

**MINUTES OF THE CABINET
HELD ON**

7 September 2023

7.30 pm - 10.07 am

PRESENT

Committee Members

Councillor Dan Swords, Leader of the Council
Councillor David Carter, Deputy Leader and Portfolio Holder for Housing
Councillor Michael Hardware, Portfolio Holder for Economic Development
Councillor James Leppard, Portfolio Holder for Finance and Governance
Councillor Nicky Purse, Portfolio Holder for Sustainability and Environment
Councillor Stacy Seales, Portfolio Holder for Community

Other Councillors

Councillor Jodi Dunne
Councillor Tony Durcan
Councillor Tony Edwards
Councillor Michael Garnett
Councillor James Griggs
Councillor Colleen Morrison
Councillor Matthew Saggars
Councillor Chris Vince

Officers

Andrew Bramidge, Chief Executive
Niel Churchill, Communications
Manager
Neil Euesden, Interim Director of
Housing
Simon Freeman, Deputy Chief
Executive and Director of Finance
James Gardner, Assistant Director -
Regeneration
Simon Hill, Director of Governance
and Corporate Services
Adam Rees, Senior Governance
Support Officer

19. **APOLOGIES FOR ABSENCE**

None.

20. **DECLARATIONS OF INTEREST**

None.

21. **MINUTES**

RESOLVED that the minutes of the meeting held on 13 July 2023 are agreed as a correct record and signed by the Leader.

22. **MATTERS ARISING**

None.

23. **WRITTEN QUESTIONS FROM THE PUBLIC**

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

24. **WRITTEN QUESTIONS FROM COUNCILLORS**

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

25. **COMMUNICATIONS FROM THE LEADER**

The Leader detailed progress which had been made against the Council's five priorities. This included the level of outstanding housing repairs being back below pre-Covid levels.

He noted that Julie Houston, Assistant Director – Community Resilience, was retiring in the next few months. All Councillors thanked her for the significant contributions she had made to the regeneration of the town.

26. **PETITIONS**

None.

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

RESOLVED that the following decisions be noted.

- a) Portfolio Holder for Economic Development - 10 July 2023
- b) Portfolio Holder for Economic Development - 10 July 2023
- c) Deputy Leader and Portfolio Holder for Housing - 8 August 2023
- d) Portfolio Holder for Economic Development - 15 August 2023

28. **FINANCIAL PERFORMANCE REPORT, QUARTER 1 2023/24**

Cabinet received the Quarter 1 Finance Report for 2023/24, including the amended conditions which had been circulated on a supplementary agenda.

Proposed by Councillor James Leppard (seconded by Councillor Michael Hardware) it was:

RESOLVED that Cabinet:

- A** 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.

- 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 adverse variance of £750,000.
- C** 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.
- D** 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.
- E** Noted the Earmarked Reserve Table Summary position as at 31st March 2023 included within Appendix F.
- F** Approved the virements for the Housing Capital Programme identified within the table included in paragraph 20 of the report.
- G** Approved the Period 3 reprofiling into 2024/25 within the Non-housing Capital Programme only included within Appendix D.
- H** 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 & Governance portfolio holder.

29. **ANNUAL TREASURY MANAGEMENT REPORT 2022/23**

Cabinet received the Annual Treasury Management report for 2022/23.

Proposed by Councillor James Leppard (seconded by Councillor David Carter) it was:

RESOLVED that Cabinet noted the annual Treasury Management Report for 2022/23 (Appendix A to the report), and that the Council operated within the Treasury Management Strategy Statement during 2022/23 and that the report be recommended to Full Council for approval.

30. **HGGT JOINT COMMITTEE PROPOSAL**

Cabinet received a report on the establishment of a Harlow and Gilston Garden Town Joint Committee.

Proposed by Councillor Michael Hardware (seconded by Councillor James Leppard) it was:

RESOLVED that Cabinet recommended to Full Council that:

- A** The proposal for the establishment of a Joint Committee (JC) in respect of matters pertaining to the Harlow and Gilston Garden Town be supported.
- 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.
- C** The Monitoring Officer be 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.
- D** 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.

31. **MARK HALL ARTICLE 4 DIRECTION CONFIRMATION**

Cabinet received a report on the confirmation of the Mark Hall North Article 4 Direction.

Proposed by Councillor Michael Hardware (seconded by Councillor David Carter) it was:

RESOLVED that:

- A** 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.
- B** Cabinet adopted the related Management Plan and Guidance document, as set out at Appendix D to the report.
- C** If the Department for Levelling Up, Housing and Communities (DLUHC) requests 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.

32. **TOWN CENTRE NORTH DEVELOPMENT BRIEF**

Cabinet received a report on the adoption of the Town Centre North Development Brief.

Proposed by Councillor Michael Hardware (seconded by Councillor James Leppard) it was:

RESOLVED that Cabinet:

- A** Noted the responses received to the consultation in Appendix B and approves the consequential amendments made to the Town Centre North Development Brief.
- B** Formally adopted the Development Brief as set out in Appendix A to this report.

33. **TOWNS FUND AND LEVELLING UP FUND PROCUREMENT - DELEGATED AUTHORITY**

Cabinet received a report on granting delegated authority for contract awards for town centre projects.

Proposed by Councillor Michael Hardware (seconded by Councillor James Leppard) it was:

RESOLVED that:

- A** 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.
- 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 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.

34. **HARLOW REGENERATION PARTNERSHIP BUSINESS PLAN**

Cabinet received a report on the Harlow Regeneration Partnership Business Plan.

Proposed by Councillor Michael Hardware (seconded by Councillor James Leppard) it was:

RESOLVED that Cabinet:

- A** Approved the Harlow Regeneration Partnership (HRP): First Investment Plan – September 2023 – August 2026 as set out in Appendix A to the report.
- B** Agreed that annual reporting from the HRP should take place at each October Cabinet Meeting, repeating annually from 2024 until such time that the partnership is dissolved.
- C** 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.

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

None.

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

None.

37. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL

Cabinet – 7 September 2023

Questions from the Public

1 Edmund Wilson to Councillor Nicky Purse (Portfolio Holder for Sustainability and Environment):

On 5 June 2023 Natural England emailed Harlow Council stating that should Harlow Council wish to consider horse riding within Harlow Woods it would “require adequate resource management from the Council”. Please can the council detail the additional resources and resulting costs that would be required to permit this activity?

Reply from Councillor Nicky Purse (Portfolio Holder for Sustainability and Environment):

The Council has arranged a meeting between Council Officers and Natural England staff for later in September. At this meeting it is expected that advice will be given regarding what mitigating measures would be required to allow horse riding in the SSSI whilst protecting the site from further damage caused by the activity. If any affordable mitigating measures are identified, the Council will then submit a ‘Notice of proposal to cause, carry out or permit operations requiring Natural England’s consent on a site of special scientific interest (SSSI)’ to Natural England seeking consent to allow horse riding in the Harlow Woods SSSI. Natural England has 4 months to consider the proposal and respond once it has been received.

Supplementary question from Edmund Wilson:

What date will the meeting be and will we be invited?

Supplementary answer from Councillor Nicky Purse (Portfolio Holder for Sustainability):

The date for a meeting in late September is being finalised and you will be invited when a date has been confirmed.

2 Edmund Wilson to Councillor Nicky Purse (Portfolio Holder for Sustainability and Environment):

A recent freedom of information request revealed that Harlow Council asserts to have 10.75 miles of bridleway (please note that the request was for bridleways and not PROW). The OS maps do not detail such a network and at least two stretches listed on OS have been repurposed as cycle paths and no longer conform to the surface requirements for shared use routes that include horses.

Can the council please explain what consultation took place when these bridleways were converted to cycle tracks and provide details of where bridleways that remain suitable for equine activity are located?

Reply from Councillor Nicky Purse (Portfolio Holder for Sustainability and Environment):

Details on the consultations that took place to convert bridleways to cycle tracks, and details of where bridleways that remain suitable for equine activity are located, are not held by Harlow Council. This information should be held by Essex Highways.

Cabinet – 7 September 2023

Questions from Councillors

1 Councillor Chris Vince to Councillor Dan Swords (Leader of the Council):

At the last full council meeting the leader of the council declined to comment on the proposed closure of Harlow Town ticket office. He stated he would wait until the formal consultation period was over. As the consultation closed on the 1st of September can I now ask what submission Harlow council will make regards the proposed closure?

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

I have heard the concerns of many residents, particularly vulnerable and disabled residents, in terms of these proposals and I will be writing to Greater Anglia to raise these concerns. I will share a copy of that letter with Cllr Vince next week.

Supplementary question from Councillor Chris Vince:

Will you be writing in favour or against?

Supplementary reply from Councillor Dan Swords (Leader of the Council):

I will be writing to raise the concerns of residents.

2 Councillor Chris Vince to Councillor Dan Swords (Leader of the Council):

I recently met with members of the Harlow Licensed Drivers Welfare Association to discuss the issues of taxis in Harlow getting their licences from Wolverhampton. Although this practise is legal it does mean that Harlow Council are unable to inspect these vehicles. What if anything will Harlow Council do to ensure that these vehicles meet the high standards required of taxis in Harlow and that they can be regularly inspected? Moving forward what can we do to ensure all taxis operating regularly in Harlow have a Harlow Council licence?

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

I entirely share your concerns. As you mention, whilst not in the spirit of the law, this practice is within the letter of it.

Alongside Robert Halfon MP, I have written to the relevant Government Minister who is looking into this matter. I am also working with other council leaders

regarding this matter and will do everything possible to stand up for our local private hire and hackney carriage drivers.

I will update you further in the coming weeks.

Supplementary question from Councillor Chris Vince:

Will you bring an update to the next Cabinet meeting?

Supplementary reply from Councillor Dan Swords (Leader of the Council):

I will bring an update as part of the Leader's announcements.

3 Councillor Tony Edwards to Councillor Michael Hardware (Portfolio Holder for Economic Development):

Can you please provide an update on the progress or otherwise of the required Section 106 agreement with Strawberry Star?

Reply from Councillor Michael Hardware (Portfolio Holder for Economic Development):

A draft S106 has been signed and agreed. However, the County Council have raised a number of matters with the applicant, which Harlow Council understands were not previously identified. The Planning and Legal teams are liaising and thereafter the County Council and applicant with a view to clarifying outstanding issues so the permission can be issued without delay.

Supplementary question from Councillor Tony Edwards:

What does the last part of your answer mean?

Supplementary reply from Councillor Michael Hardware (Portfolio Holder for Economic Development):

When a Section 106 is being agreed all relevant parties must approve it.