

**MINUTES OF THE CABINET
HELD ON**

25 March 2021

7.30 - 9.45 pm

PRESENT

Committee 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 Chris Vince, Portfolio Holder for Community and Wellbeing
Councillor Nancy Watson, Portfolio Holder for Governance, Equality and Diversity
Councillor Mark Wilkinson, Portfolio Holder for Housing

Other Councillors

Councillor David Carter
Councillor Simon Carter
Councillor Joel Charles
Councillor Bob Davis
Councillor Tony Edwards
Councillor Michael Hardware
Councillor Andrew Johnson
Councillor Russell Perrin

Officers

Brian Keane, Chief Executive
Andrew Bramidge, Head of Environment and Planning
Emma Crouch, Corporate Support Officer
Simon Freeman, Head of Finance and Property and Deputy to the Chief Executive
Julie Galvin, Legal Services Manager
Jane Greer, Head of Community Wellbeing
Simon Hill, Head of Governance
Andrew Murray, Head of Housing
Adam Rees, Governance Support Officer

110. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Danny Purton.

111. **DECLARATIONS OF INTEREST**

Councillor Simon Carter declared pecuniary interests in items 14 and 17a as a remunerated Council appointed Director of HTS (Property and Environment) Ltd. He would leave the meeting for the consideration of Item 14.

Councillor Joel Charles declared pecuniary interests in items 14 and 17a as a remunerated Council appointed Director of HTS (Housing and

Regeneration) Ltd and HTS Group Ltd. He would leave the meeting for the consideration of Item 14.

112. **MINUTES**

RESOLVED that the minutes of the meeting held on 25 February 2021 are agreed as a correct record and signed by the Leader.

113. **MATTERS ARISING**

None.

114. **WRITTEN QUESTIONS FROM THE PUBLIC**

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

115. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

116. **PETITIONS**

None.

117. **FORWARD PLAN**

RESOLVED that the Forward Plan is noted.

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

RESOLVED that the following decision is noted.

a) Portfolio Holder for Housing - 15 March 2021

119. **IMPLEMENTATION OF AN ARTICLE 4 DIRECTION RELATING TO HOUSES OF MULTIPLE OCCUPATION**

Cabinet received a report to approve the implementation of a town wide Article 4 Direction for Houses of Multiple Occupation.

Proposed by Councillor Mark Ingall (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that:

A Under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Harlow Council implements the Direction made on 26 March 2020 under Article 4 (1), to which Schedule 3 applies, concerning small

Houses in Multiple Occupation (HMOs) and relating to all land within the administrative area of Harlow Council.

- B** This Article 4 Direction shall come into effect on Monday 12 April 2021.
- C** A review of the Council's HMO policy in its newly adopted Local Plan is undertaken in 2022, with a completion of no later than 30 November 2022.

120. **JOINT FINANCE AND PERFORMANCE REPORT, QUARTER 3 2020/21**

Cabinet received the Joint Finance and Performance Report for Quarter 3 2020/21.

Proposed by Councillor Mark Ingall (seconded by Councillor Mike Danvers) it was:

RESOLVED that Cabinet:

- A** Noted the projected outturn position set out in sections three and four of Appendix A to this report for the third quarter (ending 31 December 2020) of 2020/21 as follow:
 - i) An adverse variation on controllable budgets of £856,000 representing 1.49 per cent of the gross General Fund Budget.
 - ii) A total projected underspend of £79,000 representing - 0.14 per cent of the gross General Fund Budget.
 - iii) The Council performed on or above target for 40 out of 46 (87 per cent) of its monthly and quarterly Key Performance Indicators (KPIs). The number of KPIs has reduced from 49 to 46 following the decision by Housing Services to report 3 of its KPIs within its HRA Q3 report. Housing Services have also advised that there is no data for its remaining KPI until Q4.
 - iv) The Council also successfully completed 24 (16 per cent) of its revised service milestones.

121. **HOUSING REVENUE ACCOUNT, QUARTER 3 FINANCE REPORT 2020/21**

Cabinet considered the Housing Revenue Account, Quarter 3 Finance Report 2020/21.

Proposed by Councillor Mark Wilkinson (seconded by Councillor Mike Danvers) it was:

RESOLVED that Cabinet noted:

- A** The Quarter 3 - HRA Budget Monitoring report as set out in the following paragraphs and in Appendix 1 and 2.
- B** That the forecast HRA general working balance as at 31 March 2021 will be £13.293 million and that the Major Repairs Reserve will only be partially used to finance the 2020/21 capital programme, leaving an estimated balance of £941,000.
- C** The balance of £7.8 million of retained Right to Buy (RTB) receipts held as at 31 December 2020 in order to finance the new build capital programme and house purchase scheme.

122. **CAPITAL PROGRAMMES, QUARTER 3 FINANCE REPORT 2020/21**

Cabinet received the Capital Programmes, Quarter 3 Finance Report 2020/21.

Proposed by Councillor Mike Danvers (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that Cabinet:

- A** Noted that the Housing Capital Programme (HCP) projected outturn for 2020/21 is £22.618 million as set out in Appendix 1 to the report.
- B** Approved the £11.354 million re-profiling of the 2020/21 HCP into 2021/22.
- C** Noted that the Non-Housing Capital Programme (NHCP) projected outturn for 2020/21 is £15.201 million as set out in Appendix 2 to the report.
- D** Approved the £1.524 million re-profiling of the 2020/21 NHCP into 2021/22.
- E** Approved the inclusion in the NHCP budget an additional provision of £670,000 to facilitate the loan to HTS Ltd to purchase 43 new vehicles, The loan was approved by Cabinet on 5 December 2019 (Minute reference 92(a)A).

123. **DEVELOPMENT SCHEME - 4 THE HILL**

Councillors Simon Carter and Joel Charles left the meeting for the consideration of the item.

Cabinet received a report to grant delegated authority to appoint a contractor to carry out new build and demolition works at 4 The Hill.

Proposed by Councillor Tony Durcan (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that Cabinet:

- A** Approved the request for delegated authority to the Chief Executive and Leader of the Council, to appoint (subject to formal contract) a contractor for new build and demolition works at 4 The Hill, Old Harlow.
- B** Approved a total budget of up to a maximum of £640,000, to include a 5 percent contingency plus a 2.5 percent Covid security contingency.

124. **POLICY AND PROCEDURE FOR DISPOSAL OF LAND WITHIN HOUSING ESTATES**

Cabinet received a report which sought approval to adopt an updated policy for the disposal of land within housing estates.

Proposed by Councillor Mike Danvers (seconded by Councillor Tony Durcan) it was:

RESOLVED that Cabinet adopted the updated policy for the disposal of land within the Housing Estates as set out in Appendix 1 to the report.

125. **AWARD OF FRAMEWORK AGREEMENT FOR LEGAL SERVICES IN SUPPORT OF SPECIAL PROJECTS**

Cabinet received a report to approve entering into a Framework Agreement with five legal advisors in support of special projects.

Proposed by Councillor Nancy Watson (seconded by Councillor Tony Durcan) it was:

RESOLVED that:

- A** A Framework Agreement be entered into with Legal Advisors 1-5.
- B** Officers provide processes to support ease of access to the framework and implement processes to report on use and value.

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

- a) Referral from Scrutiny Committee - Delivery of Council House Building Programme

Cabinet received a referral from the Scrutiny Committee on a review of the Council House building programme.

Proposed by Councillor Tony Durcan (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that Cabinet adopted the recommendations set out in the consultant's report (attached as Appendix A to the original report), along with an additional recommendation to carry out a review of the Council's approach to learning and guidance alongside the appraisal process.

b) Referral from Scrutiny Committee - Policing and Community Safety Annual Review

Cabinet received a referral from the Scrutiny Committee following a review of policing and community safety.

RESOLVED that Cabinet noted the review and that the Scrutiny Committee intends to carry out a review of domestic violence during the 2021/22 municipal year.

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

RESOLVED that the minutes of the following meetings are noted.

a) Minutes of meeting Tuesday, 2 February 2021 of Covid-19 Recovery Working Group

128. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL

Cabinet – 25 March 2021

Questions from the Public

1 Hugh Hoad to Councillor Mark Ingall (Leader of the Council):

At the Full Council meeting 28 January 2021, an increase of 1.99% on the Harlow Council element of council tax was approved. As this is the same increase for the previous two years can you assure me that you have properly prepared the budget and not just gone for the maximum allowable increase?

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

A great deal of consideration and time for debate is given to the budget every year. Any decision rests on balancing the need to continue to provide services that the public value, sustainability into the future with a desire to minimise the burden on the Council Tax payer. Council Tax increases come against a backdrop of a reduction in core Government funding of 69.5 per cent, since 2010. If the cumulative loss were restored to Harlow that would be enough to give every Council Tax payer at least a two year holiday from any Council Tax at all. Against this backdrop Harlow's increases have been necessary to protect services in the long term, and were part of a three year strategy which was first signposted in 2019.

I know that because of Covid-19, this year has been especially challenging for residents. Covid-19 has also had an impact on the Council's financial position, and as a result the 1.99 percent increase in the Harlow Council element of Council Tax has been necessary to ensure that services and much loved facilities such as Pets Corner can be run sustainably.

Furthermore, over the past eight years the Harlow Council element of Council Tax for a Band C property has increased from £230.34 to £256.80, an 11.49 percent increase. Over the same period, the Essex element has increased from £1,153.28 to £1,442.96 for a Band C property. This represents a 25.12 percent increase.

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

I submitted a question to Council on 10 December 2020 regarding the land sale policy as it is clear that a land sale can have a detrimental effect on neighbouring properties and their occupants and a decision to sell without consulting neighbouring residents and member involvement lacks any kind of transparency.

In your reply you said you would advise Officers who are leading on the preparation of the new policy to consider the position on these points carefully and to provide clear recommendations to Members on the most appropriate approach.

The previous land sale policy made reference to neighbour consultation but residents will be disappointed to see that this has been entirely removed from the revised policy.

Please would you explain why neighbour consultation has not been included in the revised policy?

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

The new policy has introduced the requirement for a planning application to be undertaken to achieve approval of a change of use from public space to private space (notwithstanding that fact that should the land be required for house extensions or other development that in itself would in most instances also trigger the requirement for a planning application process to be undertaken).

The planning application process will involve consultation and as such the policy has indirectly incorporated the requirement for consultation to be undertaken with land sale proposals. The sale would only be agreed if planning consent was obtained as set out at 6.5 of the policy.

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

The revised land sale policy makes reference to 'stakeholders' in sections 1.5 (Policy Statement) and 6.4 (Land Sale Decision).

Please would you define what is meant by 'stakeholders'?

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

The stakeholders are defined in 6.3 of the Policy and include the following Council's Teams:

- a) Landscape and Biodiversity
- b) Housing
- c) Regeneration
- d) Finance
- e) Waste and Street Scene
- f) Building Control
- g) Covenant Control

Furthermore and as outlined in my response to the previous question, via the planning process needed as part of the agreement to sell, neighbours and residents will also be consulted.

4 Alan Leverett to Councillor Mark Wilkinson (Portfolio Holder for Housing):

Could you update me on the number of the flats at Prentice Place have been occupied by those on the housing needs register?

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

I would refer you to the answer given to your question at Full Council on 28 January.

This outlined that, unfortunately, the allocations processes like many of the Council services were suspended following the Governments second lockdown for the protection of residents and staff. These processes recommenced on 8 March 2021 following the announcement of the Government "roadmap" outlining the stages of emerging from lockdown.

Prentice Place properties continue to be prepared for letting with work ongoing aligned to latest government Building Safety guidance in readiness for advert. Contact already has been made for those applicants that already had been offered properties prior to the lockdown with the bidding process overall being reopened on 11 March 2020, prioritised. The adverts/bidding process will be enhanced over the coming weeks, aligned to the properties available to let.

This Council believes in being transparent and therefore, whilst our Constitution does not require us to answer this question until six months after 28 January, we have provided this answer to be open about progress on this matter as we know that residents will want to see these homes allocated to those on the Council's Housing Needs Register at the earliest opportunity.