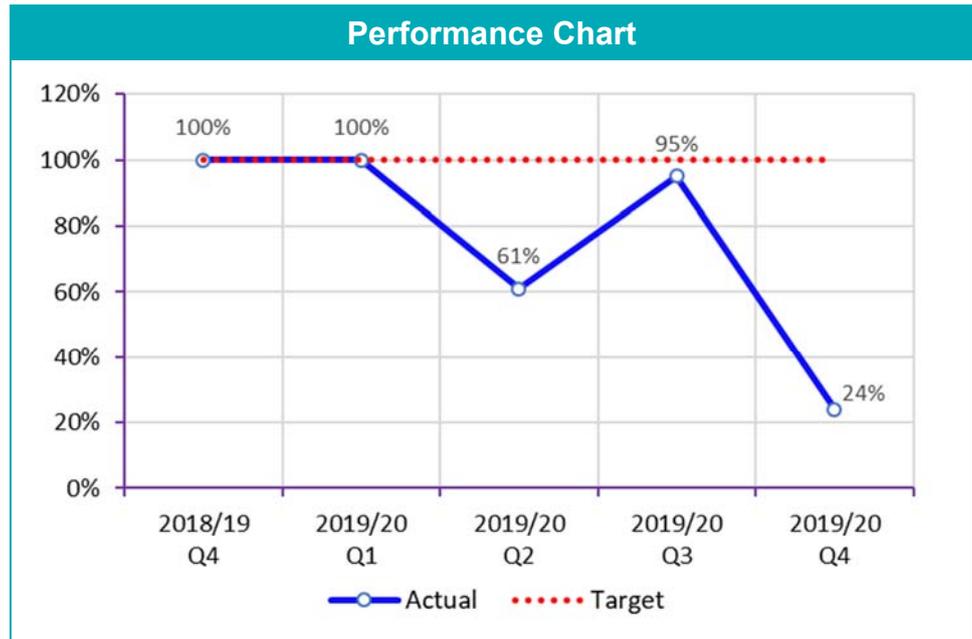
Improvement Action Plan (IAP)

Reporting Period Ended: 31/03/2020

KPI
HTS 3.11d - Tree works carried out within 80 working days

Performance					
Harlow	to 31/03/19	to 30/06/19	to 30/09/19	to 31/12/19	to 31/03/20
Actual	100.00	100.00	61.00	95.00	24.00
Target	100.00	100.00	100.00	100.00	100.00

Description
Inspection of trees (not dangerous) reported requiring attention / maintenance within 20 working days and work carried out within 4 months.



Direction of Travel

What is the performance situation?

There has been a steady build-up of tree works WIP affecting HTS performance. Whilst some of the jobs have been delayed by environmental reasons such as birds nesting, tree health monitoring etc. the adverse weather conditions have also affected the increase in jobs flow.

The most recent storms Ciara and Dennis caused severe damage throughout Harlow in February 2020. The number of jobs reported increased from an average of **1.65** per day to **29** in just one day with further reports in the days after the storm. This had a direct impact on HTS performance in quarter 4 (January to March 2020). In addition, the national lockdown due to Covid 19 pandemic significantly restricted HTS operations. Although routine work has now resumed, social distancing guidelines have meant that no tree climbing will take place until reliable Covid testing is available.

These factors mentioned above have meant the workflow pipeline has increased significantly reducing the HTS KPI performance to **24%** against the target and this improvement plan is compiled to mitigate against further delays. This plan also reviewed the process followed to ensure that correct data is recorded reflecting accurate HTS Tree works position. As a result of completing this Improvement Plan HTS identified an adjustment in performance for Q2 which was reported as 100% whereas, further interrogation of data illustrated the performance at 61% as on the chart above. This IAP will also address this issue to provide greater visibility of data going forward.

What practical steps are being taken to improve?

HTS has reviewed its working practices and have adapted to use MEWP/cherry picker in place of tree climbing for all but the most inaccessible jobs. This will be carried out as soon as the MEWP training is completed which is due on 16 June 2020. We expect this to increase our potential and flexibility to complete inspections and other tree works thus reducing the pipeline.

Housing

- Work to trees in void properties are prioritised in order to re-let the property within agreed timescales.
- Trees implicated as the cause of structural damage to housing property require urgent removal or crown reduction, to limit associated repair costs.
- HTS will utilise subcontractors to reduce impact on HTS resources so outstanding routine jobs are completed without further delay.

Enquiries

- 163 Routine tree inspections have not been carried out due to lockdown.
- The enquiry system requires updating to close off completed jobs and to update enquiries.
- Team 1 will be used to complete tree inspections according to WIP tracker. This will be completed daily and reviewed with Client team and HTS Arborist Manager on monthly basis for compliance.

Routine work

- 209 outstanding jobs require completion and closure with some jobs delayed due to restricted operations.
- Arborist manager will allocate works to Team 1 and Team 2 to complete all outstanding jobs by 4 September 2020. See resources below.

Resource

- An apprentice arborist has been recruited to increase the staff resource from five to six arborists.
- Upon completion of essential training on 16 June 2020, this will increase capacity to run three teams of two arborists.
- HTS have purchased a MEWP for use by electrical and arborist teams.
- MEWP training is to be provided to 4 arborists this month to increase capability.
- Aerial tree work will be completed using both owned and hired MEWPs until tree climbing operations resume.
- Subcontractor to assist with both structural and routine work once approved by HTS SHEC team due by 19 June 2020.
- Using the present two teams, team 1 will be deployed for work to trees causing structural damage, team 2 will attend emergencies and routine work.
- A third team will be deployed following the successful completion of first aid training by our apprentice.
- Routine work will be programmed estate by estate and ward by ward, to improve efficiency by reducing travelling time between jobs.

- Work to trees causing structural damage will continue to be prioritised as agreed. HDC Insurance Manager has provided a prioritised list of jobs. This will be allocated to Team 1.

Process

- Work will be issued to the arborists daily and weekly depending on priority of work. Completed work will be returned to the Arborist manager on a daily basis to record and close the enquiry. The Arborist manager will update the main spreadsheet on daily basis with all comments for auditing.
- This will greatly increase job visibility and provide an accurate workflow.
- The workflow tracker will be presented to the Operations Director on weekly basis.

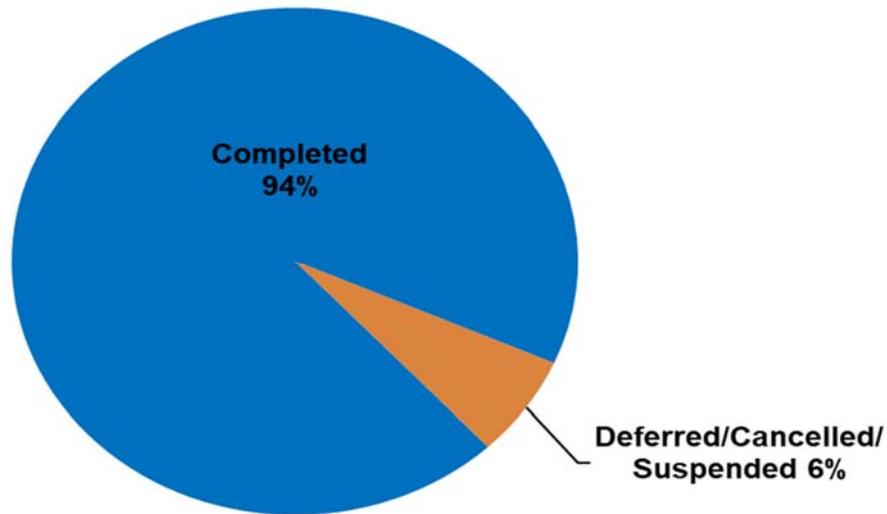
Section Six: Key Corporate and Financial Risks

Risk Name	Risk Owner	Inherent Likelihood	Inherent Impact	Controls Already in Place	Residual Likelihood	Residual Impact	Residual Risk Score	Residual Risk Indicator	DoT	Foreseeable Likelihood	Foreseeable Impact	Foreseeable Risk Score	Additional actions to mitigate risk	Last Reviewed
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There are no exceptional strategic risks (rated 20 or higher – high likelihood, high impact) recorded on the Council’s Risk Register.

Section Seven: Progress in delivering the Corporate Plan

The Corporate Plan sets out the goals the Council needs to complete in order to deliver its corporate priorities and principles. A total of 155 corporate milestones were established for the financial year 2019/20. Below is an update of how well the Council did in delivering its Corporate Plan.



The position of the Corporate Milestones as at 31 March 2020 are broken down as follows:

- 94% (145 out of 155) of the milestones have been successfully completed;
- 6% (10 out of 155) of the milestones were either deferred due to Covid 19 or cancelled/suspended due to changes in priorities; until the new financial year 2020/21.

REPORT TO: CABINET

DATE: 9 JULY 2020

TITLE: ENERGY PROCUREMENT FRAMEWORK REVIEW

PORTFOLIO HOLDER: COUNCILLOR MIKE DANVERS, PORTFOLIO HOLDER FOR RESOURCES

LEAD OFFICER: SIMON FREEMAN, DEPUTY TO THE CHIEF EXECUTIVE AND HEAD OF FINANCE AND PROPERTY (01279) 446228

CONTRIBUTING OFFICER: DEAN JAMES, OPERATIONS MANAGER (01279) 446687

This is a Key Decision
It is on the Forward Plan as Decision Number I010693
Call-in Procedures may apply
This decision will affect no ward specifically.

RECOMMENDED that Cabinet agrees:

- A** To extend the current framework arrangement with Energy and Carbon Management for the supply of gas and electricity to March 2023.
- B** To the procurement of 100 per cent renewable electricity up to March 2023

REASON FOR DECISION

- A** The current framework agreement commits the Council to a long term energy supply contract, ensuring that the Council is able to achieve better value for money. In addition, the framework agreement provides added benefits that create operational efficiencies whilst continuing to deliver quality energy supply procurement.
- B** By procuring 100 per cent renewable electricity, the Council is able to continue to meet its goals as set out in the Climate Change Emergency declaration of July 2019.

BACKGROUND

1. In 2017, Cabinet agreed to switch its gas and electricity energy contracts via the Procurement for Housing (PfH) framework, committing itself to a long term contract to achieve value for money.

2. Under the PfH framework, the Council utilises a flexible purchasing method under which an analysis continually tracks changes in the wholesale energy market and subsequently procures blocks of energy when conditions are favourable. These prices are then fixed for the following financial year. Using this method the Council can take advantage of any future fall in wholesale energy prices. The approach also reduces the Council's exposure to any future spikes in energy prices.
3. The current cost to implement the framework agreement is £24,390 per annum. For this, the framework provider procures gas and electricity supply contracts on the Council's behalf, as well as:
 - a) Dedicated Account Management – inclusive of liaising with suppliers on the Councils behalf;
 - b) Bill Validation and reporting outlining any discrepancies that will be raised directly with the supplier;
 - c) Performance, Service Delivery and Supplier Relationship Management of the contract;
 - d) Connections and Metering Support including new meters and change of tenancies etc.;
 - e) Information regarding TRIAD Warnings;
 - f) RAG Analysis – a chart depicting the energy usage of a building throughout a set period of time, usually 24 hours; and
 - g) Period available supply capacity reviews for its Half Hourly electricity
4. The contract period is for an initial three years up to the end of March 2021, with an option to extend for a further two years. It was agreed by Cabinet that the option to extend the contract would be based on a 'value for money' review to be submitted in year three (2020/21).

ISSUES/PROPOSALS

Review of Current Arrangements

5. In order to conduct a comprehensive review of the contract, officers analysed the following:
 - a) Financial savings made against the wholesale energy market;
 - b) Performance of the framework provider;
 - c) Services that provide added value to the contract; and

- d) Contributions to the Council's work following declaration of a Climate Change Emergency

Financial Savings

6. Under the current purchasing methodology, the framework provider has been able to make savings for both gas and electricity against the wholesale market cost. For electricity, savings of £83,051 against the wholesale market high have been realised over the 36 month duration of the contract to March 2021. Similarly for gas, savings of £159,769 have been made over 30 months (Note: Electricity and Gas baskets were procured for contract starts of April and October, respectively, leading to the difference in contract duration).
7. For context, as of 2020/21 the Council pays, on average, 15p/kWh for electricity and 1.8p/kWh for gas, compared to the regional average of 18.9p/kWh for electricity and 3.7p/kWh for gas, further demonstrating the savings provided by the robust procurement methodology agreed with the framework provider.
8. The PfH framework delivers account management and billing queries, and also connections and metering support.

Framework Performance

9. The PfH framework delivers account management and billing queries, and also connections and metering support.
10. Whilst it is noted that there are no performance indicators set within the services agreement between the Council and the framework provider, it is in the opinion of officers that the agreement provides good performance. It is recognised that handling energy queries can become complex and in the majority of cases have been dealt with in a self imposed 28 day period through the framework provider.

Added Value

11. In addition to providing savings, good performance on customer queries and account management requirements, the framework provider has also been able to assist in providing a number of services that have added value to the contract.
12. There are a number of online portals the Council uses to monitor electricity usage for its entire portfolio. This assists with queries and provides evidence to support the Council in achieving carbon reductions targets. Officers are currently working with the framework provider to deliver this for its gas portfolio also, with a trial to be conducted for a limited number of operational sites. All portals are being provided at no additional cost.
13. The framework provider shares weekly and quarterly reporting concerning the procurement of its energy supply against the current market position. Both tools are invaluable in assisting the Council plan for budget forecasting for the following financial year.

14. Additional services outside of the contract can also be procured. Such services include:
- a) Renewable Feasibility Assessments;
 - b) Ad hoc consultancy projects;
 - c) ISO 50001 gap analysis;
 - d) Streamlined Energy & Carbon Reporting (SECR);
 - e) Air-conditioning Inspections (ACI);
 - f) Energy Performance Certificates (EPC);
 - g) Display Energy Certificates (DEC);
 - h) EU Emissions Trading System (EU-ETS); and
 - i) Heat Regulations.
15. The Council, in line with its Contracts and Standing Orders, has procured the services of desktop feasibility studies in relation to the installation of solar photovoltaic panels across its public buildings that has helped inform business case submissions for capital programming up to 2021/22.

Carbon Reduction

16. In 2019/20, the Council's electricity portfolio was supplied with 100 per cent renewable energy. This has had a significant impact on carbon emissions reporting, as defined by the Carbon Management Plan 2016-21, as carbon emissions for electricity consumption across operational buildings have reduced by 553 tonnes. It has been confirmed that 100 per cent renewable electricity will be supplied to the Council's electricity portfolio for 2020/21.
17. The original supply contract did not specify for 100 per cent renewable electricity but the framework provider secured this with the energy supplier and at no additional cost to the Council. The renewable energy supplied complies with Guarantee of Origin (GoO) standards that are recognised by Ofgem.
18. GoO certification is a European tracking instrument as defined in article 15 of the European Directive 2009/28/EC. It provides the customer with certainty that the energy being provided to the importer by the exporter is 100 per cent renewable in origin. GoO's can originate from another country than the country of consumption.
19. The Council has explored procuring 100 per cent renewable energy with a Renewable Energy Guarantee of Origin (REGO) certificate solely from UK sites as a minimum standard. However, it has been advised by the framework provider that there will be an additional cost to procuring this, over and above

wholesale energy costs, whilst delivering a similar standard as GoO certification. This is constantly being kept under review for future energy procurement activities in light of Brexit.

ISSUES/PROPOSALS

20. In light of the above evidence, it is recommended that the Council extends the services contract with the framework provider to March 2023. A procurement exercise will begin in 2022 to determine how the Council procures its energy from March 2023 onwards.
21. In addition to this, it is recommended that the Council seeks to procure 100 per cent renewable electricity for its portfolio as part of the framework agreement with a minimum GoO certification as approved by OFGEM. This will aid the Council in achieving its goals set in its current Carbon Management Plan 2016-21 and the aims set out in the Climate Change Emergency declaration of July 2019.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

This proposal will help to ensure that value for money is achieved and should provide an improved service to the Council's customers.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT, and Property and Facilities)

If approved the extension of the contract will help to ensure that the council continues to achieve competitive market prices for its energy supplies whilst also locking in to supplies that are carbon neutral. Contract support and management have been very good as set out in the report and will give confidence that what can be a very complex exercise in managing specific accounts across the councils extensive and varied property portfolio will continue to run efficiently.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

The approval of the contract will help to ensure that housing landlord business planning priorities targeting energy efficacy plans for its stock continue, in particular, allowing the process for tenants who are in receipt of District Heating facilities being billed for their individual heating usage.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

None specific.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

The use of a fully EU compliant framework is sufficient to discharge the Council's obligations under EU regulations and its Constitution.

Author: Simon Hill, Head of Governance

Appendices

None.

Background Papers

[Department of Business, Energy and Industrial Strategy publication for 2019 domestic energy data \(published March 2020\)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875777/QEP_Q4_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875777/QEP_Q4_2019.pdf)

Glossary of terms/abbreviations used

GoO – Guarantee of Origin
OFGEM - Office of Gas and Electricity Markets
PfH – Procurement for Housing
REGO – Renewable Energy Guarantee of Origin

REPORT TO: CABINET

DATE: 9 JULY 2020

TITLE: FLAT BLOCK REFURBISHMENT OF 97-126 THE HIDES

PORTFOLIO HOLDER: COUNCILLOR MARK WILKINSON, PORTFOLIO HOLDER FOR HOUSING

LEAD OFFICER: ANDREW MURRAY, HEAD OF HOUSING
(01279) 446676

CONTRIBUTING OFFICERS: WENDY MAKEPEACE, HOUSING SENIOR OPERATIONS MANAGER (PROPERTY)
(01279) 446342

DAVID COLEMAN, HOUSING OPERATIONS MANAGER (PROPERTY) (01279) 446388

This is a Key Decision
It is on the Forward Plan as Decision Number I010622
Call-in Procedures may apply
This decision will affect Netteswell Ward.

RECOMMENDED that:

- A** The most advantageous tender in consideration of price and quality combined as submitted by Contractor A is accepted in the sum of £1,319,516.00 for the delivery of this external refurbishment works programme subject to contract and Leaseholder consultation.

REASON FOR DECISION

- A** To enable the Council to enter into a contract for these works in compliance with Contracts Standing Orders and the continuing delivery of the Housing Investment Programme (HIP).

BACKGROUND

1. The work scheduled for the Hides forms part of the external works packages within the 2020-21 Housing Capital programme.
2. The works identified are making good or replacement of deteriorated or external failing elements which are in poor repair or at the end of their life cycle which include roof replacement, re-rendering, communal lighting, fencing, window/door

replacement, the removal of defective external wall insulation, as well as re-decoration.

ISSUES/PROPOSALS

The Procurement Process

3. The works have been subject to a competitive tender process, in line with the Council's procurement procedures. The selected form of contract is JCT Minor Works Building Contract 2016 Edition incorporating the Council's preferred amendments. In view of the relatively short term and standalone nature of the works the tender comprised of a 70 per cent price and 30 per cent quality.
4. Five contractors were invited to submit tenders each of which had satisfied the Council's pre-tender checks. Three compliant tenders were received by the deadline.
5. Bids were evaluated against a pre-determined evaluation model. Quality evaluations were completed by a panel of three and this assessment was concluded prior to prices being released.
6. A detailed tender analysis has been undertaken. As part of this process several qualifications, clarifications; and where appropriate, amendments were sought from tendering contractors.
7. The final prices, weighted scores and rankings are shown below:

Table 1 – Weighted Scores of Rankings

Contractor	Quality Ranking	Total Price £'s	Ranking
Contractor A	1	£1,319,516.00	1
Contractor B	2	£1,411,702.84	2
Contractor C	3	£1,897,637.97	3
Contractor D		NTR	
Contractor E		NTR	

Conclusions

8. Contractor A has submitted the most advantageous bid overall when taking into consideration price and quality in line with the pre-defined scoring mechanism of the tender. Contractor A provided the highest ranking in both quality submission and price. The conclusion of the tender analysis is that this bid provides good value for money and demonstrates that the contractor should be capable of delivering the works to the standard required by the Council.

Next Steps

9. The relevant statutory consultation with leaseholders (Notice of Estimates) is due to commence and will need to conclude prior to any contract being awarded.
10. Following a pre-contract meeting a lead in period of at least four weeks is necessary in order for the contractor to mobilise their supply chain and internal resources. It is anticipated that works will commence on site during quarter three of the financial year 2020 - 21.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

None specific.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT, and Property and Facilities)

As set out within the report.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

These programmes of work will enable the Council to:

- a) Deliver its commitments to maintain its properties to a lettable standard.
- b) Meet its obligations to achieve Decent Home targets.
- c) Maintain the overall level of statutory compliance
- d) Help increase tenant satisfaction with the improving standard of its properties.
- e) Provide opportunities for the tenant's to reduce their energy consumption.

If the works packages are not approved, this will have implications on delivering the Housing Capital Programme and maintaining the Decent Homes standard. There will also be knock-on effects to the repair budgets, voids turn-over and resident satisfaction.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

None specific.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

This procurement is compliant with contract standing order requirements as outlined in the report and appropriate advice has been sought during the process.

Author: Simon Hill, Head of Governance

Appendices

None.

Background Papers

None.

Glossary of terms/abbreviations used

HIP – Housing Investment Programme

REPORT TO: CABINET

DATE: 9 JULY 2020

TITLE: PROCUREMENT STRATEGY UPDATE

PORTFOLIO HOLDER: COUNCILLOR FRANCES MASON, PORTFOLIO HOLDER FOR GOVERNANCE, EQUALITY AND DIVERSITY

LEAD OFFICER: SIMON HILL, HEAD OF GOVERNANCE
(01279) 446099

CONTRIBUTING OFFICERS: JULIE GALVIN, LEGAL SERVICES MANAGER
(01279) 446045

BEV THOMAS, RELATIONSHIP AND COMMISSIONING MANAGER
(01279) 446252

This is not a Key Decision

It is on the Forward Plan as Decision Number I010603

The decision is not subject to Call-in Procedures for the following reason:

The recommendations are within the scope of the original budget and Corporate Plan approved by Full Council in February 2020.

This decision will affect no ward specifically.

RECOMMENDED that:

- A** The Procurement Strategy (attached as Appendix A to the report) is approved as the framework for achieving the Council's objectives and aspirations in the procurement of goods, works and services.
- B** The Head of Governance, in consultation with the Portfolio Holder for Governance, Equality and Diversity is delegated authority to make minor and inconsequential amendments which reflect changes in the law.

REASON FOR DECISION

- A** To update the Procurement Strategy to incorporate legislative changes related to procurement and to reflect the governance expectations of the Council.

BACKGROUND

1. The Procurement Strategy was last reviewed by Cabinet in 2018. This review formalises any updates in legislation and the Council Governance expectations

which have taken place since then. In particular, the development of the Council's Climate Change Strategy and Equality & Diversity Action Plan.

2. The review provided an opportunity to strengthen the Council's commitment to equality and safeguarding duties through its decision making. Whilst ensuring those with whom the Council contracts or share services apply the same high standards of lawful processing and storage of data as well as eliminating Modern Slavery and Human Trafficking within its business supply chains.
3. The Strategy includes reference to the Local Government Association's National Procurement Strategy and highlights the continuing development of comprehensive Procurement Guidance documents. These documents, together with appropriate advice, provide practical information about how to comply with the strategic principles.
4. The use of Contracts Finder, the Council's procurement portal, and other ways in which opportunities are published to the market ensures that the widest range of suitable bidders are informed, including small, local businesses.
5. The Council's standard terms and conditions continue to include the Council's governance expectations to prevent discriminatory practices and encourage suppliers to embrace the Council's aims for the Living Wage and Apprenticeships.

ISSUES/PROPOSALS

6. During the lifetime of this Strategy, the legislative change because of Brexit will place further requirements upon the Council to act. It is suggested that in such instances delegated authority to update the Strategy is appropriate and effective.
7. Major changes in policy or where there is discretion would still be reported for Members to consider.
8. It is proposed that adoption of this Strategy is the best way to set the framework for achieving procurement which is lawful, ethical, and value for money.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

As contained within the report.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT, and Property and Facilities)

The adoption of the revised Procurement Strategy will underpin the procedures and activity undertaken across services to ensure that the Council achieves value for money in its procurement activity and that such activity is compliant with the relevant legislation.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

As contained within the report.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

As contained within the report.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

The adoption of an up to date strategy for procurement supports good governance in decision making and the role of the Council as a community leader by setting the framework for the way in which it conducts business.

Author: Simon Hill, Head of Governance

Appendices

Appendix A – Procurement Strategy 2020

Background Papers

None.

Glossary of terms/abbreviations used

None.

Harlow Council Procurement Strategy 2020

HARLOW



Version: Final
Issue Date: June 2020
Review Date: 2023
Approved by Cabinet:

Harlow
Council
Working together for Harlow

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1. INTRODUCTION

The Council has a duty to secure best value and continuous improvement in the way that functions are carried out, having regard to a combination of efficiency, economy, and effectiveness. Effective procurement is crucial in securing high quality, best value public services and the Government has highlighted that the development of a clear procurement strategy is a key step towards achieving best value and delivering demanding efficiency targets.

Since the last Strategy was adopted in 2018, a number of new external influences have been taken into account, including: Climate Change, UK Anti-Corruption Strategy 2017- 2022 (Year 1 Update); and more recently the Coronavirus (COVID 19) pandemic.

Procurement is defined as: *"the process of acquiring goods, works and services, covering both acquisitions from third parties and from in-house providers. The process spans the whole cycle from identification of needs, through to the end of a services contract or the end of the useful life of an asset. It involves options appraisals and the critical 'make or buy' decisions which may result in the provision of services in-house in appropriate circumstances.*

Procurement is an important tool in a Local Authority's toolkit through which to deliver its wider social, economic, and environmental aims; and not just about buying goods, works and services at the lowest prices.

We ("the Council") need to ensure that we are providing value for money for all our stakeholders. At the same time we are committed to providing quality services and forming good relationships with our Suppliers.

With decreasing resources procurement has an even greater role to play. It plays a key role in making savings and efficiencies across the Council. The ability to do more for less will be essential to make further savings across the Council, whilst maintaining high quality services.

The Procurement Strategy ("the Strategy") has been developed with the Council's vision in mind "*Working Together for Harlow*" and to promote the close working relationships it has with the town's residents, its Suppliers and organisations that wish to work with us.

The Strategy recognise the **National Procurement Strategy for Local Government (2018)** ‘**Delivering the Ambitions**’ and the ‘key themes’ and ‘enables’ that reflects local government’s priorities until 2022. These are:

Key Themes	The Enablers
<ul style="list-style-type: none"> • Showing leadership • Behaving commercially • Achieving community benefits 	<ul style="list-style-type: none"> • Developing talent • Exploiting digital technology • Enabling innovation • Embedding change

The Strategy provides the Framework in the way in which procurement take place at the Council and supports the Council’s the five priorities and three principles, which are:

Corporate Priorities	Corporate Principles
<ul style="list-style-type: none"> • More and Better Housing • Regeneration and a Thriving Economy • Wellbeing and Social Inclusion • A Clean and Green Environment • Successful Children and Young People 	<ul style="list-style-type: none"> • Being the Community Leader • Sound Resource Management • Equalities and Fairness

When an Officer procures goods, works, or services they will consider the corporate priorities and principles and ask questions such as: *Can the voluntary or community sector be involved in this procurement? Can this project boost the local economy? What is the environmental impact of this procurement? How does Harlow residents want this delivered? What value add can be extracted from the process? What consultation is required? How will the Council’s equalities duty be met and furthered during and as a result of the process?*

The Strategy will help us to meet our duty to demonstrate value for money in service delivery whilst ensuring that the Council’s aspirations can be met. In so doing, Officers shall:

- Strive to obtain and secure value for money and where possible deliver savings and efficiencies from all goods, works and services required by the Council.
- Ensure the procurement of goods, works and services are open, fair, ethical, lawful, and transparent.
- Deliver procurement excellence through the identification of new and innovative solutions for service delivery; and

- Listen, advise, and share knowledge and procurement experiences and expertise.

2. THE COUNCIL'S PROCURMENT OBJECTIVES

The Council spend on goods, works and services are procured within the context of Contracts Standing Orders (CSOs), the policies of the Council and all relevant UK and EU legislation.

For the duration of this Strategy the Council will apply the following procurement objectives to meet the operational and strategic needs of the Council:

- Ensure compliance with our Statutory procurement obligations;
- Continue to improve access to the Council's contracts; and where possible collaborate with other public sector bodies/organisations;
- Continue to promote the role procurement as an efficient and effective way to deliver value for money services;
- Embed the principles of continuous improvement within our procurement methods and processes.

3. WHO IS THE STRATEGY FOR?

Council Members	To guide, challenge and review the way procurement is applied at the Council
Senior Management Board	To manage their Service area in compliance with the principles and actions in the Strategy
Corporate Procurement	To support the Council's goals and objectives by implementing the Strategy across the Council
Key Stakeholders e.g. residents, contracting organisations, voluntary sector	To inform and give an understanding of the direction of procurement at the Council and its requirements.

4. GOVERNANCE EXPECTATION

The Council's Governance Expectation sets out, as far as it is able to do so under law how the Council will expect its Suppliers to act. The matters listed below and the extent to which they will be applied to any procurement must be proportionate and relevant to the contract.

General Data Protection Regulation 2016/679 (GDPR): The Council is committed to ensuring that personal data is processed, stored, or shared as securely as possible and only for those purposes for which the personal data is collected. During the pre-contract process data collection and processing is identified and scoped. Data required for the purposes of all settled contracts are subject to enforceable contract terms as provided for under Articles 17 and Article 28 to Article 36 and Recitals 81 to 83 and relevant amendments or additions to the GDPR in force from time to time.

Modern Slavery Act 2015 (MSA): The Council is committed to doing what it can to combat slavery and prevent human trafficking within its business and supply chain. The Council's aspiration is to have a positive impact on the fair and safe working conditions of those working directly or indirectly for us and we expect our suppliers/contractors/partners to share our vision. The Council also acknowledges its duty to notify the Secretary of State of suspected victims of slavery or human trafficking in accordance with s.52 MSA and the Modern Slavery Act 2015 (Duty to Notify) Regulations 2015. A Modern Slavery Act statement is published on the Council's website and reviewed annually.

Due Diligence: The Council will use all endeavours to ensure that all suppliers have in place policies and procedures that address any workers legitimate concerns pursuant to governing legislation e.g. Health and Safety issues, Whistleblowing, Trade Union membership; and where appropriate include proportionate contract clauses in the Council's terms and conditions.

Living Wage: Every Council employee earns at least the Living Wage. The Council's vision is much wider and encourages all its Suppliers to pay the Living Wage through the procurement process.

Apprenticeship & Local Employment: The Council will encourage the employment of apprentices, local labour, employment and training opportunities through the procurement process and contract management.

Zero Hours Contracts: The Council will refuse (to the extent the law allows) the appointment of contractors who make use of zero hours contracts.

Ethics: The Council will promote ethical behaviour and encourage Suppliers to use Fair Trade products, minimise the harm caused by trade and encourage good practice, recognise

Trade Unions, and seek to make a positive contribution to the local community through the procurement process and its contracts.

Equalities Duty: The Council will promote and further equality of opportunity in line with public sector guidance.

Contract Management: Effective procurement is measured by the outcomes and not by the completion of the process. Contracts must be effectively managed throughout their life and at expiry to ensure that all benefits identified in the procurement process are delivered. The Council will expand its skills base in contract management and apply Key Performance Indicators to measure performance. Contracts with a duration of 12 months or greater, or an aggregate value of £50,000 or more shall be subject to a formal post contract review.

Climate Change: The Council's Climate Change Strategy has set targets to (amongst others) reduce the Council's Carbon Footprint and reduce the use of single use plastic, requiring inclusion of specific performance measures when procuring goods, works or services

5. OPERATIONAL GOVERNANCE

The statutory framework and rules for procurement are set out in Contract Standing Orders (CSOs) and the Financial Regulations, which forms part of the Council Constitution. The roles and responsibilities are also set out in these documents. Compliance with the Strategy is compulsory.

A core part of the Council's corporate governance is risk management. In the context of procurement it is about ensuring procurement at the Council is delivered within a consistent structure, and that the Council makes decisions based upon a process that explicitly defines and supports better decision-making. This is achieved by better management of the risks involved in procurement and their impact upon the Council. Risks will be added to service risk registers or (where appropriate) the Corporate Risk Register and reviewed regularly.

The Strategy is supported by Procurement Guidance documents and toolkit, which provides details of the systems, procedures and actions required to meet the requirements of this Strategy. To support this, the Corporate Procurement Team will ensure that the Procurement

Guidance Documents (which set out in more detail how CSOs are to be applied) will be implemented through practical advice and guidance.

6. RESPONSIBILITY

In all their dealings, Councillors and Officers will preserve the highest standards of honesty, integrity, impartiality, and objectivity in accordance with the Council's Constitution, Financial Regulations, Contract Standing Orders and Member's and Employee's Code of Conduct.

Where the procurement involves the potential transfer of an employee (TUPE), the Council shall take every care to ensure the transfer is handled in accordance with the advice and guidance published by the Department for Business Innovation and Skills (Labour Market).

All goods, works and services commissioned by the Council will operate within the requirements of the Council's Child and Adult Safeguarding Policy and meet the relevant legislative standards.

Heads of Service are responsible for procurement planning, decisions, and the day to day activities in their Service areas in conjunction with the Corporate Procurement Team. The Head of Service shall designate an appropriately qualified and experienced Officer ("the Contract Manager") to manage and monitor contracts to ensure that the contract is fully implemented.

The **Corporate Procurement Team** is responsible for providing a comprehensive procurement service, technical expertise, advice, guidance, and support, seeking where appropriate specialist legal advice and guidance on all aspects of procurement law and practice from the Council's Legal Services. The Team will implement and monitor the Council procurement activities.

All procurement exercises involving expenditure of £5k and greater (this includes goods, works and services subject to EU Procurement regulations) are subject to the advice and guidance of Corporate Procurement.

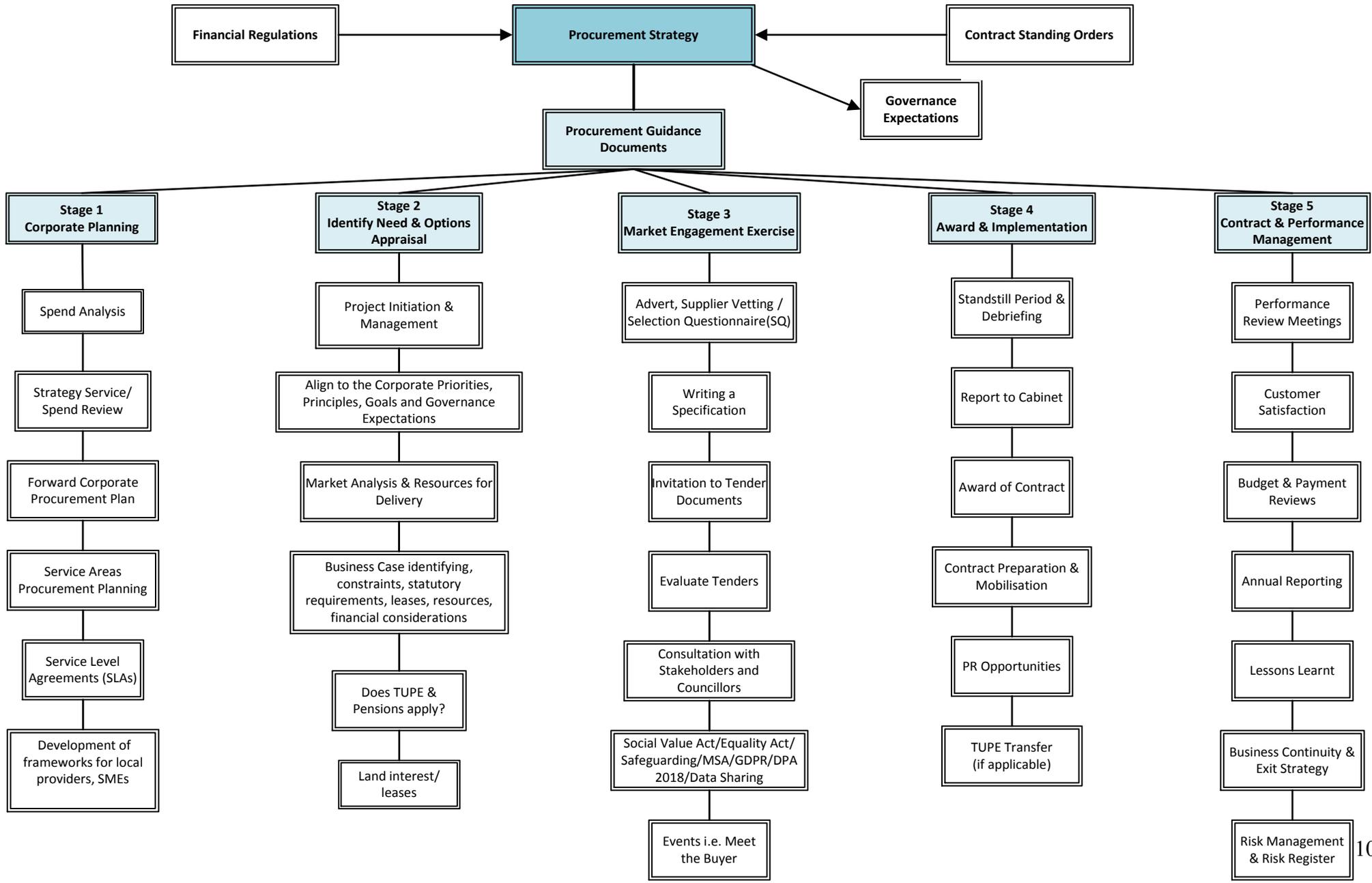
The Strategy is a 'living' document that will be updated at regular intervals in accordance with Council policy or through statutory amendments.

7. THE PROCESS

The Strategy will be delivered by reference to the key stages of the procurement (“the Procurement Framework”) outlined at **Appendix 1**, which embraces the Council’s vision. The Strategy applies to all procurements from routine low value to high value and complex projects.

The Council’s procurement activity is governed by the legislation set out in **Appendix 2**.

APPENDIX 1 – THE PROCUREMENT FRAMEWORK



APPENDIX 2 - LEGISLATION

The Council's procurement activity is governed by legislation including the following (this is not an exhaustive list):

Public Contracts Directive 2014/24/EU Introduces changes that will provide a more modern, flexible, and commercial approach to procurement. The Directives were implemented into national law through the Public Contracts Regulations 2015.

Concessions Directive 2014/23/EU: Procedures for the award of works and services concessions contracts

Public Contracts Regulations 2015: Introduce Major changes to the way the public sector procures goods and services. The changes to simplify the approach to procurement across all public sector authorities to enable small businesses to gain better and direct access to the public sector market and include:

- The removal of Pre-Qualification Questionnaire (PQQ) for low value contracts for the supplies and services; and a single and standardised SQ (for the public sector) for above the European Union threshold.
- Promoting the payment of invoices with 30 days and these terms incorporated into the contract conditions; and late payment of invoices to first tier suppliers to be published annually.

The Concessions Contracts Regulations 2016: Procedures for the award of concession contracts

Public Services (Social Value) Act 2012: The Act requires social, environmental, and economic factors to be taken into account. Only factors relevant and proportionate to the subject of the proposed contract can be considered.

Localism Act 2011: A set of rights for communities. These are:

- Community right to challenge - allows voluntary and community groups, parish councils or two or more members of local authority staff to express an interest in running a service currently commissioned or delivered by a local authority.

- Community right to bid - allows communities to nominate buildings and land that they consider to be of value to the community, to be included on a local authority-maintained list.

Equality Act (2010): Creates an umbrella for all equality and diversity legislation. In 2011, the Act introduced a Public Sector Equality Duty which required public bodies to consider how decisions and services may impact upon different groups in the community. Mechanisms are in place to ensure that Suppliers and the Council comply with Equality Act 2010 and the Public Sector Equality duty.

Local Government Transparency Code 2015: This places an obligation on Local Authorities to publish details of any contracts, commissioned activity, purchases orders, agreements and any other legally enforceable agreement with a value that exceeds £5,000.

Modern Slavery Act (MSA) 2015: The Act is the first of its kind in Europe and received Royal Assent on 26 March 2015. The Act consolidates slavery and trafficking offences and introduces tougher penalties and sentencing rules. Through the provision “Transparency in Supply Chains”, the Act seeks to address the role of businesses in preventing modern slavery from occurring in their supply chains and organisations. Specified public authorities (including the police and local authorities) have “a duty to notify” the Secretary of State of any individual encountered in England and Wales who they believe is a suspected victim of slavery or human trafficking.

Safeguarding: Harlow Council does not have a statutory responsibility for the protection of children (this lies with Essex County Council) but is obliged to perform certain functions that will help safeguard and promote the welfare of children in the area.

Sections 27 and 47 of the Children Act 1989 and Sections 10, 11 and 13 of the Children Act 2004 place a duty on public bodies, including District Councils, to make arrangements to promote co-operation between the authority and its partners in respect of Safeguarding matters; ensure that their functions are discharged with regard to the need to Safeguard and promote the welfare of children and young people and to participate in the work of local Safeguarding Children Boards.

Essex County Council also has a statutory responsibility to safeguard adults with care and support needs and Harlow Council therefore aligns its functions and processes to the Southend Essex and Thurrock Safeguarding Adults Guidelines.

Contracted services are required to evidence that they have robust safeguarding policies and procedures in place, and these will be monitored regularly by the contract manager.

Harlow's Contracts Standing Orders (CSOs) & Financial Regulations: CSOs are a requirement of Section 135 of the Local Government Act 1972. All procurement is undertaken within the Council's regulatory framework as set out in the Constitution, Contract Standing Orders and Financial Regulations.

Harlow Council Cabinet Portfolios 2020/21

Portfolio: Leader
Portfolio Holder: Mark Ingall

Areas of Responsibility	Key Strategic Policies and Areas
<p>HTS</p> <ul style="list-style-type: none">• Overview of HTS Corporate Development	<p>Corporate Plan</p> <p>HTS (Housing and Regeneration) Ltd</p> <p>Climate Change Strategy</p>

Portfolio: Resilience & Recovery
Portfolio Holder: Eugenie Harvey

Areas of Responsibility	Key Strategic Policies and Areas
<p>Role of Lead Member for Covid-19 recovery</p> <p>Work with officers and the community to:</p> <ol style="list-style-type: none"> (1) Prepare a post pandemic action plan for recovery; (2) Mitigate the effect of the pandemic on the community of Harlow and the authority; (3) Scope the requirements of the Council to meet changing service need post pandemic and the resources required; (4) Work with community and business partners on recovery measures; (5) bring forward new methods of working across the council and community; (6) steer the Council to a position where it can make decisions on recovery on: <ul style="list-style-type: none"> • businesses and the economy • the Voluntary Sector • the Faith sector on Social Cohesion • the social impact on the town's residents as a whole and the support required • housing, including social housing, homelessness and private landlords • those using accessing existing or temporary benefits 	<p>Pandemic recovery</p> <p>Council, community and business recovery work streams and action plans.</p>

Portfolio: Community and Wellbeing
Portfolio Holder: Chris Vince

Areas of Responsibility	Key Strategic Policies and Areas
<p>Community, Leisure and Culture</p> <ul style="list-style-type: none"> • The Playhouse • The Leah Manning Centre <p>Youth and Citizenship</p> <ul style="list-style-type: none"> • Neighbourhood Forums • Residents Associations • Vulnerable Adults <p>Environmental Health</p> <ul style="list-style-type: none"> • Public Health • Food Safety • Health and Safety <p>Community Safety</p> <ul style="list-style-type: none"> • Anti-Social Behaviour • Environmental Crimes • Partnership Working with the Police • Safer Harlow Partnership • Paddling Pools • Emergency Planning <p>Young People</p> <ul style="list-style-type: none"> • Youth Council • Sam's Place • Youth Services • Schools and College Liaison • Children's Centre Liaison • Harlow Children's Partnership • Young People and the Protection of Vulnerable Children 	<p>Health and Wellbeing Strategy</p> <p>Mental Health Strategy</p> <p>Community Engagement Strategy</p> <p>Apprenticeships</p> <p>Anti-social Behaviour</p> <p>Safeguarding Policy</p> <p>Harlow Museum</p> <p>Paddling Pools and Splash Parks</p> <p>Arts and Cultural Strategy</p>

Portfolio: Growth and Prosperity
Portfolio Holder: Tony Durcan

Areas of Responsibility	Key Strategic Policies and Areas
<p>Enterprise</p> <ul style="list-style-type: none"> • Jobs and Skills • Employability • Enterprise Zone <p>Regeneration</p> <ul style="list-style-type: none"> • Physical Regeneration of the Town • Town Centre • Strategic Housing • Princess Alexandra Hospital 	<p>Growth Board</p> <p>The Enterprise Zone</p> <p>Economic Development Strategy</p> <p>Regeneration Strategy</p> <p>Public Health England</p> <p>LSCC</p> <p>Briars, Copshall Close and Aylets Field</p> <p>Neighbourhood Regeneration Schemes</p> <p>Town Centre Area Action Plan</p> <p>Town Deal</p> <p>Tourism</p>

Portfolio: Environment
Portfolio Holder: Danny Purton

Areas of Responsibility	Key Strategic Policies and Areas
<p>Forward Planning</p> <ul style="list-style-type: none"> • Strategic Planning Issues • The Local Plan <p>Development Management</p> <ul style="list-style-type: none"> • Planning Applications • Planning Appeals • Planning Enforcement <p>Building Control</p> <ul style="list-style-type: none"> • Building Regulation • Covenant Control <p>Licensing</p> <ul style="list-style-type: none"> • Allocation of licenses • Enforcement <p>Structural Engineering</p> <ul style="list-style-type: none"> • Engineering Advice <p>Environment Client Team</p> <ul style="list-style-type: none"> • Operational Delivery and Performance of HTS • Waste Collection and Recycling Services • Street Cleansing (HTS) <p>Environmental Health</p> <ul style="list-style-type: none"> • Environmental Protection <p>Grounds Maintenance, Landscapes and Biodiversity</p> <ul style="list-style-type: none"> • Landscaping and Grounds Maintenance (HTS) 	<p>The Local Plan</p> <p>Infrastructure</p> <p>Garden Town</p> <p>HTS (joint with Housing Portfolio)</p> <p>Stort Valley</p> <p>Street Scene</p> <p>Development of Geographic Information System (GIS)</p> <p>Town Centre Area Action Plan</p>

Portfolio: Governance, Equality and Diversity
Portfolio Holder: Frances Mason

Areas of Responsibility	Key Strategic Policies and Areas
<p>Corporate and Governance Support</p> <ul style="list-style-type: none"> • Democratic Services • Constitution • Support to the Civic Office and Senior Management <p>Legal Services</p> <ul style="list-style-type: none"> • Legal Advice and Representation • Provision of Duly Authorised Officer and Proper Officer Duties • Support to the Monitoring Officer • FOI and GDPR • Local Land Charges <p>Human Resources</p> <ul style="list-style-type: none"> • Employment Law Compliance • Staff Performance and Development • Payroll • Health and Safety <p>Procurement and Relationship</p> <ul style="list-style-type: none"> • Commissioning and Procurement Policy • Corporate Planning <p>Contact Harlow</p> <ul style="list-style-type: none"> • Cash Office <p>Communications</p> <p>Electoral Services</p> <ul style="list-style-type: none"> • Electoral Reviews 	<p>Transparency – Open Data, Freedom of Information (FOI) and General Data Protection Regulations (GDPR)</p> <p>Procurement Strategy</p> <p>Corporate Equalities</p> <p>Addressing the Gender Pay Gap</p> <p>Investigating Disabled Access to Properties and Services</p> <p>Reporting on Racial, Religious discrimination and trends with Hate Crime</p> <p>Ensuring equal access opportunities for the elderly</p> <p>Promoting community events targeted at combatting loneliness</p> <p>Living Wage</p>

Portfolio: Housing
Portfolio Holder: Mark Wilkinson

Areas of Responsibility	Key Strategic Policies and Areas
<p>Housing Management</p> <ul style="list-style-type: none"> Housing Estate and Tenancy Management <p>Property Services</p> <ul style="list-style-type: none"> Strategic Management of Housing Works, Repairs and Maintenance Programmes Housing Asset Management Strategy Housing Capital, Revenue and Planned Maintenance Management Housing and Non-Housing Asbestos Management Statutory Property Inspections <p>Environmental Health</p> <ul style="list-style-type: none"> Private Sector Housing Standards <p>Housing Needs and Options</p> <ul style="list-style-type: none"> Housing Allocations Housing Needs Register Choice Based Lettings Scheme Housing Needs and Homelessness Assessments Homelessness Prevention Housing Provision <p>Supported Housing</p> <ul style="list-style-type: none"> Sheltered Housing Schemes Careline Extra Care Housing Provision Supporting People Care Programmes <p>Home Ownership</p> <ul style="list-style-type: none"> Management of Housing Leases Right to Buy Statutory Service Charge Consultation Service Charges Collection <p>Tenant and Leaseholder Participation</p> <ul style="list-style-type: none"> Tenant and Leaseholder Engagement 	<p>Housing Revenue Account (joint with Resources Portfolio)</p> <p>Capital Programmes (joint with Resources Portfolio)</p> <p>District Heating Schemes</p> <p>Housing Investment Programme</p> <p>Housing Allocations Policy</p> <p>Homelessness Strategy and Action Plan</p> <p>Houses of Multiple Occupation (HMOs)</p> <p>HTS (joint with Environment Portfolio)</p> <p>Tenant and Leaseholder Engagement Strategy</p>

Portfolio: **Resources**
Portfolio Holder: **Mike Danvers**

Areas of Responsibility	Key Strategic Policies and Areas
<p>Revenues and Benefits</p> <ul style="list-style-type: none"> • Benefits Claims • Revenues Recovery • Revenues Registration and Billing <p>Accountancy</p> <ul style="list-style-type: none"> • Statement of Accounts • Annual Budget, Council Tax and Rent Levels • HRA, General Fund and Capital Programmes • Treasury Management <p>Insurance</p> <ul style="list-style-type: none"> • Asset and Liabilities Protection • Insurance Programmes • Risk Management <p>Internal Audit</p> <ul style="list-style-type: none"> • Annual Governance Statement • Management Advice <p>ICT</p> <ul style="list-style-type: none"> • Provision of Council's ICT Infrastructure • ICT Support • Development of the Council's Website and Internet Services <p>Properties and Facilities Management</p> <ul style="list-style-type: none"> • Civic Centre • Latton Bush Centre • Unadopted Highways Management • Asset Management • Drainage • Energy Management <p>North Essex Parking Partnership (NEPP)</p>	<p>Local Council Tax Support Scheme</p> <p>Medium Term Financial Strategy</p> <p>General Fund</p> <p>The Housing Revenue Account (joint with Housing Portfolio)</p> <p>Capital Programmes (joint with Housing Portfolio)</p> <p>Treasury Management Strategy</p> <p>ICT Strategy</p> <p>Non-Housing Asset Management Strategy</p>

Portfolio Holders' Delegations 2020/21

The Leader of the Council has the power to amend this scheme at any time.

Any member of the Cabinet may refer any matter delegated to them to the Cabinet for a collective decision.

All Portfolio Holders may:

- Take urgent decisions that cannot reasonably be deferred until the next meeting of the Cabinet on any matter within the powers delegated to Cabinet and their Portfolio, after written (including e-mail) consultation with the Leader (or Deputy if they are not available).
- Take any decision that may be necessary to implement a decision of the Cabinet.
- Agree the grant of licences for the use of land within their Portfolio.
- Agree minor or inconsequential amendments to any Policy, Plan or Strategy within their Portfolio.
- Take decisions relating to procurement and contractual matters as set out in the Financial Regulations and Procurement Policy and Standing Orders relating to contracts.
- Where appropriate, and working with the relevant officers, respond to national consultation specific to their Portfolio.
- Allocate specific grants relevant to their Portfolio.

The Leader (or Deputy Leader in their absence) may:

- In the absence of any Portfolio Holder or at their request (in writing) or where a prejudicial interest has been declared take decisions on any matter delegated to that Portfolio Holder.
- Write off irrecoverable debts in line with Financial Regulations.
- Take decisions to sell/purchase/lease or otherwise deal with land where this would not constitute a Key Decision.

The Portfolio Holder for Environment may:

- Name and number streets and buildings.
- Set the level of hackney carriage and private hire fees within agreed budgetary policy.
- Set the table of hackney carriage fares.

The Portfolio Holder for Housing may:

- Dispose of void properties which would cost greater than £10,000 to refurbish, except where these fall in an agreed regeneration area.
- Approve write-offs of irrecoverable housing rent debts to a value in line with Financial Regulations.
- Approve the annual Report to Tenants.
- Approve Housing Service Standards.

The Portfolio Holder for Resources may:

- Approve write-offs of irrecoverable debts (including Council Tax, national non-domestic rates, mortgage arrears and sundry debtor debts) to a value in line with Financial Regulations.
- Agree grants applications within budget

Note:

Portfolio Holder decisions must be supported by a written report from the relevant senior Officer(s). It is the Portfolio Holder's responsibility to consult and to seek advice from the Managing Director, Monitoring Officer or Chief Finance Officer as appropriate before decisions are taken to ensure that they are intra vires. Portfolio Holders should also consult the relevant budget holding Head of Service before decisions are taken.

Cabinet Appointments 2020/21

Cabinet Overview Working Group (10)	Local Development Plan Panel (7)
Jodi Dunne (c)	Mike Danvers (c)
Maggie Hulcoop (vc)	Simon Carter
David Carter	Tony Edwards
Simon Carter	Mike Garnett
Jean Clark	Mark Ingall
Bob Davis	Michael Hardware
Mike Garnett	Danny Purton
Shona Johnson	
Lanie Shears	
Nancy Watson	
Joel Charles (sub)	
Tony Edwards (sub)	
Shannon Jezzard (sub)	
Andrew Johnson (sub)	
Covid-19 Recovery Working Group (10)	Constitution Panel (3)
Eugenie Harvey (c)	Frances Mason (c)
Simon Carter	Nick Churchill
Joel Charles	Stefan Mullard
Tony Durcan	
Tony Edwards	
Mark Ingall	
Andrew Johnson	
Frances Mason	
Russell Perrin	
Nancy Watson	
Shareholder Sub Committee (5)	HTS Group Ltd (3)
Mark Ingall (c)	Joel Charles
Michael Hardware	Bob Davis
Andrew Johnson	John Strachan
Danny Purton	
Mark Wilkinson	
HTS (Property and Environment) Board of Directors (3)	HTS (Housing and Regeneration) Board of Directors (3)
Simon Carter	Joel Charles
Bob Davis	John Strachan
Lanie Shears	Emma Toal
Harlow Local Highways Panel (4)	Housing Standards Board (3)
Tony Durcan	Mark Wilkinson (c)
Tony Edwards	Simon Carter
Danny Purton	Bob Davis
John Strachan	

Enterprise Zone Board (1+1 Sub)	Essex Flood Partnership (1+1 Sub)
Tony Durcan	Danny Purton
	Tony Durcan (sub)
Harlow Health and Wellbeing Board (1)	London Stansted Cambridge Consortium (1+1 Officer)
Tony Edwards	Tony Durcan
North Essex Parking Partnership (1+1 Sub)	West Essex Wellbeing Joint Committee (2+1 Sub)
Mike Danvers	Tony Edwards
Danny Purton (sub)	Eugenie Harvey
	Mark Ingall (sub)
Harlow Bus Users Group (1)	
Maggie Hulcoop (c)	

REPORT TO: CABINET

DATE: 9 JULY 2020

TITLE: REFERRAL FROM SCRUTINY COMMITTEE –
REVIEW OF OVERVIEW AND SCRUTINY

PORTFOLIO HOLDER: COUNCILLOR FRANCES MASON, PORTFOLIO
HOLDER FOR GOVERNANCE, EQUALITY AND
DIVERSITY

LEAD OFFICER: SIMON HILL, HEAD OF GOVERNANCE
(01279) 446099

CONTRIBUTING OFFICER: ADAM REES, GOVERNANCE SUPPORT OFFICER
(01279) 446057

This is not a Key Decision
It is on the Forward Plan as Decision Number I011084
Call-in Procedures may apply
This decision will affect no ward specifically.

RECOMMENDED that:

- A** Subject to approval by the Scrutiny Committee, Cabinet endorses the Cabinet-Scrutiny Protocol (attached as Appendix A to the report), the revised Scrutiny Procedure Rules (attached as Appendix B to the report) and the revised Scrutiny Committee Terms of Reference (attached as Appendix C to the report) are adopted by Full Council.
- B** Subject to recommendation by the Scrutiny Committee, Cabinet agrees that the Cabinet Overview Working Group is renamed the Cabinet Policy Development Group and the terms of reference are amended as set out in Appendix D to the report.

REASON FOR DECISION

- A** The Scrutiny Committee carried out a review of the Council's overview and scrutiny functions in light of Government guidance and is due to make recommendations.
- B** To enable the recommendations to be adopted at the earliest opportunity.

BACKGROUND

1. On 18 October 2019, the Scrutiny Committee began a review of the Council's overview and scrutiny functions. It established a Working Party for the purposes of this review.

ISSUES/PROPOSALS

2. The Committee was due to consider the Working Party's proposals at its meeting on 17 March 2020, with the proposals to be adopted in time for the 2020/21 municipal year. However, due to the Covid-19 outbreak, the March meeting was cancelled.
3. In order to enable the review's proposals to be adopted by Full Council on 16 July, this report is being brought to Cabinet prior to the Scrutiny Committee meeting on 14 July. This will enable the changes to be made at the earliest opportunity.

IMPLICATIONS

Implications of the recommended decision are outlined in the 'Implications' section of the original report, which is attached as Appendix 1.

Appendices

Appendix 1 – Original report to the Scrutiny Committee 'Review of the Impact of Permitted Development – Final Report'

Background Papers

None.

Glossary of terms/abbreviations used

None.

Appendix 1

REPORT TO: SCRUTINY COMMITTEE

DATE: 14 JULY 2020

TITLE: REVIEW OF OVERVIEW AND SCRUTINY – FINAL REPORT

LEAD OFFICER: SIMON HILL, HEAD OF GOVERNANCE
(01279) 446099

CONTRIBUTING OFFICER: ADAM REES, GOVERNANCE SUPPORT OFFICER
(01279) 446057

RECOMMENDED that the Committee:

- A** Recommends to Full Council that the Cabinet-Scrutiny Protocol (attached as Appendix A to the report), the revised Scrutiny Procedure Rules (attached as Appendix B to the report) and the revised Scrutiny Committee Terms of Reference (attached as Appendix C to the report) are adopted.
- B** Recommends to Cabinet that the Cabinet Overview Working Group is renamed the Cabinet Policy Development Group and the terms of reference are amended as set out in Appendix D to the report.
- C** Approves the Scrutiny Committee Review Submission Form (attached as Appendix E to the report).
- D** Agrees that training is procured to take place as soon as possible.

BACKGROUND

1. Under the Cabinet system the Council is required to establish a Scrutiny Committee. Its Terms of Reference are set out in Article 7, and its rules in Part 4 of the Constitution. The Committee can report on the discharge of any functions of the Council or Cabinet or any matter affecting the Council's area or inhabitants. Part of this Committee's function is also to enable decisions of the Cabinet to be called in. The Council's Scrutiny Committee has a Call In Sub Committee which fulfils this purpose.
2. The Ministry of Housing, Communities & Local Government (MHCLG) has published new statutory guidance on Overview and Scrutiny in Local and Combined Authorities (May 2019). This is statutory guidance of which the authority 'must have regard' to in exercising the functions.
3. In light of this guidance, on 15 October 2019, the Committee agreed to conduct a review of the Council's overview and scrutiny functions and established a Working Party for this purpose. The Working Party was given an end date of 31

March 2020 in order to allow any changes to take effect for the 2020/21 council year.

4. The Working Party has met on two occasions. The first meeting on 8 January 2020 looked at areas where the Council's scrutiny functions were strong and areas where the functions could be strengthened in order to meet the guidance. It also explored a number of potential solutions which would be developed in time for the second meeting.
5. The second meeting took place on 6 February 2020. This meeting agreed to recommend the proposals which are set out in the recommendations and detailed later in this report.

ISSUES/PROPOSALS

6. It was agreed that proposals would be framed in the context of the four goals set out in paragraph two of the guidance. These are:
 - a) Provide constructive 'critical friend' challenge;
 - b) Amplify the voices and concerns of the public;
 - c) Be led by independent people who take responsibility for their role; and
 - d) Drive improvement in public services.

Provide constructive 'critical friend' challenge

7. One of the key roles of a scrutiny committee is to act as a critical friend to the Cabinet and external organisations. The Committee should be able to hold these groups to account, but should also be constructive and approachable.
8. The Council has a Call In Sub Committee which deals with executive decisions through a 'call in procedure.' This procedure is set out within the Constitution and provides an opportunity to hold the Cabinet to account. However, call in is only designed to be used when decisions have not been made in accordance with the principles of the Constitution and it does not allow for constructive input before a decision is made. Call in, therefore, provides an important but infrequent method of engaging with the Cabinet.
9. The Working Party suggested there was a need have procedure in place which enables the Committee to provide constructive 'critical friend' challenge to the Cabinet on a more frequent basis, which also provides an opportunity for input prior to a decision being made.
10. It is therefore proposed to create a process for pre-decision scrutiny of Cabinet matters. This would involve the Committee identifying upcoming decisions on the Cabinet's Forward Plan and aims within the Council's Corporate Plan which

the Committee can then conduct pre-decision scrutiny of. The process is set out in the Cabinet-Scrutiny Protocol, which is attached as Appendix A to the report.

11. The Protocol also sets out the expectations that the Committee and Cabinet should have of each other and creates a formal relationship between the two.
12. Acting as a critical friend extends to the Committee's relationship with external organisations. The Committee invited a number of organisations to attend its meetings over the past few years. The Working Party agreed that these have been effective and informative. It did however note the Committee's desire to have a greater level of preparation, particularly regarding the agreement of questions and aims. Paragraph 6 of the Protocol addresses these concerns.

Amplify the voices and concerns of the public

13. One of the main roles of a Councillor is to act as an advocate for the people they represent. The Committee has a wide remit and can look at most issues that affect the local area. This places it in a strong position to voice the concerns of the public.
14. The Committee, and Councillors as a whole, have a strong understanding of issues affecting the town. This, combined with the Committee's remit, provides a powerful platform for the Committee to drive improvement.
15. The Working Party considered ways in which the Committee could strengthen its processes to drive improvements effectively and efficiently. Whilst the Committee works effectively as a group and shares a large number of common aims, these need to be more focussed so the Committee looks to conduct scrutiny on the basis of one set of goals for each review.

Be led by independent people who take responsibility for their role

16. The Committee's independence is crucial in helping to demonstrate its value to the Council, other organisations and the town as a whole. The Committee has a good awareness of this and the Committee members work together well. It is important that this independent working culture continues. There is a risk that new Committee members, particularly if they are new Councillors, will not be aware of this need for independence. The Working Party recommended that training is organised for Councillors. This training would have a strong focus on the role of the Committee to ensure that its independent mind set continues.
17. Overview and scrutiny needs to ensure that it is not directed by Cabinet. The Scrutiny Committee achieves this and has the power to set its own work plan. Cabinet has established a Cabinet Overview Working Group (COWG) which is primarily focussed on developing policy for the Cabinet. It provides a means for opposition and backbench Councillors to have input into policy which is developed according to the Council's corporate priorities. The Working Party agreed that this needed protecting. The COWG is not independent from Cabinet, as the Cabinet decides its work plan. Whilst the COWG rarely conducts overview and scrutiny of the Cabinet, better defining what the Working Group

actually does and detangling it from overview and scrutiny is seen as beneficial. It is therefore proposed to change its name to the Cabinet Policy Development Working Group.

Drive improvement in public services

18. The most fundamental aspect of the Council's role is to provide and improve public services. Councillors are at the core of this and the Committee provides a powerful opportunity to drive improvement, not just of the Council's own work but also of other organisations.
19. The Committee has limited resources, mainly surrounding its own time and that of Officers conducting reviews. These limit the Committee's ability to review all the matters it would like to and can place limits on the depth and breadth of the reviews it carries out. Careful prioritisation of reviews will help the Committee in producing a work plan that leads to positive outcomes which can improve Harlow.
20. Prioritisation can be complex as there are a wide range of factors to consider including: how urgent the issue is; the amount of work involved; which areas the review will scrutinise; and whether a positive outcome is likely.
21. The Committee needs to retain its flexibility when setting its work plan, whilst recognising the time resource constraints it faces.
22. The majority of the Committee's review topics for any given year are determined at its first meeting of the Council year, with new topics being added throughout the year. Topics can be raised without prior notice being given. This process is highly flexible, but can cause issues with planning items into the work plan.
23. The Cabinet-Scrutiny Protocol sets out a proposed process for setting the Committee's work plan. This retains the flexibility for Councillors to submit items throughout the year, and provides an opportunity for more open conversations about the scope of reviews and the time needed to carry them out.
24. The Committee retains the flexibility to determine the form of its review submission form. In the first instance it is recommended that the form attached as Appendix E to this report is used. This form largely mirrors the current scoping report. This enables Councillors to more fully capture the nature of the reviews they want to undertake, whilst giving the Committee the opportunity to discuss and amend the scope of a review to accommodate its other priorities.
25. The need to deliver outcomes is central to the Committee's work. Councillors want to deliver change and often succeed, but the processes surrounding the Committee can be strengthened to make outcomes a more central component within its reviews. The Protocol has a running theme of S.M.A.R.T (specific, measurable, achievable, realistic, and time-related) objectives and recommendations. This will assist the Committee in framing its work for a particular purpose and, following the conclusion of a review, whether the review

met its initial aims. The Committee can then evaluate its own effectiveness, looking at where it succeeded and where it could improve.

Summary

26. The Committee has a strong foundation in place which helps enable it to conduct effective scrutiny. There are, however, some areas where the Council does not meet the Government's guidance and the Council can look to strengthen other processes to make scrutiny as effective as possible.
27. The Cabinet-Scrutiny Protocol addresses the need for the Committee to act as a 'critical friend' to Cabinet. Additionally, it sets out a procedure for work planning which promotes open conversations about the Committee's priorities whilst retaining the flexibility necessary for the Committee to respond to emerging needs.
28. The Protocol also introduces processes which reinforce the desire of Councillors to achieve the best outcomes for Harlow and provide an opportunity for self-reflection.
29. There is a need to amend the Scrutiny Procedure Rules (attached as Appendix B to the report), the Scrutiny Committee Terms of Reference (attached as Appendix C to the report) and the Cabinet Overview Working Group Terms of Reference (attached as Appendix D to the report).
30. Finally, training will be procured to ensure that the independent mind set of the Committee continues whilst enhancing its existing skills.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

None specific.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT, and Property and Facilities)

None specific.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

As outlined in the report.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

None specific.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

As contained within the report.

Author: Simon Hill, Head of Governance

Appendices

Appendix A – Cabinet-Scrutiny Protocol

Appendix B – Scrutiny Procedure Rules

Appendix C – Scrutiny Committee Terms of Reference

Appendix D – Cabinet Overview/Policy Development Working Group Terms of Reference

Appendix E – Scrutiny Committee Review Submission Form

Background Papers

Ministry of Housing, Communities & Local Government – ‘Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800048/Statutory_Guidance_on_Overview_and_Scrutiny_in_Local_and_Combined_Authorities.pdf

Glossary of terms/abbreviations used

COWG – Cabinet Overview Working Group

MHCLG – Ministry of Housing, Communities & Local Government

Cabinet – Scrutiny Protocol

1 Introduction

- 1.1. This protocol sets out the relationship between the Council's Cabinet and its Scrutiny Committee. This includes the processes that both bodies follow, where they will interact with each other, and how they expect the other to conduct itself. The Protocol is in addition to requirements set out in the Council's Code of Conduct and the Officer/Councillor Protocol.
- 1.2. The Monitoring Officer will be responsible for overseeing compliance with this Protocol.

2 Aims

- 2.1. To create a framework which enables effective scrutiny.
- 2.2. To empower the Committee's members, Portfolio Holders and Officers by setting out their roles, powers and responsibilities in relation to scrutiny.
- 2.3. To promote mutual respect between all three groups to ensure openness which will enable the Committee to work effectively.
- 2.4. To enable the Committee to act as a 'critical friend' to the Cabinet which provides constructive, non-partisan scrutiny of upcoming Cabinet decisions and corporate objectives.
- 2.5. To enable the Committee to effectively scrutinise third parties and to engage with relevant stakeholders.
- 2.6. To help align the Committee's work with the Council's Corporate Priorities.

3 Meeting Conduct

- 3.1. All Councillors will abide by the requirements set out in the Council's Code of Conduct and look to promote an atmosphere of openness and mutual respect.
- 3.2. Committee members should look to ask searching questions and offer constructive comments to help fulfil the Committee's role of being a 'critical friend.' In most cases, an initial set of questions will be sent to the Cabinet member.

- 3.3. Cabinet members will prepare answers for the questions sent to them in advance of the meeting. They will also look to anticipate further questions and will prepare for these appropriately. They will recognise the value of the Committee and will look to answer all questions as fully as possible.
- 3.4. Both the Committee and Cabinet members will respect the requirement for Cabinet members to avoid scrutinising their own decisions.
- 3.5. The Chair will always look to ensure that all attendees at the meeting are treated fairly and courteously.
- 3.6. The Chair, with the advice of Officers, will ensure that meetings are run in accordance with any requirements set out in the Constitution, and in line with any procedure agreed by the Committee.

4 The Scrutiny Committee Work Plan

4.1. Before the First Meeting of the Council Year

- a) Committee Members will submit any suggestions for items 28 days before the first meeting using the Review Submission Form. All the forms will be circulated to the Committee members the following day. If non-Committee members wish to submit items they should ensure they have the support of at least one Committee member.
- b) The review topics will be considered at the next SMB meeting, who will put together a draft Work Plan. This will be based on the review criteria set out in the review submission forms.
- c) Where SMB feel reviews can be improved by tightening the scope, or altering the format of the review it will discuss these with the Chair. This will be explained to the Committee. A Work Plan will also be developed in the context of these suggested alterations.
- d) Fourteen days before the meeting, Officers will meet with the Chair and Vice Chair to discuss the Work Plan. Any further changes to the proposed Work Plan will be made prior to the agenda's publication.

4.2. At the First Meeting of the Year

- a) Steps a-c of the Pre-Scrutiny of Cabinet Matters procedure (point 5.1 of this Protocol) will be followed.

- b) The Committee will agree its priorities for reviews carried out during the council year.
- c) The Committee will consider its Work Plan for the council year, with reference to the information obtained as part of point 4.1 above and in light of its priorities.

4.3. Additions/Changes to the Work Plan

- a) Committee Members can submit additional items throughout the year. If non-Committee members wish to submit items they should ensure they have the support of at least one Committee member. New items will be submitted to Corporate and Governance Support prior to the publication of the agenda. The relevant Head of Service will be consulted on the timescale of the review and possible changes to its scope. This information will be reported to the Committee who will then consider whether the review will be progressed further.
- b) The Committee will consider its Work Plan at each meeting.

5 Participation of Portfolio Holders and the Leader

5.1. Pre-Decision Scrutiny of Cabinet Matters

- a) At the first meeting of the Council year the Leader will give an overview of the reports which will be considered by Cabinet over the year. They will set out the Cabinet's priorities. This will be accompanied by the Cabinet Forward Plan and the Council's Corporate Plan.
- b) The Committee will consider which reports it would like to have pre-decision scrutiny of. These will be programmed into the Committee's work plan. The Committee will consider whether the matter will be considered at other meetings of the Council (such as the Audit and Standards Committee, or Housing Standards Board) and whether the Committee feels it can add value through pre-decision scrutiny.
- c) The Committee will develop lines of inquiry in respect of each identified item and establish S.M.A.R.T (specific, measurable, achievable, relevant and timely) objectives.
- d) The relevant Portfolio Holder and Head of Service will be made aware that the item will be subject to pre-decision scrutiny and the lines of inquiry.

- e) A report to the Committee will be prepared by Officers, in consultation with the relevant Cabinet member. This report will provide an update on progress of the item, address the lines of inquiry and, if appropriate, suggest other areas the Committee may wish to question.
- f) The Portfolio Holder will attend the meeting to present the report and answer questions from the Committee. The Head of Service will primarily answer technical questions.
- g) The Committee will consider areas that the Cabinet report will need to address and where the piece of work can be strengthened. These points will be addressed as part of the Cabinet report. It is expected that these will have arisen from the initially agreed lines of inquiry. Where the Committee's recommendations deviate from its initial lines of enquiry, it will monitor this as part of its outcome monitoring process.
- h) Cabinet will consider the report and the outcome will be referred back to the Committee for information. This will form part of an outcome monitoring report which will become a standard item on the Committee agenda.
- i) Following the first meeting of the Committee, Committee members can submit a request to pre-scrutinise a report. The request will be considered at the next meeting. Steps b-h above will then be followed.

5.2. Call In Sub Committee

- a) As set out in the Scrutiny Procedure Rules it is the duty of the Leader or relevant Portfolio Holder to attend a meeting of the Call In Sub Committee.
- b) The role of the Cabinet member will be to answer questions of fact. They should be mindful not to involve themselves in the debate and the Committee should not encourage them to do so. The Scrutiny Procedure Rules set out a requirement for Councillors to not be involved in scrutinising a decision they have been involved in and this must be respected.

5.3. Scrutiny Committee Reviews

- a) The Committee will consider the need for the relevant Cabinet member to attend. The Committee will provide sufficient notice and will provide a set of initial questions.
- b) Cabinet members will prepare answers for the questions sent to them in advance of the meeting. They will also look to anticipate further questions and will prepare for these appropriately. They will recognise the value of the Committee and will look to answer all questions as fully as possible.
- c) Where a Cabinet member has been invited to attend, it is expected that Officers will only answer technical questions.

5.4. Non attendance of Cabinet members

- a) The Committee will provide sufficient notice (as set out in the Scrutiny Procedure Rules) to Cabinet members so that they can attend.
- b) Except for attendance at the Call In sub Committee (where paragraph 13 of the Scrutiny Procedure Rules will apply) in instances where the relevant Portfolio Holder cannot attend, the Leader will attend. Where neither can attend the relevant Head of Service will attend.

6 Participation of Other Organisations

6.1. The Meeting before

- a) The Committee will agree its goals for the meeting. These will align with the S.M.A.R.T objectives agreed as part of the scoping process.
- b) Based upon these goals, the Committee will agree a list of initial questions.
- c) The Committee will agree on a format for the item to be considered at the next meeting. They may also consider whether the relevant Cabinet member will be invited to attend.

6.2. Before the meeting

- a) The Committee will provide organisations with advance notice of its initial questions.

6.3. At the meeting

- a) The meeting will follow the format agreed as part of paragraph 6.1(c) above.
- b) The Committee may ask follow up questions. These will be linked to the aims of the meeting.
- c) The Committee will consider whether it has achieved its goals for the meeting and will decide on a course of action, including the setting of S.M.A.R.T recommendations if appropriate.

7 Recommendations

7.1. As set out in the Constitution any referrals to the Cabinet will be considered at its next meeting.

7.2. Cabinet's decision will be noted at the next meeting of the Scrutiny Committee. Where the Cabinet has not accepted the recommendation of the Committee, the Leader or relevant Portfolio Holder/s will provide a written explanation to the Committee setting out why Cabinet has not accepted the recommendations.

8 Outcome Monitoring

8.1. Final recommendations will be S.M.A.R.T so they can be effectively tracked and monitored. The Committee will consider how closely the recommendations align with the S.M.A.R.T objectives set as part of the scoping of the review.

8.2. The Committee will track reviews and choose an appropriate time to explore whether the S.M.A.R.T objectives and recommendations have been met.

Scrutiny Procedure Rules

1 Scrutiny

1.1. The Council will establish bodies which will perform scrutiny functions on behalf of the Council in exercise of the terms of reference set out in Article 7. ~~It will consist of as such number of Councillors as the Council shall determine~~ Full Council will decide the number of Councillors on each body. Currently this comprises:

- a) A Scrutiny Committee
- b) A Call In Sub Committee of the Scrutiny Committee

~~1.2. The Scrutiny Committee is primarily concerned with matters relating to the external scrutiny of activities that affect the local community.~~

~~1.3.1.2.~~ The Call In Sub Committee is the forum for considering decisions of the Cabinet, Committees and Officers that are called -in.

2 Membership of the Scrutiny Committee

2.1. Scrutiny Committee

- a) All Councillors, except the Leader and Cabinet Members, may be members of the Scrutiny Committee. However, no Councillor may be involved in scrutinising a decision in which he/she/they has/ve been directly involved.

2.2. Call In Sub Committee

- a) Membership of the Call - In Sub - Committee will comprise of members of the Scrutiny Committee. The Chair ~~shall~~ will be the Vice Chair of the Scrutiny Committee.

3 Co-optees

3.1. The Scrutiny Committee may appoint non-voting co-optees to serve.

4 Meetings of the Scrutiny Committee

4.1. There ~~will~~ shall be at least six ~~(6)~~ ordinary meetings of the Scrutiny Committee in each year. In addition, extraordinary meetings may be called ~~from time to time as and when appropriate~~ when needed. A Scrutiny Committee meeting may be called by the Chair of the Committee, by any five (5) members of the Committee or by the Proper Officer if he/she/they considers it necessary ~~or appropriate~~.

5 Quorum

- 5.1. The quorum for meetings ~~shall~~will be as set out for Committees in the Council Procedure Rules in Part 4 of the Constitution.

6 Who Chairs Scrutiny Committee Meetings?

- 6.1. The Chair and Vice Chair of the Scrutiny Committee will be drawn from among the Councillors sitting on the Scrutiny Committee and appointed by Full Council. ~~The Vice Chair of the Scrutiny Committee will be the Chair of the Call-In Sub-Committee.~~

7 Scrutiny Committee Work Plan

- 7.1. The Scrutiny Committee will be responsible for setting its own work programme.

8 Agenda Items

- 8.1. Any member of the Scrutiny Committee ~~shall~~will be entitled to give notice to the Chief Executive that ~~he/she/they~~ wishes ~~for~~ an item to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda. The Scrutiny Committee will determine the form of the notice request.
- 8.2. The Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and the Cabinet to review particular areas of activity. ~~Where they do so, t~~The Scrutiny Committee shall report its findings and any recommendations back to the Cabinet ~~and/or~~ Council. The Council ~~and/or~~ the Cabinet ~~shall~~will consider the report of the Scrutiny Committee ~~within one month of receiving it at~~ their next ordinary meeting.

~~9 Policy Review and Development~~

- ~~9.1. The role of Overview Working Groups will be to assist the Cabinet in policy development. The Scrutiny Committee may, through its recommendations, also be involved in developing policy that is focussed on improving outcomes for local people and communities.~~

~~10~~9 Reports from the Scrutiny Committee

- ~~10.1.~~9.1. Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Chief Executive to arrange for it to be considered by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or ~~to the~~ Full Council as appropriate (e.g. if the

recommendation would require a departure from or a change to the agreed budget and policy framework).

10.2.9.2. If the Scrutiny Committee cannot agree on a single final report to the Cabinet, then up to one minority report may be prepared and submitted for consideration by the Cabinet with the majority report.

10.3.9.3. The Cabinet ~~shall~~ will consider the report of the Scrutiny Committee ~~within one month of it being submitted to the Managing Director at its next ordinary meeting.~~

4110 Making Sure that Scrutiny Reports are Considered by the Cabinet

11.1.10.1. ~~Where necessary t~~The agenda for Cabinet meetings ~~shall~~ will include an item entitled "~~Communications from Committees/Working Groups/Parties and Panels~~Issues arising from Scrutiny". The reports of the Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been previously considered ~~in the context of the Cabinet's deliberations~~ on a substantive item on the agenda). ~~within the previous two meetings of the Scrutiny Committee completing its report/recommendations.~~

4211 Rights of Scrutiny Councillors to Documents

12.1.11.1. In addition to their rights as Councillors, members of the Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of the Constitution.

~~12.2. Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee as appropriate depending on the particular matter under consideration.~~

4312 Councillors and Officers Giving Account to the Call In Sub Committee

13.1.12.1. The Call In Sub Committee ~~may~~ scrutinises and reviews decisions ~~made following Call In which have called in through the Council's call in procedures, or actions taken in connection with the discharge of any Council function.~~ As well as reviewing documentation ~~in fulfilling the scrutiny role,~~ it may require any member of the Cabinet, the Chief Executive ~~and/or~~ any senior Officer to attend before it to explain ~~in relation to matters within their remit:~~

- a) any particular decision or series of decisions
- b) the extent to which the actions taken implement Council policy
- c) their performance

13.2.12.2. It is the duty of those persons to attend if so required.

~~13.3.12.3.~~ _____ Where any Councillor or Officer is required to attend the Call -In Sub -Committee under this provision, the Chair will inform the Chief Executive. The Chief Executive ~~shall~~ will inform the Councillor or Officer in writing giving at least five ~~(5)~~ clear working days' notice of the meeting at which ~~he/she is/they are~~ required to attend. The notice will state the nature of the item on which ~~he/she is/they are~~ required to ~~attend to~~ give account and whether any papers are required to be produced for the Sub -Committee. Where the account to be given ~~to the Sub -Committee will require the production of a report~~ needs a report, the Councillor or Officer concerned will be given sufficient notice to allow them to prepare the document. ~~for preparation of that documentation.~~

~~13.4.12.4.~~ _____ Where, in exceptional circumstances, the Councillor or Officer is unable to ~~attend~~ on the required date, ~~then~~ the Call -In Sub -Committee shall, in consultation with the Councillor or Officer, arrange an alternative date. The re-arranged date will be for attendance to take place within a ~~maximum of~~ 28 days from the date of the original request.

1413 Attendance by Others at Call In Sub Committee

~~14.1.13.1.~~ _____ Individuals, ~~and~~ representatives or organisations may be invited other than those referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. ~~It may for example wish to hear from residents, stakeholders and Councillors and Officers in other parts of the public sector and shall invite such people to attend.~~

~~14.2.13.2.~~ _____ Attendance is ~~entirely~~ optional but desirable.

1514 Call In

~~15.1.14.1.~~ _____ Call -in should only be used in exceptional circumstances. These are where members of the Call -In Sub -Committee have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 12 of the Constitution.

~~15.2.14.2.~~ _____ When a decision is made by the Cabinet, Leader or Portfolio Holder or under joint arrangements, the decision shall be published electronically and, including where possible by electronic means, and shall be available at the main offices of the Council normally within five ~~(5)~~ working days of being made.

~~15.3.14.3.~~ _____ ~~That~~ The decision notice will ~~bear~~ have the date ~~on which it is was~~ published and will specify that the decision will come into force and may then be implemented, ~~on the expiry of five (5)~~ clear working days after the publication of the decision unless it is subject to call-in for consideration by the Call -In Sub -Committee.

~~15.4.14.4.~~ _____ During the period stated above any two ~~(2)~~ Members of the Call -In Sub -Committee may give written notice to the Chief Executive,

identifying the decision to be called-in, supported by reasons. ~~Such~~ This notice ~~must be to be~~ received before 5:00-pm on the fifth day, (4:30-pm if it is a Friday). The Proper Officer shall then notify the decision-taker of the call-in request and ~~shall will~~ call a meeting of the Sub_-Committee on such date as ~~he/shethey~~ may determine in consultation with the Chair ~~(or Vice-Chair)~~ of the Sub_-Committee ~~(in the case of absence, the Vice-Chair)~~, and in any case within ten (10) working days of the receipt of the call_-in request.

~~15.5-14.5.~~ 14.5. No further action may be taken to implement the decision until the call_-in process has been completed.

~~15.6-14.6.~~ 14.6. The decision_-making body or person may amend the draft minute of the decision or action called_-in in consultation with relevant Officers if in their opinion it is inaccurate.

~~15.7-14.7.~~ 14.7. If ~~following an objection to the decision, a decision has been called in and~~ the ~~Call-In~~ Sub_-Committee does not meet in the period set out above ~~the decision will take effect following that period,~~ ~~or~~ If the Sub Committee does meet during that period but does not refer the matter back to the decision_-making person or body, the decision ~~shall will~~ take effect on the date of the Call_-In Sub_-Committee meeting, ~~or the expiry of the period specified for calling the meeting, whichever is the earlier.~~

~~15.8-14.8.~~ 14.8. If, having considered the decision, the Call_-In Sub_-Committee is still concerned about it, it may refer it back to the decision_-making person or body for reconsideration. The Call In Sub Committee will, setting out in writing the nature of its concerns or refer the matter to the Scrutiny Committee. If referred to the decision_-maker they ~~shall then reconsider~~ will reconsider it within a further ten ~~(10)~~ clear working days and make a final decision on the route of action they propose.n., ~~amending the decision or not, before adopting a final decision.~~

~~15.9.~~ If the next available meeting of the decision_-making body is cancelled and will not be re-arranged until after the next meeting of Full Council then the matter shall be referred to Full Council.

~~15.10-14.9.~~ 14.9. If the matter was referred to Full Council and ~~the Council~~ it does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it can only make decisions on matters which are outside of the current policy framework or budget. If a decision is consistent with the framework or budget, the Council will refer the decision back to the decision maker. The decision maker will decide whether to amend the decision before implementing it ~~shall refer the decision to the decision_-making person or body, together with the Council's~~ sits views on the decision. ~~The~~ at decision_-making body or person ~~shall then choose whether to amend the decision or not and reach a final decision for implementation. Where the decision was taken by the Cabinet, a meeting will be convened to~~ the decision maker will

reconsider ~~the decision~~ within ten ~~(10)~~ clear working days of the Council request.

~~15.11.14.10.~~ If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.

1615 Call In Exceptions

~~16.1.15.1.~~ In order to ensure that call-in is not abused ~~or, nor~~ causes unreasonable delay, certain limitations are placed on its use. Consequently the following decisions shall not be subject to call-in:

- a) a decision that stands as a recommendation to Full Council
- b) a decision to implement a decision approved in principle by Council within the preceding six ~~(6)~~ months
- c) a decision taken in circumstances where the decision making body or person in question has resolved that the matter is urgent ~~(for reasons recorded in the decision)~~ where any delay that may result from call-in may be prejudicial to the interests of the Council or any third party. The reason the decision is considered urgent will be included within the report or the minutes.
- d) a decision taken in exercise of the Council's function as local planning authority or licensing authority when acting in a regulatory manner for which external appeal processes are available
- e) a decision on a procedural matter or a matter reported for information only
- f) a decision of a Committee when acting in an appeal capacity
- f)g) any other non-executive decision making.-

1716 Call In and Urgency

~~17.1.16.1.~~ The call-in procedure set out above ~~shall will~~ not apply where the decision being taken by the Cabinet, Leader or Portfolio Holder was urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision ~~and notice by which it is made public~~ shall state whether, in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Cabinet, Leader or Portfolio Holder must agree both:

- a) that the decision proposed is reasonable in all the circumstances; and
- b) to it being treated as a matter of urgency. In the absence of the Chair of the Scrutiny Committee, the Vice-Chair's consent shall be required. In the absence of both, the Chief Executive or his/her/their nominee's consent shall be required.

~~17.2.16.2.~~ The operation of the provisions relating to call-in and urgency shall be monitored annually, ~~and a~~ report needs to be submitted to Council with proposals for review if necessary.

1817 The Party Whip

~~18.1.17.1.~~ ~~When considering any matter in respect of which a Councillor is subject to a party whip, that Councillor must declare the existence of the whip and the nature of it before the commencement of the decision making body or persons deliberations on the matter~~ If a Councillor is subject to a party whip on any matter they must declare this, as well as the nature of the whip, before the matter is considered. The declaration and the detail of the whipping arrangements ~~shall~~ will be recorded in the minutes of the meeting.

1918 Procedure at Scrutiny Committee Meetings

~~19.1.18.1.~~ The Scrutiny Committee ~~shall~~ will consider the following business:

- a) minutes of the last meeting
- b) declarations of interest (including whipping declarations)
- c) responses of the Cabinet to reports of the Scrutiny Committee
- d) the business otherwise set out on the agenda for the meeting.

~~19.2.18.2.~~ The Committee may also ask people to attend to give evidence at its meetings which are to be conducted in accordance with the following principles set out in the Cabinet-Scrutiny Protocol:

- ~~a) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak~~
- ~~b) that those assisting the Committee by giving evidence be treated with respect and courtesy~~
- ~~c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.~~

19.3.18.3. _____ Following any investigation or review, the Scrutiny Committee ~~shall will~~ prepare a report that will be submitted, for submission to the Cabinet ~~and~~/or Council as appropriate. The report will be made ~~and shall make its report and findings~~ public ~~except where otherwise constrained by law~~ unless there is legal reason for the report to be confidential.

Appendix C

SCRUTINY COMMITTEE

The Scrutiny Committee supports the work of the Cabinet and the Council as a whole. The Scrutiny Committee has no decision-making powers and cannot scrutinise individual regulatory or quasi-judicial issues. Its function is to raise issues for consideration, to examine and scrutinise matters of community interest, to hold the Cabinet to account, and to represent the interests and views of the public. Where appropriate, joint reviews will be undertaken with other organisations.

Terms of reference

1. To provide the main forum for the Council's internal and external scrutiny work, focusing on activities that improve outcomes for local people.
2. To approve an annual overview and scrutiny work programme, including the programme of any task and finish groups appointed so as to ensure that the Committee's and task and finish groups' time is effectively and efficiently utilised.
3. To ensure that referrals from the Scrutiny Committee to the Cabinet, either by way of report or for reconsideration, are managed efficiently.
4. At the request of the Cabinet to make recommendations about the priority of referrals if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business.
5. To receive and action requests from the Cabinet and/or the Council for reports.
6. To have the powers in relation to Cabinet decisions made but not implemented as set out in Section 21(3) of the Local Government Act 2000 (as amended).
7. To have the power to investigate any matters it considers relevant to its work area, and to make recommendations to the Council, the Cabinet or any other Committee or Sub-Committee of the Council as it sees fit.
- 7.8. To provide an annual report to Full Council setting out the work completed by the Committee in the previous year. This report will be considered at the first ordinary Full Council meeting after Annual Council.

Chairing

1. Full Council shall appoint the Chair and the Vice Chair of the Committee.
2. The Chair shall be a member of the Administration and the Vice Chair a member of the Opposition.

The Scrutiny Committee has one permanent Sub-Committee (the Call-In Sub-Committee) which will carry out the internal scrutiny functions of the Scrutiny Committee. This Sub-Committee will be chaired by the Vice Chair of the Scrutiny Committee:

CALL IN SUB-COMMITTEE

Terms of reference

1. To review and scrutinise decisions made or other action taken, in connection with the discharge of any functions of the Council making recommendations to the Scrutiny Committee.
2. To call in, review or scrutinise any decision made but not implemented and to recommend that the decision be reconsidered by the person or body who made it.
3. To have power to require any Harlow District Council Councillor and/or Officer to attend before it and to answer questions; it being the duty of any such Councillor or Officer to comply with any such requirement.
4. To consider matters referred by individual Councillors.

Chairing

1. Full Council shall appoint the Vice Chair of the Sub-Committee.
2. The Chair shall be the Vice Chair of the Scrutiny Committee.

In the absence of the Chair the Vice Chair shall preside.

Appendix D

CABINET ~~OVERVIEW~~ POLICY DEVELOPMENT WORKING GROUP

Terms of reference

1. To prepare a work programme as directed by Cabinet to consider issues of relevance to Harlow.
2. To review the key issues relating to the work plan policy item in order to identify and propose to Cabinet, practicable, affordable and prioritised recommendations which improve the effectiveness of the policy within the resources available.

Chairing and membership

1. Cabinet shall appoint the Chair, ~~and Vice Chair of the Working Group along with its membership which can be drawn from the full membership of the Council and membership of the Working Group.~~
2. The Chair ~~shall be a member of the Administration~~ and ~~the~~ Vice Chair shall be a member of the Administration.

Scrutiny Committee – Review Topic Submission Form

Councillor Name and other Councillors supporting submission	
Review Topic	<i>[Title of review]</i>
Links to the Council's priorities	<i>[Refer to the latest Corporate Plan for the Council's current priorities]</i>
What priority level is this item?	<i>[State whether you feel the item is low, medium, or high priority]</i>
Terms of reference (to include the scope of the review)	<i>[Outline suggested major areas of inquiry]</i>
Purpose and objective of the review	<i>[State why you feel the review needs to take place and what you think the review can achieve setting out any S.M.A.R.T objectives]</i>
Methodology/approach (methods to be used for gathering evidence)	

Written evidence required	
Potential witnesses	<i>[These could be Councillors (e.g. portfolio holders) or Officers from the Council, or external representative such as residents, the Police, ECC Officers etc.]</i>
Potential Stakeholder involvement (who are the stakeholders and how will their views be sought)	
Site visits (where and when)	
Publicity (methods to be used)	
Resources (people, expenditure)	
Barriers/dangers/risks (any weaknesses or potential pitfalls in the review)	
Measures of success	<i>[State how think the success of the review will be measured]</i>

**MINUTES OF THE SAFETY COMMITTEE
HELD ON**

23 January 2020

10.00 - 11.25 am

PRESENT

Committee Members

Michael Pitt (Chair)
Donna Beechener
Jackie Davies
Sandra Farrington
Terry Harvey
Kim Taylor
Stuart Moseley
Michael Pitt
Natasha Terrell

98. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Rory Davies and Wendy Makepeace.

99. **MINUTES OF LAST MEETING HELD ON 10 OCTOBER 2019**

RESOLVED that the minutes of the last meeting held on 10 October 2019 were agreed as a correct record.

100. **MATTERS ARISING - ACTIONS COMPLETED**

a) Minute 92 - WIS Health and Safety Update Newsletter

Jackie Davies advised that the last Health and Safety newsletter was sent out on Kaonet in December, however, she has had feedback that a number of people had not seen it. Donna Beechener advised staff do not like the newsletter in general. She had brought this to Brian Keane's and Simon Freeman's attention. Michael Pitt will raise the issue with the Communications Team. The Committee discussed the possibility of Health and Safety newsletter being uploaded to the Metacompliance system so officers have to read the document.

101. **HEALTH AND SAFETY UPDATE**

102. **ACCIDENT STATISTICS/AGGRESSIVE INCIDENTS**

Jackie reported that no trends have been identified. There had been a query on whether volunteers are classed as public or staff for accident purposes. Stuart Moseley advised volunteers are covered under the

Council's Employers Liability Insurance. Natasha Terrell confirmed this would need to be discussed further outside of the Committee. For the accident statistics, an additional column would be added for volunteers.

Jackie noted that the reporting of accidents at the Playhouse, Leah Manning and Supported Housing has improved.

103. **HEALTH SCREENING - REVIEW/MANAGERS TO ASSESS**

Michael advised that the health screening that is undertaken by officers when joining the Council was being reviewed. It is the manager's responsibility to determine what screening was appropriate. The Committee agreed that guidance and advice was needed for managers.

104. **LONE WORKING**

Michael advised the Committee that the Housing team had trialled the lone working device "SkyGuard". The trial had reportedly gone well and arrangements were being made to procure sufficient devices to meet the needs of the wider Housing team.

105. **FIRE RISK ASSESSMENTS - CIVIC CENTRE AND LATTON BUSH**

Sandra Farrington advised that the short-term issues that had been highlighted from the Civic Centre Fire Risk Assessment had been dealt with. Outstanding issues include smoke dampers, cavity barriers and fire doors. Sandra confirmed she was in the process of getting quotes, however, it would need to go through the procurement process.

Sandra also advised that all of the lighting will be changed to LED. Some emergency lighting had already been replaced and would be completed within the next month. The replacement of the normal lighting should commence in the spring.

106. **STANDING ITEM REMINDER - CORPORATE RISK ASSESSMENTS - REVIEW/DATE/SIGNIFICANT CHANGES**

Jackie confirmed that this item was ongoing.

107. **STATUTORY TESTING POLICIES - HOUSING (SET ITEM)**

Michael confirmed that Wendy had provided the information which was circulated at the meeting.

108. **FIRE SAFETY UPDATE - HOUSING (SET ITEM)**

Jackie advised that Wendy had provided an update to confirm that the final draft of the revised fire safety management policy should be going to the Portfolio Holder for Housing for signing-off in February.

109. **ANY OTHER BUSINESS**

Terry Harvey noted that a low-rise flat block with significant Building Regulations compliance issues had been identified, however, he noted that the Housing team was now reviewing the Council's low-rise flat blocks following the completion of the assessments for the high-rise blocks.

Sandra raised the issue of communication across the Council. The example given was the Spring Clean day which took place on 22 January 2020. Sandra was not aware that this was taking place and the arrangements that had been made led to major health and safety issues. The Committee agreed that the spring clean was a good idea, however, it needed clearer communication between all departments and should be done more regularly in smaller sections.

Kim Taylor noted that the front doors to the Civic Centre had been closed due to the wind and cold. Sandra confirmed that she was looking into alternative heating and cooling systems, however, this would be a longer-term solution and quotes would need to go to the Senior Management Board.

Kim noted that Contact Harlow had lost a couple of members of staff who were first aiders and fire marshals. Kim was therefore concerned at the lack of both roles now on the ground floor. Jackie confirmed that there are sufficient first aiders and fire marshals in the building to meet formal requirements, however, provision would be reviewed having regard to current staff distribution around the building.

110. **DATE OF NEXT MEETING**

The date of the next meeting is 28 April 2020 at 10am.

CHAIR OF THE COMMITTEE

**MINUTES OF THE CABINET OVERVIEW WORKING GROUP
HELD ON**

12 March 2020

7.30 - 8.15 pm

PRESENT

Overview Working Group Members

Councillor Tony Edwards (Chair)
Councillor Jodi Dunne (Vice-Chair)
Councillor David Carter
Councillor Jean Clark
Councillor Bob Davis
Councillor Frances Mason

Officers

Alison Fox, Regeneration Projects Manager
Jane Greer, Head of Community Wellbeing
Julie Houston, Strategy and Economic Development Manager
Adam Rees, Governance Support Officer

25. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Simon Carter, Mike Garnett and Shona Johnson.

26. **DECLARATIONS OF INTEREST**

None.

27. **MINUTES**

RESOLVED that the minutes of the meeting held on 28 November 2019 be agreed as a correct record.

28. **MATTERS ARISING**

None.

29. **REGENERATION STRATEGY - INTERIM REPORT**

The Working Group considered an interim report on the Regeneration Strategy. Julie Houston, Strategy and Economic Development Manager said that it was expected that the final report would be considered the meeting in August.

The Working Group thanked the Officers and Councillors involved in the development of the strategy.

RESOLVED that the Working group noted:

A The progress towards production of the Regeneration Strategy.

B That the final Regeneration Strategy will be reported to a Working Group meeting in the next municipal year.

30. **HOUSING STRATEGY - INTERIM REPORT**

The Working Group considered an interim report on the Housing Strategy. Alison Fox, Regeneration Projects Manager said that the consultation was now underway. She asked that Councillors completed the consultation.

The Working Group thanked the Officers and Councillors involved in the development of the strategy.

RESOLVED that progress on the development of the Housing Strategy was noted.

31. **WORK PLAN**

RESOLVED that the Work Plan was noted.

32. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE OVERVIEW
WORKING GROUP