

**MINUTES OF THE COUNCIL
HELD ON**

14 December 2023

7.30 - 9.05 pm

PRESENT

COUNCILLORS

Andrew Johnson (Chair)
Sue Livings (Vice-Chair)

David Carter	Kay Morrison
Joel Charles	Aiden O'Dell
Jodi Dunne	Russell Perrin
Tony Durcan	Daniella Pritchard
Tony Edwards	Matthew Saggars
Michael Garnett	Stacy Seales
James Griggs	Clive Souter
Alastair Gunn	John Steer
Michael Hardware	Dan Swords
Maggie Hulcoop	Chris Vince
James Leppard	Nancy Watson
Ash Malik	Mark Wilkinson
Colleen Morrison	

OFFICERS

Andrew Bramidge, Chief Executive
Niel Churchill, Communications Manager
Simon Hill, Director of Governance and Corporate Services
Paul Keen, Communications Officer
Adam Rees, Senior Governance Support Officer

61. **WEBCAST INTRODUCTION**

The Chair said that the meeting was being webcast live and would be available for repeated viewing after the meeting had ended. By continuing to attend the meeting, you were consenting to being filmed and to appearing in the webcast.

62. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Simon Carter, Eddie Johnson, Nicky Purse and Lanie Shears.

63. **DECLARATIONS OF INTEREST**

None.

64. **MINUTES**

RESOLVED that the minutes of the meetings held on 2 November 2023 were agreed as a correct record and signed by the Chair.

65. **COMMUNICATIONS FROM THE CHAIR**

The Chair said he had attended awards ceremonies for the Sea Cadets and Makin' Steps. He had also been to a number of carol services and had attended the gala night for the Playhouse's production of Beauty and the Beast.

The Chair had hosted the latest Gems of Harlow event for the performing arts, which was attended by over 30 organisations.

66. **PETITIONS FROM THE PUBLIC**

None.

67. **QUESTIONS FROM THE PUBLIC**

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

68. **QUESTIONS FROM COUNCILLORS**

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

69. **MOTIONS FROM COUNCILLORS**

a) Changes to the Constitution - Senior Officer Appointments

Proposed by Councillor Dan Swords (seconded by Councillor Chris Vince):

"This Council recognises the importance of senior officers in delivering the council's priorities and the Corporate Plan. It believes that cross-party councillor involvement in the recruitment process will most effectively place the council to recruit candidates who will realise the council's ambitions for Harlow as councillors hold the elected mandate of Harlow residents. It therefore resolves to amend the council's constitution so that:

- The definition of 'Chief Officer' be amended to cover both statutory and non-statutory Chief Officers in line with the Localism Act 2011 and Local Government and Housing Act 1989 to reflect the Director tier of management operating in the council;
- The definition of 'Deputy Chief Officer' be added and be defined in line with the Localism Act 2011 and Local Government and Housing Act 1989 to reflect the Assistant Director tier of management operating in the council;

- The Appointments Panel’s terms of reference be amended to include the appointment of ‘Chief Officers’ and ‘Deputy Chief Officers’ other than where, by law, the Appointments Panel must recommend the appointment to Full Council;
- The Appointments Panel’s terms of reference be amended to ensure that for Chief Officer appointments (other than the Chief Executive or Head of Paid Service – if they are separate roles) the Chief Executive be a non-voting member of the panel to advise the panel and for Deputy Chief Officer appointments, the relevant Chief Officer and/or Chief Executive (or Head of Paid Service – if they are separate roles) be (a) non-voting member(s) of the panel to advise the panel;
- The Officer Employment Procedure Rules be amended to reflect these changes and any others required to ensure that in practical terms Directors and Assistant Directors are appointed by the Appointments Panel or Full Council where required by law; and
- Delegated authority be given to the Monitoring Officer in consultation with the Leader of the Council to make any changes to the constitution consistent with the points above no later than 1 January 2024.”

RESOLVED that the above motion be carried.

70. **REFERENCES FROM CABINET AND COMMITTEES**

- a) Referral from Cabinet - Corporate Plan

Full Council received referral from Cabinet to approve the Corporate Plan.

Proposed by Councillor Dan Swords (seconded by Councillor James Leppard) it was:

RESOLVED that:

- A** The Corporate Plan 2024 - 2028, attached as Appendix A to the report, be adopted.

- B** The Chief Executive, in consultation with the Leader of the Council, prepare a delivery programme for the duration of the plan to be agreed by Cabinet annually.
- C** The review of the Corporate Plan achievements, in future, form part of a report monitored by Cabinet annually.
- D** Delegation be given to the Chief Executive, in consultation with the Leader of the Council, to make minor and inconsequential changes to the Plan.

b) Referral from Cabinet - Medium Term Financial Plan Update

Full Council received a referral from Cabinet to approve the Medium Term Financial Plan Update.

Proposed by Councillor Dan Swords (seconded by Councillor James Leppard) it was:

RESOLVED that the Medium-Term Financial Plan 2024 - 2028, attached as Appendix A to the report, be approved.

c) Referral from Cabinet - Financial Performance Report, Quarter 2 2023/24

Full Council received a referral from Cabinet on the Quarter 2 Financial Performance report.

Proposed by Councillor James Leppard (seconded by Councillor Dan Swords) it was:

RESOLVED that Full Council approved the Budget allocations identified for 2023/24 within the Housing and Non-Housing Capital Programmes included within Appendices C and D to the report.

d) Referral from Cabinet - Questions Procedures

Full Council received a referral from Cabinet to amend the questions procedure at meetings.

Proposed by Councillor James Leppard (seconded by Councillor Dan Swords) it was:

RESOLVED that:

- A** A word limit of 200 for each question and 300 words for each answer (except where the complexity of the questions requires a longer response) be implemented.

- B** The deadline for submitting questions be changed to 12pm three clear working days before the meeting.
- C** Questions from Councillors be taken as read, unless it is specifically requested that they are read out.
- D** A new back-end process for dealing with questions is introduced.
- E** The Constitution is amended to reflect A-D above.

e) Referral from Audit and Standards Committee - Model Code of Conduct

Full Council received a referral from the Audit and Standard's Committee to adopt the LGA Model Code of Conduct.

Proposed by Councillor Dan Swords (seconded by Councillor James Leppard) it was:

RESOLVED that:

- A** The Local Government Association (LGA) Model Code of Conduct (attached as Appendix A to the report) be adopted.
- B** The provisions come into operation, together with training for members, with effect from the new municipal year following all out elections.

f) Referral from Independent Remuneration Panel - Members Allowances Scheme 2024/25

Full Council received a referral from the Independent Remuneration Panel on the Members' Allowance Scheme for 2024/25.

Councillor Dan Swords (seconded by Councillor James Leppard) proposed that the matter was deferred until the meeting after Annual Council in 2024.

RESOLVED that the matter be deferred until the meeting after Annual Council in 2024.

71. **REPORTS FROM OFFICERS**

None.

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

RESOLVED that the minutes of the following meetings be noted.

- a) Minutes of meeting Tuesday, 17 October 2023 of Licensing Committee
- b) Minutes of meeting Tuesday, 31 October 2023 of Scrutiny Committee
- c) Minutes of meeting Wednesday, 8 November 2023 of Development Management Committee

73. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COUNCIL

Full Council – 14 December 2023

Questions from the Public

1 Jennifer Steadman to Councillor Dan Swords (Leader of the Council):

Harlow Council want to make Harlow a modern town to be proud of and bring the town centre into the 21st century for its residents.

So, what plans do you have to ensure that the residents of Harlow, their pets, and the incredible wildlife we can boast of are protected from firework damage, injury, upset and being fully aware of the pollution they cause to the planet and to our town? The amount of gunpowder charred, shattered plastic and concrete bungs that I collected just from my own property is astonishing, so imagine this spread around the town and in our rivers!

With drone displays starting at £9000 for a 20-drone display, they are certainly well worth considering for the financial benefit to Council budget as opposed to the £26,000 plus for this year's display. (£32,000 total) I presume these were professional pyrotechnic category 4 fireworks.

Reply from Councillor Dan Swords (Leader of the Council):

Thank you for your question. As you will be aware, Harlow Council holds an annual firework display in the Town Park free for all the residents of Harlow to enjoy.

I do recognise the concerns you raise, and I will take each point in turn.

On the matter of the scale of disruption and upset caused, this public event, which this year was attended by approximately 10,000 residents free-of-charge, discourages lots of residents from having their own smaller events at home and so reduces the noise, litter, and detritus from their fireworks to the environment. Attending a public event also improves people's safety by reducing many potential accidents from home displays.

Second, on the matter of costs. The cost of the fireworks accounts for approximately £6,300 of the total allocated budget £28,750. The main costs are operational costs, staffing, road closures and of course public safety. It is a complex operation and I commend everyone who makes the spectacular event happen. This is therefore significantly cheaper than the display which you reference, given that for the size of the audience it is recommended that

at the very least a 500-drone display would be required, which even by your figures would therefore cost £225,000 plus the operational costs of £22,000 bringing the overall cost to over £250,000 compared with the current budget of £28,000. It is also the case that we are confident that all fireworks displays moving forward, including that in 2024, will be fully sponsored and therefore, all costs met by a sponsor and no costs for the council or taxpayer. This would not be possible for a drone display.

With regard to debris and the environmental impact, the Harlow Council firework display ensures that there is a designated area where debris falls and is then collected and disposed of by Environmental Services the very next morning - ensuring minimal impact to the surrounding area and wildlife.

We are continually looking at ways to improve events and to offer the best value for money. Drones have been considered. However, at present drones are a much more expensive option - particularly given the number needed to create an effective public display - compared to the current cost of fireworks and therefore, it is not feasible to take this forward.

Supplementary question from Jennifer Steadman:

Would you be prepared to work with me to create a display fit for the 21st century?

Reply from Councillor Dan Swords (Leader of the Council):

We have taken steps to reduce the environmental impact of our display.

2 Brian Kasule to Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

Council housing repairs effect people's livelihoods especially during the winter months. Please can you confirm what the backlog was on 1 June, how much of that backlog has been cleared and also specifically what the roofing backlog was on 1 June and how much of that has been cleared?

Reply from Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

One of our key priorities is to fix Council Housing and we have been working with our colleagues and partners in HTS to improve services. The backlog in June was 5,481 outstanding jobs. I am pleased to report that we have made significant progress on reducing the backlog with over 80 per cent of the outstanding jobs completed.

In respect of the roofing work, historically, the backlog was as high as 1,722 outstanding jobs, with the June figure being 1,058 and has now been reduced to 214.

Supplementary question from Brian Kasule:

What is the long-term plan to deal with fixing council housing?

Reply from Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

We are aiming to clear the backlog of repairs by the end of the financial year. The timeframe to complete jobs will be 30 days. With the tenancy audit and stock condition survey being undertaken, we will be able to reduce the number of jobs being received.

3 Brian Kasule to Councillor Dan Swords (Leader of the Council):

We desperately need more social housing for Harlow residents. What is your short term plan to increase the number of social homes in terms of building new homes, bringing existing homes back into use and making better use of your current homes?

Reply from Councillor Dan Swords (Leader of the Council):

Thank you for your question. We are taking three very clear steps to deliver more council housing for local residents because we absolutely recognise the significant injustice facing Harlow families and we are on a mission to rebuild our town and fix council housing.

First, as part of our priority to rebuild our town we are building hundreds of new council homes for local families.

I am proud that phase one of our council house building programme, which has 11 schemes on site before Christmas, will deliver 103 new council homes for local families and regenerate left-behind neighbourhoods. Phase one of our programme alone will deliver more than three times the number of council homes, this council has built in the past three decades, showing that it is the Harlow Conservatives who are the party of council housing in Harlow. Further to this programme, we have established the groundbreaking Harlow Regeneration Partnership with Hill Group to deliver hundreds of more homes in the coming years for local families and renew left-behind neighbourhoods.

Second, as part of our priority to fix council housing, we are investing over £85 million into our existing council homes this year.

The action we have taken since June has resulted in a reduction in the housing repairs backlog of 81% and the average turnaround time on void properties being reduced from over 60 days in June, against a target of 24 days, to an average of 23 days, and the lowest number of void properties this council has seen in a number of years. This means more Harlow families moving into council properties quicker. We have also slashed the standard wait time for a repair from 9 months to two months, which by the end of the financial year, will be down to just 30 days. This comes alongside the stock condition survey now underway to better inform our planned maintenance, our new tenancy audits to ensure we support our tenants as best as possible and for instance, those in oversized properties can be encouraged to downsize, and our transformation of HTS.

Third, as part of our priority to fix council housing, we are radically overhauling the way we allocate our council homes to ensure that Harlow's council homes are truly for Harlow families and that they go to those most in need. We are currently consulting on the biggest shakeup of Harlow Council's Housing Allocations Policy in decades, potentially doubling the time the applicant would have to live in Harlow to be eligible, giving greater priority to those born in Harlow, ensuring that London Boroughs can no longer push their residents here and force us to house them ahead of local people, and tackling some of the longstanding injustices in our allocations system.

We are tackling the issue of social housing in Harlow head on and I am proud of what this council is achieving.

4 John Wake to Councillor Dan Swords (Leader of the Council):

The Leader of Harlow Council issued a statement in support of the people of Ukraine in February 2022.

Given that the number of civilians killed in the current war in the Gaza Strip in two months is at least ten times greater, per capita, than the number of civilians killed in the war in Ukraine in twenty-two months, why has the Leader of Harlow Council remained silent about the bombardment and the blockade that are destroying the very fabric of society in the Gaza Strip?

Reply from Councillor Dan Swords (Leader of the Council):

Nobody wants to see this conflict and the tragic loss of life or injury to any innocent civilian is truly horrific including those who have been taken as hostages by the proscribed terrorist organisation, Hamas. Our thoughts and I am sure, the thoughts of the whole chamber, are with all those who are suffering in any way and we all very much hope that peace will come forward as quickly as possible.

Supplementary question from John Wake:

Will the Leader condemn the violations of international law by Israel?

Reply from Councillor Dan Swords (Leader of the Council):

This is a district council to provide local services, not the UN, and foreign policy matters sit with the government.

Full Council – 14 December 2023

Questions from Councillors

1 Councillor Matthew Sagers to Councillor Dan Swords (Leader of the Council):

I was recently contacted by a resident in my ward, who has lived in Harlow since 1959, regarding council housing. He was extremely angry that he feels that Harlow's council housing is not going to local residents and he has asked me to raise this directly with you in a council meeting.

So please can you clarify what steps you are taking to ensure that local council homes are for local residents?

Reply from Councillor Dan Swords (Leader of the Council):

Thank you for your question and I absolutely recognise the concerns your constituent raises which reflects the views many residents raise with me every day. We have two significant injustices here in that first, Harlow residents often feel that local homes are not going to local people and second, that London Boroughs are placing hundreds of residents into temporary accommodation here in order to meet our current local connection criteria therefore, be able to move into a council property here.

Those are historic challenges, but this administration is absolutely determined to end those injustices, and we will.

That's why, as part of our priority to fix council housing, we are bringing forward the biggest shakeup of Harlow Council's Housing Allocations Policy in decades.

We are currently in the process of conducting a consultation on our comprehensive review of the Housing Allocations Policy. It is this policy that determines how we allocate social housing in Harlow for both council-owned stock and housing association properties. It also determines who is allowed to apply for social housing, and who gets priority.

The changes we are proposing could potentially double the local connection time, ensure priority for those born in Harlow, uplift the salary cap, drive out the longstanding injustices and ensure local homes are for local people and that those who are most in need are the ones that have access to council

housing. The proposed new policy will come to Cabinet in February and will make clear that it is this administration that is tackling the big issues facing our town.

We are also proposing changes that will make the policy easier to administer and therefore simpler for applicants to understand and navigate their way through the application process whilst significantly reducing the waiting time for a response.

I would encourage your constituent and all residents to respond to our consultation as several hundred have already.

Supplementary question from Councillor Matthew Saggars:

It has been reported that in many areas council house building has stalled. Is that the case in Harlow?

Reply from Councillor Dan Swords (Leader of the Council):

We have 11 council house building schemes on site before Christmas meaning in the next financial year, we will build more homes than any council in Harlow for the last 30 years.

2 Councillor Kay Morrison to Councillor Dan Swords (Leader of the Council):

Some time ago I asked for a definition of committee attendance as applied to an elected Harlow District councillor. At that time, I read aloud the Local Government Association's advice: that a committee member sitting in the public area for a short time, without participating, while the committee meeting conducts its business is not recognised as attendance. That's unsurprising but the response to my question was very surprising. I was told that the LGA is wrong and that a councillor does not have to sit amongst the rest of the committee or, indeed, to appear to participate in any way.

Understandably, Harlow residents are perplexed, observing that a councillor is elected to play a full part in every required area. One resident exclaimed 'That's why you're elected!'

Well, yes.... I agreed to ask again, this time in pursuit of greater clarity. Do you seriously believe that non-participation and distancing oneself from the committee members and discussion constitute attendance? If so, how many councillors can sit amongst the audience? All of us? We would count as attendees, after all, according to your interpretation.

Reply from Councillor Dan Swords (Leader of the Council):

In my previous answer I did not state that the Guidance was wrong. I said the Council defines attendance at meetings in accordance with the Local Government Act 1972, which it continues to do. Any Councillor can attend meetings and observe. Indeed, many members attend meetings and do not say anything at all – or are you suggesting there should be a requirement for each member to verbally contribute, otherwise the only distinction is where in the room their seat is placed.

Supplementary question from Councillor Kay Morrison:

Do you agree?

Reply from Councillor Dan Swords (Leader of the Council):

I've made it clear that we have acted in line with the law.

3 Councillor Chris Vince to Councillor James Leppard (Portfolio Holder for Finance and Governance):

In October of this year the LGA wrote to the chancellor exchequer outlining their concerns about local government finances and the effect it will have on services, 'Council spend is increasingly concentrated in fewer services and on fewer people', which, whether we like it or not is a reality for this council. Part of the letter made these suggestions:

- Provide multi-year and timely settlements for councils to allow them to plan and make meaningful financial decisions.
- Provide clarity as soon as possible on funding streams in the 2024/25 settlement, such as the New Homes Bonus, where there are uncertainties.

Considering the fact, we have had no response from the treasury with regards our request for multi-year and timely settlements, and the budget gap if funding as the same as last year already sits at £1.7m, can I ask we write to them again (on a cross party basis) and do all we can to push for the certainty this council needs?

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

Thank you for your question. The initiative of seeking multi-year settlements continues to have cross-party support. In that vein, the Leader, officers, and I engage with the LGA, DCN, other authorities and other local government

bodies on a daily basis. I understand that the Section 151 Officer has updated you on this matter. The Leader has written several times to the relevant Ministers and bodies on this matter, and we will continue this campaign.

However, the financial settlement will be announced next week following the Secretary of State's very useful policy statement a few weeks ago.

This administration continues to deliver sound financial management, having frozen Harlow Council Tax and investing record amounts into delivering our five priorities. I am proud of our financial position and continued strong management of the council's finances and await the settlement next week which will inform our final budget position in February.

Supplementary question from Councillor Chris Vince:

Is it true that financial position is because of vacancies?

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

No.

4 Councillor Chris Vince to Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

The same letter from the LGA from October states 'Spend on homelessness services is budgeted to increase by 19.9 per cent in 2023/24. Government data published in July shows that more than 104,000 households were in temporary accommodation at the end of March 2023 – the highest figures since records began in 1998.'

Can I ask what additional support is being given to homelessness services in Harlow this winter including how many families are currently in temporary accommodation and the additional cost to the council compared to this time last year?

Reply from Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

Total number in Temporary Accommodation as at 11.12.23 is 303.

The council is working around the clock to ensure that homelessness and rough sleeping in Harlow are tackled head on.

We have seen an increase in the number of those for which we are providing temporary accommodation, and as of 11 December the number of people in temporary accommodation is 303. Our Housing Teams are working at pace to ensure we are providing temporary accommodation wherever it is required and ensuring that we can move those in temporary accommodation into permanent accommodation as quickly as possible.

In terms of rough sleeping, we continue to work closely with partners such as Streets 2 Homes to ensure that no one in Harlow is sleeping rough. We have instigated SWEP (Severe Weather Emergency Protocol) a number of times already this winter to ensure that anyone at risk of sleeping rough is in accommodation.

We will continue to do everything possible to tackle homelessness and rough sleeping by utilising the Homeless Prevention Grant and other such funding.

In terms of annual cost comparisons for Temporary Accommodation for 22/23 and 23/24, for period 9 (end of November) the actual spend for temporary accommodation was as follows:

2022/23 – Actual Spend £1,016,425

2023/24 – Actual Spend £1,131,054

Supplementary question from Councillor Chris Vince:

Are you concerned that the spend will increase next year?

Reply from Councillor David Carter (Deputy Leader and Portfolio Holder for Housing):

No.