

# Decision Notice (7 September 2023)

Published 8 September 2023

This document lists the decisions taken by Cabinet at a meeting held on Thursday, 7 September 2023. The list covers key and non-key decisions. A decision may be implemented with immediate effect, unless it is eligible for call-in as identified below, whereupon a decision will not be implemented until five working days have elapsed.

Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
<p><b>A10</b></p>	<p><u>Financial Performance Report, Quarter 1 2023/24</u></p> <p>Key decision? No</p> <p><b>RESOLVED</b> that Cabinet:</p> <p><b>A</b> Noted the forecast outturn position set out within the report in respect of the General Fund as at the end of quarter 1 (April – June) of 2023/24 with a projected favourable variance of £114,000.</p> <p><b>B</b> Noted the forecast outturn position set out within the report in respect of the Housing Revenue Account as at the end of quarter 1 (April – June) of 2023/24 with a projected</p>	<p>To ensure Cabinet reviews financial performance against the approved 2023/24 budgets for General Fund, Housing Revenue Account and Capital Programmes and to ensure corporate priorities are fully funded to enable a timely delivery.</p>	<p>The report notes the current financial position of Quarter 1 (April – June). It also asks to approve the current Capital Programme position, which includes a number of virements and reprofiling into 2024/25.</p> <p>Cabinet could consider not to</p>	<p>None</p>	<p>No</p>

Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
	<p>adverse variance of £750,000.</p> <p><b>C</b> Noted the forecast outturn position set out within the report in respect of the Non-Housing Capital Programme as at the end of quarter 1 (April – June) of 2023/24 with a projected adverse variance of £3.781 million.</p> <p><b>D</b> Noted the forecast outturn position set out within the report in respect of the Housing Capital Programme as at the end of quarter 1 (April – June) of 2023/24 with a projected favourable variance of £12.116 million.</p> <p><b>E</b> Noted the Earmarked Reserve Table Summary position as at 31<sup>st</sup> March 2023 included within Appendix F to the report.</p> <p><b>F</b> Approved the virements for the Housing Capital Programme identified within the table included in paragraph 20 of the</p>		<p>approve the recommendations F and G. The current budget of the Housing and Non-Housing Capital Programmes would not be updated to reflect the latest known position and would also mean priorities are not fully funded. Members would have another opportunity to review the Capital Programme at the Quarter 2 position (April – September)</p>		

Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
	<p>report.</p> <p><b>G</b> Approved the Period 3 reprofiling into 2024/25 within the Non-housing Capital Programme only included within Appendix D to the report.</p> <p><b>H</b> Approved to reprioritise expenditure for a new Garage demolition project within the Housing Capital Programme (HCP) of up to £1.6m. The specific virements required will be delegated to the Section 151 Officer in consultation with the Finance &amp; Governance portfolio holder.</p>				
<p><b>A11</b></p>	<p><u>Annual Treasury Management Report 2022/23</u></p> <p>Key decision? No</p> <p><b>RESOLVED</b> that Cabinet noted the annual Treasury Management Report for 2022/23 (Appendix A to the report), and that the Council</p>	<p><b>A</b> In complying with latest Codes of Practice, Full Council is required to receive an annual report on the prior years' treasury management functions of the Council, which should also receive review by Cabinet in advance of its presentation to Full Council.</p>	<p>No other options have been considered</p>	<p>None</p>	<p>No</p>

Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
	operated within the Treasury Management Strategy Statement during 2022/23 and that the report be recommended to Full Council for approval.	<b>B</b> The Prudential Indications are also required to be reported to Full Council. These are included within the annual Treasury Management report.			
<b>A12</b>	<p><u>HGGT Joint Committee Proposal</u></p> <p>Key decision? Yes</p> <p><b>RESOLVED</b> that Cabinet recommended to Full Council that:</p> <p><b>A</b> The proposal for the establishment of a Joint Committee (JC) in respect of matters pertaining to the Harlow and Gilston Garden Town be supported.</p> <p><b>B</b> Subject to all authorities approving the agreement, the arrangements set out in the Inter Authority Agreement at Appendix 1 to this report be endorsed and agreed.</p> <p><b>C</b> The Monitoring Officer be</p>	<p><b>A</b> In order to provide consistent and transparent arrangements for the consideration of HGGT matters, to secure the delivery of the HGGT and to secure the wider regeneration of Harlow.</p> <p><b>B</b> To ensure that appropriate legal protocols are in place.</p> <p><b>C</b> To ensure that the views of Harlow Council are given appropriate consideration.</p>	The option not to establish a formal governance and partnership framework for the Harlow and Gilston Garden Town (HGGT) was considered. However, this would undermine Harlow Council's, and the other partner authority's ability to develop a joint	None	No

Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
	<p>asked to make consequential amendments to the Council's constitution to facilitate the establishment of the committee on the Terms of Reference set out in Schedule 10 of the Agreement once all constituent Council's have confirmed their approval of the agreement.</p> <p><b>D</b> Delegated authority be given to the Chief Executive, in consultation with the Leader and the Portfolio Holder for Economic Development, to make any to make any necessary, non-consequential and minor amendments and refer to the HGGT Chair and Director.</p>		<p>approach to facilitate the development of the HGGT in a co-ordinated and transparent manner. As the delivery phase of the partnership begins, a number of overarching risks around financial administration, corporate management and inability or delay in delivery of key infrastructure to enable the planned growth are becoming more evident. The lack of a</p>		

Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
			formal governance structure creates risk for all partners.		
<b>A13</b>	<p><u>Mark Hall Article 4 Direction Confirmation</u></p> <p>Key decision? No</p> <p><b>RESOLVED</b> that:</p> <p><b>A</b> Cabinet approved the confirmation of the Mark Hall North Article 4 Direction, which will be confirmed on the date specified in the Notice of Confirmation to be published and served by the Council.</p> <p><b>B</b> Cabinet adopted the related Management Plan and Guidance document, as set out at Appendix D to the report.</p> <p><b>C</b> If the Department for Levelling Up, Housing and Communities (DLUHC) requests</p>	<p><b>A</b> To allow the Article 4 Direction to be confirmed (come into force), which is currently scheduled to happen on 28 October 2023.</p> <p><b>B</b> To allow the <i>Management Plan and Guidance</i> document to become a material planning consideration when determining planning applications which have been made due to the Article 4 Direction's removal of Permitted Development Rights.</p> <p><b>C</b> To ensure the most efficient governance process is in place if DLUHC requests modifications must be made to the Direction before it is</p>	<p>Not confirming the Article 4 Direction (and therefore it would not come into force). This could result in further uncontrolled changes being made to housing in Mark Hall North which may have an adverse impact, as identified in the Character Appraisal.</p>	None	Yes

Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
	<p>modifications must be made to the Direction before it is confirmed, Cabinet delegated authority to the Portfolio Holder, in consultation with the Interim Head of Planning and Building Control, to approve the confirmation of the modified Direction and approve any necessary amendments to the adopted Management Plan and Guidance document.</p>	<p>confirmed.</p>			
<p><b>A14</b></p>	<p><u>Town Centre North Development Brief</u></p> <p>Key decision? No</p> <p><b>RESOLVED</b> that Cabinet:</p> <p><b>A</b> Noted the responses received to the consultation in Appendix B and approves the consequential amendments made to the Town Centre North Development Brief.</p> <p><b>B</b> Formally adopted the</p>	<p>To enable the development brief to be formally adopted and used in the determination of planning applications for the Town Centre area, providing encouragement to the private sector to invest and regenerate the area.</p>	<p>Do not prepare a development brief for Town Centre North and rely only on the Harlow Town Centre Masterplan Supplementary Planning Document (HTCM SPD) to help determine planning</p>	<p>None</p>	<p>Yes</p>

Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
	Development Brief as set out in Appendix A to this report.		<p>applications for the area. The HTCMF SPD is not considered detailed enough for each Opportunity Area to help provide specific guidance for applications that may come forward. The development brief is also more up to date in regard to development proposals and applications that have come forward.</p> <p>Prepare a brief for a smaller</p>		



Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
			<p>area around Market Square, Market House, Post Office Road, Adams House and The Rows. Officers considered preparing a brief for a smaller area but it was considered that the entire northern part of the town centre requires a comprehensive scheme following the boundary of Opportunity Area 3 HTCMF SPD.</p>		

Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
<p><b>A15</b></p>	<p><u>Towns Fund and Levelling Up Fund Procurement - Delegated Authority</u></p> <p>Key decision? Yes</p> <p><b>RESOLVED</b> that:</p> <p><b>A</b> A waiver be granted to Contract Standing Order No.18.4 in accordance with CSO 3 to facilitate the award of contracts in excess of £350,000 by officers without a further report to Cabinet, relating to the appointment of construction partners for Harlow Sustainable Transport Interchange and Hub, Broad Walk and Market Square; and Harlow Arts and Cultural Quarter.</p> <p><b>B</b> Delegated authority be given to the Chief Executive in consultation with the Portfolio Holder for Economic Development (or the Leader of the Council) and the Legal</p>	<p><b>A</b> To ensure the timely delivery of all aspects of the projects funded and approved through the Government's Towns and Levelling Up Funds, allowing projects to meet the strict timescales as set-out by the conditions of the projects Heads of Terms (HoTs) and Memorandum of Understanding (MoU).</p> <p><b>B</b> To safeguard against the funding being withdrawn by the Department for Levelling Up, Housing and Communities (DLUHC).</p>	<p>Full procurement and contract standing orders could be followed, with each contract award being brought to Cabinet for approval. This option will add considerable delays to the programme and risk key milestones not being met, jeopardising overall project delivery within the timescales required by Government.</p>	<p>None</p>	<p>Yes</p>

Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
	<p>Services Manager to contract award various appointments related to the delivery of Towns and Levelling Up Funded projects, up to a maximum contract value, not exceeding the funding envelope of the Towns Fund and Levelling Up Fund grant awards.</p>				
<p><b>A16</b></p>	<p><u>Harlow Regeneration Partnership Business Plan</u></p> <p>Key decision? No</p> <p><b>RESOLVED</b> that Cabinet:</p> <p><b>A</b> Approved the Harlow Regeneration Partnership (HRP): First Investment Plan – September 2023 – August 2026 as set out in Appendix A to the report.</p> <p><b>B</b> Agreed that annual reporting from the HRP should take place at each October Cabinet Meeting, repeating annually</p>	<p><b>A</b> To ensure the timely delivery of all aspects of the projects funded and approved through the Government’s Towns and Levelling Up Funds, allowing projects to meet the strict timescales as set-out by the conditions of the projects Heads of Terms (HoTs) and Memorandum of Understanding (MoU).</p> <p><b>B</b> To safeguard against the funding being withdrawn by the Department for Levelling Up, Housing and Communities (DLUHC).</p>	<p>Harlow Regeneration Partnership: First Investment Plan – September 2023 – August 2026 has been developed in line with the Cabinet Approval of March 2023: <i>Harlow Investment Partnership – Approval of</i></p>	<p>None</p>	<p>Yes</p>

Agenda Item No	Decision	Reasons for Decision	Any Options Rejected?	Declared Conflict of Interest	Eligible for call in?
	<p>from 2024 until such time that the partnership is dissolved.</p> <p><b>C</b> Approved the development of a public-facing website containing details of the HRP targeted to be live in January 2024 and notes the establishment of the HRP branding.</p>		<p><i>selection of partner and partnership commencement.</i></p>		