

**MINUTES OF THE CABINET  
HELD ON**

21 July 2016

7.30 - 9.13 pm

**PRESENT**

**Cabinet Members**

Councillor Jon Clempner, Leader of the Council  
Councillor Mike Danvers, Portfolio Holder for Resources  
Councillor Tony Durcan, Portfolio Holder for Regeneration & Enterprise  
Councillor Waida Forman, Portfolio Holder for Governance  
Councillor Danny Purton, Portfolio Holder for Environment

**Additional Attendees**

Councillor Lanie Shears

**Other Councillors**

Councillor David Carter  
Councillor Simon Carter  
Councillor Joel Charles  
Councillor Russell Perrin  
Councillor Clive Souter

**Officers**

Malcolm Morley OBE, Chief  
Executive  
Brian Keane, Head of Governance  
Jane Greer, Head of Community  
Wellbeing  
Andrew Murray, Head of Housing  
Simon Freeman, Head of Finance  
Lisa Purse, Corporate and  
Governance Support Officer

1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mark Ingall, John Strachan, Emma Toal and Mark Wilkinson.

2. **DECLARATIONS OF INTEREST**

None.

3. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 31 March 2016 are agreed as a correct record and signed by the Leader.

4. **MATTERS ARISING**

None.

5. **WRITTEN QUESTIONS FROM THE PUBLIC**

None.

6. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

7. **PETITIONS**

None.

8. **FORWARD PLAN**

**RESOLVED** that the Forward Plan is noted.

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

**RESOLVED** that the decision to allocate Grant Aid as set out in paragraph 4 of the report is noted.

a) Portfolio Holder for Youth & Community - 29 March 2016

10. **PORTFOLIO HOLDER DELEGATIONS**

**RESOLVED** that the Leader's Scheme of Delegation to Portfolio Holders for 2016/17, as set out in the document appended to these minutes, is noted.

11. **APPOINTMENT OF CABINET OVERVIEW WORKING GROUP, PANELS AND PARTNERSHIP BODIES 2016/17**

**RESOLVED** that appointments to Cabinet bodies for 2016/17 are made as detailed in the report submitted.

12. **CABINET OVERVIEW WORKING GROUP WORK PLAN 2016/17**

**RESOLVED** that the proposed 2016/17 work plan for the Overview Working Group as detailed at paragraph 2 from the report submitted is agreed.

13. **YEAR END 2015/16 JOINT PERFORMANCE AND FINANCE REPORT**

The Cabinet received a report that summarised the Council's financial and operational performance as at year-end 2015/16 and proposed carryovers into 2016/17 and contributions to reserves.

Proposed by Councillor Jon Clempner (seconded by Councillor Mike Danvers) it was:

**RESOLVED** that Cabinet:

- A** Acknowledges the outturn position set out in section three of Appendix A to this report for the year ending 31 March 2016 (1 April 2015 – 31 March 2016), subject to recommendations in paragraphs 20 and 22, as follows:
- i. An under-spend on controllable service budgets of £862,000 or -1.25 per cent of the gross General Fund budget, after allowing for carry-forward requests.
  - ii. A total reduction in the General Fund balance of £488,000 after including the impact of windfall income, non-controllable items, proposed transfers to reserves and budget carry forward requests (from 2014/15), representing an adverse variance of £221,000 to the revised budget (+0.32 per cent of the gross General Fund budget).
- B** Recognises the operational performance that has been achieved across all Council services during 2015/16.
- C** Approves:
- i. The carry forward of £136,800 of budgets from 2015/16 to 2016/17 as set out in paragraph 20 of the report.
  - ii. The transfer to reserves of £637,000 as set out in paragraph 22 and Appendix C of the report.

14. **HOUSING REVENUE ACCOUNT OUTTURN REPORT 2015/16**

The Cabinet received a report that summarised the year-end 2015/16 position of the Housing Revenue Account and proposed some carryovers into 2016/17.

Proposed by Councillor Mike Danvers (seconded by Councillor Jon Clempner)  
it was:

**RESOLVED** that Cabinet:

- A** Acknowledges the HRA outturn for 2015/16 as set out in the report as follows:
- (i) a favourable variation against the original budget adjusted for carryovers on operational/controllable budgets of £2,305,000 representing 3.98% of the gross Housing Revenue Account (HRA) budget

(ii) A total projected underspend of £8,154,000 representing 14.06% of the gross HRA budget.

**B** Notes the balances at 31 March 2016, of £12,298,000 in respect of the Housing Revenue Account and nil in respect of the Major Repairs Reserve (as identified in Appendix C).

**C** Approves carryovers of £315,000 as detailed in paragraph 32 of this report to meet commitments from 2015/16.

**D** Recognises the operational performance that has been achieved across all Council services during 2015/16.

15. **CAPITAL PROGRAMME OUTTURN REPORT 2015/16**

The Cabinet received a report that summarised the year-end 2015/16 position of the Housing and Non Housing Capital Programmes and proposed some carryovers into 2016/17.

Proposed by Councillor Mike Danvers (seconded by Councillor Jon Clempner)  
it was:

**RESOLVED that Cabinet:**

**A** Notes the outturn of the Council's Housing and Non-Housing Capital Programmes as at 31 March 2016 detailed as follows:

(i) Housing Capital Programme expenditure of £21,452,000 against an approved revised budget of £25,103,000.

(ii) Non-Housing Capital Programme expenditure of £3,950,000 against an approved revised budget of £6,961,000.

(iii) Additional capital expenditure of £1,655,000 in respect of Growth Area Funding/Programme of Development and £5,730,000 in respect of a land purchase for the Enterprise Zone.

**B** Approves the carryover of Housing Capital Programme schemes to 2016/17 of £3,823,800 to meet capital commitments.

**C** Approves the carryover of Non-Housing Capital Programme schemes from 2015/16 of £2,761,830 to meet capital commitments. The carryover includes grant funding to support these commitments of £1,103,000 and a capital receipt of £600,000.

**D** Approves business cases for the refurbishment of the Town Park cycle track bridge surface (£8,500), and emergency works to the Town Park

Playground (£20,000), to replace play equipment and furnishings. This latter work will be carried out in early 2016/17. Both schemes will be funded from the risk reserve.

**E** Recognises the operational performance that has been achieved across all Council services during 2015/16.

16. **CUSTOMER SERVICES ACTION PLAN**

The Cabinet received a report that detailed the recent Customer Service Review and associated Action Plan which outlined how the Council will develop customer interaction up to March 2019.

Proposed by Councillor Jon Clempner (seconded by Councillor Mike Danvers)  
it was:

**RESOLVED** that the Customer Service Action Plan at Appendix A is approved.

17. **SELECTION OF OPERATOR FOR HARLOW ENTERPRISE HUB**

The Cabinet received a report that proposed the continued support and operation of the Harlow Enterprise Hub and associated business support services and activities.

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

**RESOLVED that:**

**A** The tender submitted by Contractor B is accepted subject to contract.

**B** The Council enters into a management contract with co-terminus lease for a period of 9 years and 6 months, to be reviewed in Year 4 with a break clause for both parties at Year 5.

18. **THE STOW NEIGHBOURHOOD CENTRE DESIGN FRAMEWORK SUPPLEMENTARY PLANNING DOCUMENT**

Cabinet received a report that proposed that The Stow Neighbourhood Centre Design Framework Supplementary Planning Document be adopted.

Proposed by Councillor Tony Durcan (seconded by Councillor Danny Purton) it was:

**RESOLVED that** Cabinet RECOMMENDS to Council that The Stow Neighbourhood Centre Design Framework Supplementary Planning Document be adopted.

19. **LOAN ARRANGEMENTS FOR HTS (PROPERTY & ENVIRONMENT) LIMITED**

The Cabinet received a report which proposed the provision of a loan to finance the company set up costs which will ensure that HTS (Property & Environment) Ltd is able to initiate trading from 1 February 2017.

Proposed by Councillor Jon Clempner (seconded by Councillor Mike Danvers) it was:

**RESOLVED that:**

- A** Cabinet approves the provision of a loan of up to £1.4m to HTS (Property & Environment) Ltd as working capital for the business.
- B** Authority is delegated to the Chief Executive, in consultation with the Leader of the Council and the Portfolio Holder for Resources, to finalise the detailed negotiation of the facilities agreement between the Council and HTS (Property & Environment) Ltd.

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

a) **Referral from Audit & Standards Committee - Annual Governance Statement 2015-16**

The Cabinet received a report from the Audit and Standards Committee that proposed the Annual Governance Statement for 2015-16.

Proposed by Councillor Mike Danvers (seconded by Councillor Jon Clempner) Cabinet:

**RESOLVED** that Cabinet approves the Annual Governance Statement for 2015-16.

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

**RESOLVED** that the minutes of the following meetings are noted.

- a) **Minutes of meeting Wednesday, 17 February 2016 of Shareholder Sub Committee for HTS (Property and Environment) Limited**
- b) **Minutes of meeting Thursday, 10 March 2016 of Cabinet Overview Working Group**
- c) **Minutes of meeting Tuesday 22 March 2016 of Housing Standards Board**
- d) **Minutes of meeting Wednesday, 6 April 2016 of Harlow Local Highways Panel**

- e) Minutes of meeting Tuesday, 31 May 2016 of Shareholder Sub Committee for HTS (Property and Environment) Limited
- f) Minutes of meeting Wednesday, 29 June 2016 of Harlow Local Highways Panel

22. **MATTERS OF URGENT BUSINESS**

The Leader of the Council stated his intention to ask the Chair of the Council to call a Special Council meeting to be held on Wednesday 31 August 2016 specifically to discuss spatial options in regard to the Local Plan and issues arising around the proposed Junction 7a.

LEADER OF THE COUNCIL

## **CABINET PORTFOLIO HOLDERS' DELEGATIONS 2016/17**

The Leader of the Council has the power to amend this scheme at any time.

Any member of the Cabinet may refer any matter delegated to him or her to the Cabinet for a collective decision.

### **1. All Portfolio Holders may:**

- Take urgent decisions that cannot reasonably be deferred until the next meeting of the Cabinet on any matter within the powers delegated to Cabinet and their portfolio, after written (including e-mail) consultation with the Leader (or Deputy if they are not available).
- Take any decision that may be necessary to implement a decision of the Cabinet.
- Agree the grant of licences for the use of land within their portfolio.
- Agree minor or consequential amendments to any Policy, Plan or Strategy within their portfolio.
- Take decisions relating to procurement and contractual matters as set out in the Financial Regulations and Procurement Policy and Standing Orders relating to contracts.
- Where appropriate, and working with the relevant officers, respond to national consultation specific to their Portfolio.
- Allocate specific grants relevant to their Portfolio.

### **2. The Leader (or Deputy Leader, in their absence) may:**

- In the absence of any Portfolio Holder or at their request (in writing) or where a prejudicial interest has been declared take decisions on any matter delegated to that portfolio holder.
- Write off irrecoverable debts in line with Financial Regulations.
- Take decisions to sell/purchase/lease or otherwise deal with land where this would not constitute a Key Decision.

### **3. The Portfolio Holder for Resources may:**

- Approve write-offs of irrecoverable debts (including Council Tax, national non-domestic rates, mortgage arrears and sundry debtor debts) to a value in line with Financial Regulations.
- Agree grants applications within budget.

### **4. The Portfolio Holder for Environment may:**

- Set the level of hackney carriage and private hire fees within agreed budgetary policy.
- Set the table of hackney carriage fares.
- Name and number streets and buildings.

## **5. The Portfolio Holder for Housing may:**

- Dispose of void properties which would cost greater than £10,000 to refurbish except where these fall, in an agreed regeneration area.
- Approve write-offs of irrecoverable housing rent debts to a value in line with Financial Regulations.
- Approve the annual Report to Tenants.
- Approve Housing Service Standards.

### **Note:**

Portfolio Holder decisions must be supported by a written report from the relevant senior Officer(s). It is the Portfolio Holder's responsibility to consult and to seek advice from the Chief Executive, Chief Operating Officer, Monitoring Officer or Chief Finance Officer as appropriate before decisions are taken to ensure that they are intra vires. Portfolio Holders should also consult the relevant budget holding Head of Service before decisions are taken.