

**MINUTES OF THE COUNCIL
HELD ON**

2 November 2017

7.30 - 8.40 pm

PRESENT

COUNCILLORS

Sue Livings (Chair)
Maggie Hulcoop (Vice-Chair)

Ian Beckett	Mark Ingall
David Carter	Eddie Johnson
Simon Carter	Dan Long
Joel Charles	Bill Pryor
Jean Clark	Danny Purton
Jon Clempner	Lanie Shears
Karen Clempner	Clive Souter
Mike Danvers	John Strachan
Bob Davis	Edna Stevens
Tony Durcan	Emma Toal
Waida Forman	Phil Waite
Michael Garnett	Mark Wilkinson
Tony Hall	

OFFICERS

Brian Keane, Acting Managing Director
Lisa Thornett, Corporate and Governance Support Officer
Janet Jackson, Corporate and Governance Support Manager
Adam Rees, Corporate and Governance Support Officer

44. CHAIR'S ANNOUNCEMENT

The Chair of the Council, Councillor Sue Livings, asked that a minute's silence be held following the tragedies in Las Vegas and New York.

Following the minute's silence, the Chair welcomed Councillor Edwards to his first Council meeting.

45. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Andrew Johnson, Shona Johnson, Stefan Mullard and Nick Churchill.

46. DECLARATIONS OF INTEREST

Councillor Waida Forman declared a non-pecuniary interest in item 9 as she is an employee of the Princess Alexandra Hospital.

47. MINUTES

RESOLVED that the minutes of the meeting held on 21 September 2017 are agreed as a correct record and signed by the Chair.

48. COMMUNICATIONS FROM THE CHAIR

The Chair took this opportunity to thank Councillor Souter and the Corporate Governance Support Officer for their help in organising a successful Golf Day.

The Chair advised that she had many functions but the ones that were particularly memorable to her were the ones that involved the young people of Harlow, such as, Passmores Yearly Awards & Army Cadets Awards Ceremony.

The Chair also mentioned that on Monday 30 October 2017 she had hosted an event where Razed Roof was presented with the Queens Award for Voluntary Services for inclusion in the community by the Lord Lieutenant.

She reminded her colleagues of future events arising, such as Bonfire Night on Sunday 5 November 2017, Remembrance Service on Friday 10 November 2017 and the annual Chair's Quiz which takes place on Thursday 23 November 2017.

Councillor Garnett presented the Chair with the award that he was given on behalf of the Council from the Architectural Awards for the regeneration to the Town Park.

49. PRESENTATION OF CIVIC AWARDS

The Chair presented the following Civic Awards to local individuals, who were unable to attend Annual Council, in recognition of their commitment and contribution to the local community.

Richard Chiassaro
Ryan Lambert

50. PETITIONS FROM THE PUBLIC

None.

51. QUESTIONS FROM THE PUBLIC

The questions together with their answers are appended to these minutes.

52. QUESTIONS FROM COUNCILLORS

The questions together with their answers are appended to these minutes.

53. MOTIONS FROM COUNCILLORS

- a) Princess Alexandra Hospital

Proposed by Councillor Jon Clempner, seconded by Councillor Tony Durcan
it was moved that:

The Council recognises the conscientious commitment of staff at Princess Alexandra Hospital (PAH) and notes with extreme concern the current recruitment and physical infrastructure needs at PAH.

Staff shortages, including a nurse vacancy rate of 25 per cent, have left wards struggling with the amount of patients. The A & E Department struggles to deliver the national four-hour standard. Two other local hospitals have changed into Urgent Care Centres which only deal with minor injuries. This creates an additional demand for services on PAH which deals with major injuries, life threatening chest pains and head injuries as well as minor injuries.

Many parts of the physical infrastructure at PAH is beyond its designed life and is unable to accommodate patients in a manner appropriate for a 21st Century health facility. Indeed, water ingress and sewage egress in some vital areas presents real risks to the integrity of the hospital.

The Council believes that urgent investment is required to address the challenges faced by the hospital now and that a commitment needs to be given for the provision of a new hospital. A new hospital, as part of a health and wellbeing campus, that would provide services adequate to ensure that the residents of Harlow and its surrounding areas will benefit from emergency and GP services, physiotherapy units, social care, a new ambulance hub and a training centre for nursing and healthcare.

The Council resolves to, together with the MP for Harlow, urge the Government to:

- a) Ensure that the Princess Alexandra Hospital is treated a priority case for investment to address its current physical infrastructure challenges.
- b) Support the hospital Trust in working with other public sector and private sector bodies to develop a business case for the investment necessary to achieve a new hospital as part of a health and wellbeing campus.
- c) To instruct NHS England and NHS Improvement to work positively with the health economy and with the Councils of West Essex and East Hertfordshire to deliver a plan to secure financially sustainable, appropriate and sufficient access to health services for the communities served by PAH and the West Essex CCG.

The motion was carried.

54. **REFERENCES FROM CABINET AND COMMITTEES**

Proposed by Councillor Jon Clempner and seconded by Councillor Mike Danvers.

RESOLVED that the recommendations on items a) and b) are approved.

- a) Referral from Cabinet - Annual Treasury Management Report 2016/17
- b) Referral from Cabinet - Discretionary Rate Relief Policy

55. **REPORTS FROM OFFICERS**

- a) Interim Governance Arrangements

Proposed by Councillor Jon Clempner and seconded by Councillor Waida Forman.

RESOLVED that:

- A Brian Keane, Head of Governance is designated Returning Officer, and Electoral Registration Officer, and that Jane Greer, Head of Community Wellbeing, is designated Monitoring Officer until a permanent Managing Director is in post.
- B The Head of Governance is appointed in acting up capacity to the role of Acting Managing Director until the permanent position is filled.

- b) Nomination to Vacant Positions on Committees

Proposed by Councillor Jon Clempner and seconded by Waida Forman.

RESOLVED that Councillor Tony Edwards is nominated to stand on the following committees following his election. Scrutiny Committee, Call-in Sub-Committee, Cabinet Overview Working Group, and as a substitute on the Development Management Committee.

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

RESOLVED that the minutes of the following meetings are noted.

- a) Minutes of meeting Wednesday, 6 September 2017 of Audit & Standards Committee
- b) Minutes of meeting Tuesday, 12 September 2017 of Licensing Committee

- c) Minutes of meeting Thursday, 14 September 2017 of Cabinet
- d) Minutes of meeting Tuesday, 3 October 2017 of Development Management Committee
- e) Minutes of meeting Thursday, 12 October 2017 of Cabinet

57. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COUNCIL

**COUNCIL – 2 November2017
QUESTIONS FROM THE PUBLIC**

Agenda item 7 refers

1. **Mr Mick Patrick, Hull Grove, to Councillor Mark Wilkinson, Portfolio Holder for Housing.**

Harlow Council already has a backlog of repairs deficit set by Government of around £109 million over a 30 year business plan and a 1per cent rent reduction for four years.

Due to advice from the Government as a result of the tragic fire disaster at Grenfell, why are the additional works on fire safety to heating at Willowfield, Nichols,Moor, Edmonds and Stort Towers, at a cost of £1.8million and works at Spring Hills tower at £2.8million, being paid for from Harlow's HRA, as after the disaster, Teresa May promised funding from Government.

Response from Councillor Mark Wilkinson, Portfolio Holder for Housing.

The tragic Grenfell Tower fire in North Kensington on 14 June 2017 has focussed national attention on fire safety and regulation in tower blocks. Whilst the Council's Tower Blocks are considered inherently safe, a national Public Inquiry has commenced which will consider the cause of the fire; tower block design, construction; and, the scope/adequacy of the relevant regulations relating to high-rise buildings. An initial report is expected around Easter 2018.

A review of Harlow Council's fire risk assessments confirms that all are fit for purpose. However, the Council has taken the opportunity to review its fire safety short, medium and long term priorities aligning to other asset management priorities. Following clarification and written communication received from the Government, the funding of these works is expected to come from landlords themselves. It is the government's expectation that building owners will fund measures designed to make a building fire safe, and will draw on existing resources to do so which will impact on current priorities and resource allocations as well as future projects.

2. **Mr Mick Patrick, to Councillor Mark Wilkinson, Portfolio Holder for Housing.**

Reduction in benefits to non-working families and a reduction in Essex County Council Support may have an adverse effect on tenants to pay rent. Also, the Governments Homeless Reduction Bill will have extra costs to Council.

What measures is the Council taking to help reduce this effect and what are the additional costs to Council?

Response from Councillor Mark Wilkinson, Portfolio Holder for Housing.

Recent information has identified that rent arrears among tenants receiving universal credit are running at three, four, or even five times previous levels.

The Council continues to support affected tenants in a pro-active way by working jointly with Support Agencies and the Department of Work and Pensions (DWP) to support clients through Drop-Ins and Benefit Cap Support Days held at the Jobcentre in Harlow. In addition, a new arrangement with the Citizen's Advice bureau has been established to provide money advice where required. In addition, concerns from landlords have been handed to the parliamentary inquiry investigating the programme.

The funding of supported housing funding from Essex County Council ended in April 2017. Scrutiny Committee, as part of its review, has assessed the potential impact of this cessation and have recommended to Cabinet users in receipt of this service either stop or pay a service charge. These charges, where adopted, were passed onto service users/tenants on a phased basis of two years for dispersed alarm users and three years for sheltered housing tenants. Whilst some users have stopped using the service, a number have continued to request the support service. Tenants have been supported through the implementation of this change with personal visits from a Supported Housing Officer to ensure maximisation of income through benefit entitlement and where appropriate tenants have been referred to charitable organisations e.g. Royal British Legion for ex-servicemen who will support its members.

The Homeless Reduction Act seeks to place more duties on Local Authorities to take steps to prevent families and single people becoming homeless. The key element is to intervene to prevent homelessness at an earlier stage as a statutory requirement. The new provision will have potential financial implications for the Local Authority which is still to be costed, awaiting guidance from the Government. The guidance is expected to include implications for information technology, the use of temporary accommodation costs, enhanced legal processes, and likely to indicate an increase in homeless approaches. The Government is intending to provide Local Authorities with additional funding for the proposed implementation of the Homeless Reduction Act. The Council, in preparation for the Act's implementation in April 2018, are also reviewing their approach to prevention and to overhaul existing working processes, alongside introducing new policies and procedures, increasing staff establishment costs and improving information technology. The Council is not certain that the extra funding from

Government will cover the additional strain on the Council, in particular the increase in numbers and costs of temporary accommodation required.

3. **Mr J Rogers, Bishopsfield, to Councillor Jon Clempner, Leader of the Council.**

The recent Grenfell Tower block fire tragedy highlighted the necessary safety features pertinent to living in high rise buildings and to the relevant bodies legally responsible for overseeing the enactment of the safety measures and regulations. However, high rise blocks previously used solely for offices, but which have been entirely converted to residential accommodation are exempt from these regulations.

Apparently this can be achieved without gaining planning consent from of the local planning authority, and a 'Risk Assessment' can be completed by the property owner without reporting to either the planning authority or the Fire Authority Service.

In this respect do Joseph Rank House, Redstone House, and Terminus House reach the same fire compliance regulations as the other Harlow high rise blocks, subject to the same fire inspections, constructed to resist fire spread or explosion, have smoke/fire alarms installed, stairways designed to be safe escape/evacuation routes from the buildings, and are dry or wet risers or sprinklers installed?

Have the owners briefed the Council in anyway about these issues?

Lastly has/was the redevelopment of these buildings taken into account in the Essex Fire Authority consultations that have resulted in the withdrawal from Harlow Fire Station of the Aerial Ladder Platform?

Response from Councillor Jon Clempner, Leader of the Council.

Changes to the General Permitted Development Order made in 2013 initially for a three year period were made permanent in April 2016 and mean that Planning Permission is not now required for conversion to housing of a building that has previously been used as office accommodation.

Building Regulations Approval is required when offices are converted to flats as this is deemed a "material change of use" under the Regulations. However the developer need not approach the Council for approval as approval can be given by an Approved Inspector operating in the private sector.

The person or organisation managing such a building is responsible themselves under the Regulatory Reform (Fire Safety) Order 2005 for making

a Fire Safety Risk Assessment: for the common parts of the building, identifying hazards and safety measures to be taken, managing identified risks, and implementing remedial measures. Fire and Rescue Services are responsible for enforcement of the requirements.

The use of Joseph Rank House was changed some time ago before changes to Planning law. The owners obtained Planning Permission from the Council and applied to the Council for Building Regulations approval. The Council is satisfied that the changes complied with the Building Regulations requirements in force at the time.

Planning Permission was not required for the conversion of Redstone House and Terminus House to residential accommodation, and Building Regulations Approval was sought from Approved Inspectors and not the Council.

Terminus House is currently undergoing conversion.

Officers have consulted Essex County Fire and Rescue Service with regard to current compliance with the requirements of the Fire Safety Order in all three buildings and on any influence their conversion has had on the decision regarding the location of an Aerial Ladder Platform at Harlow Fire Station.

I am advised that all three buildings named will be subject to exactly the same fire inspections as those owned for example by the Council. Each went through, or is going through, the Building Regulations process and was converted in line with the Building Regulations, which means that they would have the same provisions in place as purpose built flats.

Fire Safety Officers from Essex County Fire & Rescue Service have recently inspected the common parts of two of the three buildings, in line with the Service's inspection programme under the Regulatory Reform (Fire Safety) Order 2005, and letters of compliance have been sent to the Responsible Persons.

The remaining building is still undergoing the conversion.

The question regarding the Aerial Ladder Platform has been directed to the Station Commander for Harlow Fire Station for a response and I will provide an updated reply when this response has been received.

4. Ms E Harvey, Churchgate Street, to Councillor Mike Danvers, Portfolio Holder for Resources..

A global climate crisis is underway, with extreme weather and rising sea levels threatening the lives of millions of people around the world.

Essex County Council's pension fund, into which Harlow Council staff contribute and on which they will rely in their retirement, holds around £24 million worth of direct investments in fossil fuels and around £200 million of indirect investments. These investments are bad for the planet and they're risky for your staff – Mark Carney the Governor of the Bank of England has warned that investors relying on returns from fossil fuel investments face huge climate change losses.

Will Harlow Council use its influence on the County Council's Pension Fund to secure a public commitment to a gradual 5 year divestment of fossil fuels in its Investment Strategy Statement? We know it is possible because Waltham Forest and Southwark made this commitment last year

Response from Councillor Mike Danvers, Portfolio Holder for Resources..

Yes I am quite prepared to ask Essex County Council to do this. There is a problem with pension funds generally. It is driven by an outdated ideology of infinite growth.

The Essex Pension Fund consults upon its Investment Strategy Statement and the most recent consultation closed in June 2017.

Set out in the statement is the following –

"The fundamental responsibility of the Fund is to ensure that it has adequate monies available to pay pensions as they fall due. This objective must be achieved in a cost effective way for members, employers and the taxpayer. Moreover, in reaching decisions, the Fund must comply with its fiduciary responsibilities."

Under the Governance arrangements of the fund the Investment Steering Committee (ISC) does not place restrictions on investment managers appointed by and working on behalf of the fund in choosing investments in quoted companies except in limiting the size of single investments.

I know from first-hand experience of trying to get ECC pension fund members to change their outdated policies about investment. With my colleague Karen Clempner we tried to persuade the pension fund to look at the advantages of ethical investment. We were turned down flat.

Pension funds could do so much more to make a positive contribution to society without putting their investments at risk. So yes I am quite prepared to urge the course of action suggested and thank you for your question.

**COUNCIL – 02 November 2017
QUESTIONS FROM COUNCILLORS**

Agenda item 8 refers

1. Councillor Joel Charles, to Councillor Jon Clempner, Leader of the Council.

How many times in the last financial year did Harlow Council use its houses in multiple occupation enforcement powers?

Response from Councillor Jon Clempner, Leader of the Council.

In accord with the principles of the Regulator's Code to which the Council must have regard, the Council has a progressive and proportionate approach to its regulatory functions which range from inspecting regulated premises and telling landlords what measures are required to achieve appropriate standards, to prosecution for specific offences.

In the financial year ending 31st March 2017 the Council's exercise of its enforcement powers under the Housing Act 2004 regarding Houses in Multiple Occupation included the following activity:

- Full Inspections conducted: 29
- Schedules of works issued: 29
- Financial penalties imposed: 19
- Prosecutions commenced: 1

2. Councillor Joel Charles, to Councillor Jon Clempner, Leader of the Council.

The Town Centre dispersal order was put in place on the 30 September 2017. Can Harlow Council confirm how many times the dispersal order has been used to deal with individuals committing an act of antisocial-behaviour in the Town Centre since it was put in place?

Response from Councillor Jon Clempner, Leader of the Council.

The dispersal order on the 30 September 2017 was authorised by Insp Tony Walker, the dispersal order was from 2200hrs on the 30 September until 0600hrs on the 1 October 2017 a total of eight hours

The Town centre in its entirety was covered and Essex Police provided officers to police the dispersal order throughout this period.

This dispersal order was used as a tactic to deal positively with reported incidents of anti-social behaviour at the beginning of the current 12 week plan. The 12 week plan as you are aware is to intensely police a defined area working with partners to deal with ASB and associated issues and problems.

Whilst the dispersal order was in place no persons were required to leave the area and therefore no notices were issued or arrests made.

The power is a flexible power that can be used by the police in a range of situations to disperse anti-social individuals and provide immediate short term respite to the local community.