

**MINUTES OF THE CABINET
HELD ON**

16 June 2022

7.30 - 8.13 pm

PRESENT

Committee Members

Councillor Russell Perrin, Leader of the Council
Councillor Dan Swords, Deputy Leader and Portfolio Holder for Regeneration
Councillor Simon Carter, Portfolio Holder for Housing
Councillor Joel Charles, Portfolio Holder for Business and Community Resilience
Councillor Alastair Gunn, Portfolio Holder for Governance
Councillor Michael Hardware, Portfolio Holder for Strategic Growth
Councillor Stephen LeMay, Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads
Councillor James Leppard, Portfolio Holder for Finance
Councillor Nicky Purse, Portfolio Holder for Environment

Additional Attendees

Councillor Matthew Saggars

Other Councillors

Councillor David Carter
Councillor Tony Edwards
Councillor Michael Garnett
Councillor James Griggs
Councillor Stacy Seales
Councillor Lanie Shears
Councillor Chris Vince
Councillor Nancy Watson

Officers

Brian Keane, Chief Executive
Andrew Bramidge, Director of Strategic Growth and Regeneration
Niel Churchill, Communications Manager
Simon Freeman, Deputy to the Chief Executive and Director of Finance
Jane Greer, Director of Communities and Environment
Simon Hill, Director of Governance and Corporate Services
Andrew Murray, Director of Housing
Adam Rees, Senior Governance Support Officer

1. **APOLOGIES FOR ABSENCE**

None.

2. **DECLARATIONS OF INTEREST**

Councillor Chris Vince declared a non-pecuniary interest in Item 10, Wych Elm Development Brief – Consultation, as he was employed by a company that operated from Wych Elm.

3. **MINUTES**

RESOLVED that the minutes of the meeting held on 24 March 2022 are agreed as a correct record and signed by the Leader.

4. **MATTERS ARISING**

None.

5. **WRITTEN QUESTIONS FROM THE PUBLIC**

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

6. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

7. **PETITIONS**

None.

8. **FORWARD PLAN**

The Leader said that the Forward Plan had been reviewed by the Senior Management Board (SMB) in line with the Corporate Strategy. He was aware that there were a large number of items scheduled for some meetings and he had asked SMB to further review how the workload could be managed, included through the inclusion of further meetings.

RESOLVED that the Forward Plan is noted.

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

RESOLVED that the following decisions be noted.

a) Portfolio Holder for Housing - 6 May 2022

b) Leader of the Council - 30 May 2022

10. **WYCH ELM DEVELOPMENT BRIEF - CONSULTATION**

Cabinet received a report on the Draft Wych Elm Development Brief for approval for publication for consultation.

Proposed by Councillor Dan Swords (seconded by Councillor Michael Hardware) it was:

RESOLVED that Cabinet:

- A** Approves the Draft Wych Elm Development Brief, as set out in Appendix A to the report, to enable it to be published for the purposes of consultation.
- B** Delegates authority to the Director of Strategic Growth and Regeneration, in consultation with the Deputy Leader and Portfolio Holder for Regeneration, to make and approve any minor or inconsequential amendments to the Draft Wych Elm Development Brief arising from the statutory consultation.

11. **CABINET APPOINTMENTS**

Cabinet received the Cabinet Appointments for 2022/23.

RESOLVED that the Cabinet Appointments for 2022/23 be agreed.

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

None.

13. **REFERRAL FROM SCRUTINY COMMITTEE - POLICING AND COMMUNITY SAFETY ANNUAL REVIEW - QUESTION AND ANSWER SESSION WITH THE POLICE**

Cabinet received a report from the Scrutiny Committee on the Policing and Community Safety Annual Review.

Proposed by Councillor Joel Charles (seconded by Councillor Dan Swords) it was:

RESOLVED that:

- A** Cabinet requests that work is undertaken to identify what changes to CCTV provision could be made in the Town Centre and any budget implications arising from these, with a report to be brought back to Cabinet at a later date.
- B** The Police be asked to provide contact information for Police Officers assigned to each Ward.

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

None.

15. **MATTERS OF URGENT BUSINESS**

None.

16. **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED that the following item be taken in private session on the grounds that it is likely to involve the disclosure of exempt information as specified under Paragraph 3 of Part One of Schedule 12A of the Local Government Act 1972, if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

17. **TOWN CENTRE DEVELOPMENTS**

Cabinet received a confidential report on town centre developments.

Proposed by Councillor Dan Swords (seconded by Councillor Michael Hardware) it was:

RESOLVED that:

- A** Cabinet agrees (subject to formal contract) that Harlow Council completes the purchase of a property in the Town Centre, as set out in the report, on an unconditional basis for a sum set out in the report.
- B** Authority is delegated to the Director of Strategic Growth and Regeneration and Director of Finance, in consultation with the Deputy Leader and Portfolio Holder for Regeneration, to finalise the detailed terms of the purchase of the site with the Vendor.

LEADER OF THE COUNCIL

Cabinet – 16 June 2022

Questions from the Public

1 David Forman to Councillor James Leppard (Portfolio Holder for Finance):

Firstly, why has Harlow Council chosen to demand a copy of a bank statement for those not paying Council Tax by direct debit when writing to the Council Tax payer or Liable Person to invite a claim for the Government's £150 energy rebate payment?

"Secondly, given the requirements of paragraph 4.7 of Harlow Council's 'Council Tax Rebate Scheme 2022-23' to merely "obtain the necessary bank details" will the Council agree that demanding copies of bank statements is a gross intrusion of privacy?

"Thirdly, will the Council accept that less intrusive means could be used to satisfy paragraph 4.7 of the Council's policy, such as a copy of the bank card that displays the bank account number paying Council Tax, which then also would satisfy the Council's duty to uphold Article 8 (Right to respect for private and family life) of the Human Rights Act 1998?

"Fourthly, will the Council accept that future letters to Council Tax payers should be amended to ensure that citizens rights to privacy are not intruded upon and that any copies of bank statements related to authorised claims stored on council or external computers are permanently deleted?

Reply from Councillor James Leppard (Portfolio Holder for Finance):

The Council, in carrying out its duty to administer the Governments Council Tax Rebate Scheme, is required to undertake pre-payment checks prior to payment of any grant which is not awarded to a live direct debit holder. The guidance is clear that those checks should allow the Council to:

- a) Satisfy themselves that the person who is applying is entitled to payment; and
- b) Satisfy themselves that payment details provided, i.e. bank details belong to an entitled person and relate to the relevant address.

The Government has been clear that there is an urgency to this scheme and has stipulated that all Council Tax Rebate grants should be paid as soon as possible from April. The provision of a bank statement as part of the application process minimises delay and ensures payments are made as quickly and efficiently as

possible to our residents. As of today, the Council has paid out a total of £3,745,050 to 24,967 households. Of which, 19,911 were households which the Council holds direct debit information for, and 5,056 to households the Council doesn't hold direct debit information for.

Further, the Council is required to undertake verification checks through the government bank account checker (Spotlight) to support pre-award due diligence. The provision of the bank statement ensures that the exact details of name and address are available to match against the details held in Spotlight which can often be different to the details held in respect of Council Tax records.

I am aware that Harlow is not unique in asking residents to provide a recent bank statement in support of an application.

The Council's policy does state that we will collect bank details as a necessary part of undertaking the required due diligence before eligibility for the rebate payments can be agreed.

Residents can upload a redacted bank statement if they so wish so long as the name, address, sort code and account number are visible - these are the details that are of importance in carrying out the required checks under the Government guidance and through the spotlight system.

A copy of a bank card would not suffice as it does not provide all of the required details.

The government are clear that records of all evidence and checks undertaken must be retained for audit purposes, and Councils should retain a record of:

- i) all evidence provided as part of claims, and
- ii) all pre-payment checks undertaken.

All applications and any supporting evidence are held securely on the Council's network and will be held solely for the purpose for which it was provided.

I would add that if residents do not wish to supply a bank statement, they do have the option under the government guidance and the councils own policy to have the energy rebate payment credited to their council tax account. This has also been detailed in the letter sent to those considered eligible.

I would also draw attention to the answer Treasury provided in a written parliamentary question – (132237):

Question:

To ask the Chancellor of the Exchequer, for what reason local authorities are not able to make the £150 council tax rebate via residents' council tax bills rather than making a direct payment to council tax payers. (132237)

Tabled on: 01 March 2022

Answer:

Mr Simon Clarke:

In most cases the rebate will be delivered as a direct payment. This allows support to be provided up front rather than spread across the usual council tax instalments and means that households that don't pay council tax are not disadvantaged.

Councils can, however, offer the option of a credit to council tax accounts to non-direct debit holders as part of the claims process. This is intended to help speed up the claims process (and limit the administrative burden on local authorities), and in recognition that not all taxpayers will want to provide payment details where not already held.

The answer was submitted on 15 Mar 2022 at 14:21.

Supplementary question from David Forman:

Does Harlow Council agree or disagree with Information Commissioner John Edwards when he states in his June 2022 newsletter "that data protection is about human rights and dignity?"

Supplementary reply from Councillor James Leppard (Portfolio Holder for Finance):

The Council doesn't disagree and has been clear about why we hold information and for what purpose it is being used.