

**MINUTES OF THE COUNCIL  
HELD ON**

11 July 2019

7.30 - 10.00 pm

**PRESENT**

**COUNCILLORS**

Clive Souter (Chair)  
Maggie Hulcoop (Vice-Chair)

|                  |                 |
|------------------|-----------------|
| David Carter     | Mark Ingall     |
| Simon Carter     | Shannon Jezzard |
| Joel Charles     | Andrew Johnson  |
| Nick Churchill   | Sue Livings     |
| Jean Clark       | Frances Mason   |
| Mike Danvers     | Stefan Mullard  |
| Jodi Dunne       | Russell Perrin  |
| Bob Davis        | Danny Purton    |
| Tony Durcan      | Lanie Shears    |
| Tony Edwards     | Emma Toal       |
| Michael Garnett  | Chris Vince     |
| Tony Hall        | Phil Waite      |
| Michael Hardware | Nancy Watson    |
| Eugenie Harvey   | Mark Wilkinson  |

**OFFICERS**

Brian Keane, Managing  
Director  
Simon Freeman, Head of  
Finance and Deputy to the  
Managing Director  
Simon Hill, Head of  
Governance  
Lisa Thornett, Corporate  
Governance Support Officer

1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Eddie Johnson, Shona Johnson and John Strachan.

2. **DECLARATIONS OF INTEREST**

Councillors Simon Carter, Bob Davis and Chris Vince all declared a pecuniary interest as Council Appointed Directors of HTS (Property and Environment) Ltd. On the basis of advice from the Monitoring Officer they remained in the meeting.

3. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 21 May 2019 are agreed as a correct record and signed by the Chair.

4. **COMMUNICATIONS FROM THE CHAIR**

Since becoming Chair, Councillor Souter said he had been to three Civic Services at Waltham Abbey, Bishops Stortford and Basildon. He had raised

the flag on Armed Forces Day. He had attended a National Volunteers Award and opened the Gibberd Wall Garden at Princess Alexandra Hospital. I also attended the Bush Fair Fayre, Eid Festival, Capel Manor, the British Spring Clean Presentation, Harlow College Celebration Awards, Harlow Concert 50th Anniversary and last but not least Harlow Carnival and the End of Carnival Show Show, which had been absolutely brilliant. The Chair thanked all of those that had helped out on these events.

## 5. **PETITIONS FROM THE PUBLIC**

### a) Church Langley Fund

A petition of 715 signatures was received which asked for the immediate release of £215,000 from the Church Langley Fund, with the remaining £215,000 to be released over the next 15 years.

Nicola Purse presented the petition to Council and Councillors then debated the petition.

The following amendment was proposed by Councillor Simon Carter (seconded by Councillor Andrew Johnson):

“To add the following words after the word ‘it’:

‘That this Council establishes a working group comprising residents, ward councillors and officers to:

- a) Review and confirm the detail of the proposed one-off works;
- b) Review the entire 1987 agreement to put the alleged extracts into context and to identify the period of the fund;
- c) Review the historic activity of the fund to identify the ‘careful profile of expenditure’ required for the future;
- d) Monitor implementation of the agreed works.”

Upon being put to the vote the amendment was lost.

The following amendment was then proposed by Councillor Mike Danvers (seconded by Councillor Stefan Mullard):

“That the Council agrees to carry out the works detailed in Table 1 of the accompanying report.”

The amendment was carried.

**RESOLVED** that the Council agrees that the following works be carried out.

| <b>Proposed Works</b>                              | <b>Estimated Cost<br/>£</b> |
|----------------------------------------------------|-----------------------------|
| Bridleway Fencing adjoining Barnsley Wood          | 11,800                      |
| Replacement Knee Rails Kiln Lane/CL Way            | 3,700                       |
| Replanting / gapping up shrub beds incl. mulching  | 19,100                      |
| Surface drainage – bridleway CL Way                | 12,500                      |
| Biodiversity improvements to Ponds                 | 10,800                      |
| Sweep/Remark CL Playing field car park             | 2,000                       |
| CL Playing fields – Verti Draining                 | 3,500                       |
| Play area equipment replacement                    | 25,000                      |
| Cutting back vegetation from footpaths and ditches | 30,000                      |
| Land ownership project                             | 15,000                      |
|                                                    |                             |
| <b>Total proposed one off schemes to be funded</b> | <b>133,400</b>              |

6. **QUESTIONS FROM THE PUBLIC**

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

7. **QUESTIONS FROM COUNCILLORS**

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

8. **MOTIONS FROM COUNCILLORS**

a) Climate Emergency

Proposed by Councillor Mark Ingall (seconded by Councillor Chris Vince):

“This Council believes that climate change is one of the most significant threats facing the world. One of the largest factors contributing to climate change is man-made emissions, especially those relating to the use of non-sustainable power sources. This Council recognises that action must be taken quickly in order to prevent climate change from causing irreversible damage to the planet. It also recognises the numerous social benefits which are brought about by reducing greenhouse gas emissions such as better air quality.

This Council believes it is still possible to restore a safe climate and therefore declares a climate emergency and will:

- i) Aim to reduce its net carbon emissions as far as possible;
- ii) Reduce its carbon footprint at a greater rate than it is already committed to doing so;
- iii) Create a program of new tree and hedgerow planting across the town, starting with 1,000 in the next year;

- iv) Encourage HTS (Property and Environment) to plan for a switch over from petrol and diesel vehicles, plant and machinery to electric vehicles, plant and machinery; and
- v) Reaffirm its commitment to the Garden Town development's principles of sustainable transport."

Councillor Russell Perrin (seconded by Councillor Tony Hall) proposed that the motion was amended to read as follows:

"This Council believes that climate change is one of the most significant threats facing the world. One of the largest factors contributing to climate change is man-made emissions, especially those relating to the use of non-sustainable power sources. This Council recognises that action must be taken quickly in order to prevent climate change from causing irreversible damage to the planet. It also recognises the numerous social benefits which are brought about by reducing greenhouse gas emissions such as better air quality.

This Council believes it is still possible to restore a safe climate and therefore declares a climate emergency and will:

- i) Aim to reduce its net carbon emissions as far as possible;
- ii) Reduce its carbon footprint at a greater rate than it is already committed to doing so;
- iii) Create a program of new tree and hedgerow planting across the town, starting with 1,000 in the next year;
- iv) Encourage HTS (Property and Environment) to plan for a switch over from petrol and diesel vehicles, plant and machinery to electric vehicles, plant and machinery and encourage HTS to source battery technology for its electric vehicles from companies who ensure environmentally friendly lithium mining techniques ;
- v) Reaffirm its commitment to the Garden Town development's principles of sustainable transport;
- vi) Eliminate the use of single use plastics in line with the government ban across all public council buildings by January 2020 ahead of the national implementation date of April 2020;
- vii) Actively promote schemes to encourage children to walk to school such as the Walking Bus initiative and WOW;
- viii) Installing electric car charging points across all of its car parks within the next five years where possible;

- ix) Request that Cabinet, through the Cabinet Overview Working Group, develops a strategy which looks at the feasibility of:
- Installing photovoltaic panels on all public council buildings within the next two years where possible; and
  - New council built houses having a minimal carbon footprint; and
  - Creates an action plan which focuses on reducing the impact of day to day living on the environment beyond that caused by greenhouse gas emissions.”

The amended motion was agreed by the consent of the meeting and became the substantive motion.

**RESOLVED** that the substantive motion was carried.

9. **MAIN DEBATE**

In accordance with Council Procedure Rule 17.3, the Chair called on the Leader of the Council to introduce the debate on the work undertaken by the Council in 2018/19 municipal year together with any highlights, pressures and potential issues for the coming year. The Leader of the Opposition was given the opportunity to respond to the debate. The Leader of the Council outlined the Council’s approach to meeting with challenges so as to provide services to the Town for the benefit of its residents.

10. **APPOINTMENT OF ADDITIONAL ATTENDEES TO CABINET**

**RESOLVED** that the appointment of Councillors Tony Edwards, Shannon Jezzard and Stefan Mullard as Additional Attendees to Cabinet be noted.

11. **REFERENCES FROM CABINET AND COMMITTEES**

- a) Referral from Audit and Standards Committee - Audit and Standards Committee Annual Report 2018/19

Full Council considered a referral from the Audit and Standards Committee to note its annual report.

**RESOLVED** that the Audit and Standards Committee’s annual report for 2018/19 be noted.

- b) Referral from Licensing Committee - Private Hire Operator Application Procedure Updates

Full Council considered a referral from the Licensing Committee to adopt revised Operator Licensing Procedures.

**RESOLVED** that the revised Operator Licensing Procedures, attached as Appendix 2 to the original report, be adopted.

In accordance with the Constitution, Councillor Michael Garnett requested that his objection to the proposal be recorded.

12. **REPORTS FROM OFFICERS**

None.

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

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

- a) Minutes of meeting Wednesday, 17 April 2019 of Development Management Committee
- b) Minutes of meeting Wednesday, 5 June 2019 of Development Management Committee
- c) Minutes of meeting Wednesday, 12 June 2019 of Audit and Standards Committee
- d) Minutes of meeting Thursday, 20 June 2019 of Cabinet

14. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COUNCIL

# Full Council – 11 July 2019

## Questions from the Public

**1 Mr David Forman to Councillor Lanie Shears (Portfolio Holder for Governance, Equality and Diversity):**

Why were the two paragraphs below that seek to discourage suppliers blacklisting trade unionists removed from the 2018 Procurement Strategy when they had been present in the 2015 Strategy as a consequence of campaigning by Harlow Trade Union Council?

“Blacklisting and Other Discriminatory Practices - The Council will, as part of its due diligence use all endeavours to ensure that suppliers have in place policies and procedures that address any workers legitimate concerns pursuant to governing legislation e.g. Health and Safety issues, Whistleblowing, Trade Union membership.

If it comes to light that a breach has occurred regarding Blacklisting and Other Discriminatory Practices, the Council will, as far as it is able to do so under law, ensure that these organisations are not on the Council approved suppliers’ list for future work. This will be enshrined in the Council’s procurement processes and where appropriate contracts will include terms that a breach could be grounds for termination of the contract.”

**Reply from Councillor Lanie Shears (Portfolio Holder for Governance, Equality and Diversity):**

The Due Diligence statement contained in the Council’s Aspirations at page 9 of the 2018 Procurement Strategy was amended because the Council does not maintain its own list of approved suppliers, but uses lists from third parties managed by Constructionline and Exor or suppliers with equivalent accreditations or standards.

The statement preserves the Council’s aspiration to hold suppliers accountable at the point of the commission using information available, representations made by the suppliers and during the delivery of the works and service by robust contract management. This includes compliance with legislation surrounding Health and Safety, Whistleblowing and Trade Union membership.

As part of the annual review of the Council’s Procurement Strategy, the Due Diligence statement will be amended and strengthened by including the following clarification: “In the event that the Council becomes aware of a breach of due diligence, it may (where appropriate) initiate all or any contractual remedies available to it, which may include immediate termination of the contract in whole or in part.

**Supplementary Question from Mr David Forman to Councillor Lanie Shears, Portfolio Holder for Governance, Equality and Diversity**

Will you include the relevant legislation blacklisted, that being Employment Relations Act 1999 (blacklist) Regulations 2010 to allow you to specifically reference blacklist and blacklisting when conducting due diligence with suppliers as the legislation says it's to tackle the spurge of blacklisting both by employers and Employment agencies?

**Response from Councillor Lanie Shears, Portfolio Holder for Governance, Equality and Diversity**

As previously said there is an annual review of the strategy and it will be put forward to the review.

**2 Mr David Forman to Councillor John Strachan (Portfolio Holder for Regeneration)**

The HTS Business Plan 2017-20 pertains to "HTS's objectives help in delivering some of the key priorities of Harlow Council" and listed objective number five states "HTS is a Disability Committed Employer." Would you please state the percentage of full-time equivalent staff that are registered disabled and of that percentage, what is the division between physical and mental disabilities?

**Reply from Councillor John Strachan (Portfolio Holder for Regeneration):**

The Full Time Equivalent percentage of staff currently employed by HTS who would qualify as disabled under the Equality Act 2010 is 10.5 per cent.

Of these the split between physical and mental disabilities is as follows:

- a) Physical – 91.57 per cent
- b) Mental – 8.43 per cent.

**Supplementary Question from Mr David Forman for Councillor Mark Ingall, Leader of the Council**

Given that HTS has well exceeded the three per cent statutory minimum, will you splash it all over the HTS website and the Council's Website as a way of encouraging other employers in this town that don't meet the statutory minimum.

## **Response from Councillor Mark Ingall, Leader of the Council**

I am happy to communicate to the press the success of HTS, not only in returning monies to this Council but leading the way in fair employment practises.

# **Full Council – 11 July 2019**

## **Questions from Councillors**

### **1 Councillor Michael Hardware to Councillor Danny Purton (Portfolio Holder for Environment):**

Has the Council produced an action plan, including a 20% increase in housing allocation, following the Council's failure in the Housing Delivery Test in February, as required by Ministry for Housing, Communities and Local Government (MHCLG)?

The Council managed to deliver an average of just 84% of the housing need in Harlow over the last three years, which is below the national threshold required by MHCLG of all councils to deliver much needed housing for its residents.

### **Reply from Councillor Danny Purton (Portfolio Holder for Environment):**

The Housing Delivery Test Action Plan is currently in preparation and is scheduled for publication by 19 August 2019. The Council has assumed a 20% buffer on the five year housing land requirement as required by Government Guidance for some years now. It is forecast, however, that as the Strategic sites build out (remainder of Newhall and the Garden Town Site East of Harlow), and the Local Plan is Adopted, the completion and delivery rate will increase, and that the buffer will not be required.

### **2 Councillor Michael Hardware to Councillor Mark Ingall (Leader of the Council):**

Can the Leader, confirm that in May 2018 in an email to Councillor Kevin Bentley and subsequently at a meeting, he refused an offer from Essex County Council for matched funding to the Council for additional highways improvement works? Not maintenance, not potholes, not pathways, but general improvement works undertaken by the Local Highways Panel (LHP) which always has more projects than its budget can undertake.

I was at the LHP meeting only last week and I think all members of that committee, both Labour and Conservative, would agree that more funding would be very useful to deliver the schemes that residents want to see done, small schemes such as dropped curbs on pavements, new crossings, extra parking and so on.

### **Reply from Councillor Mark Ingall (Leader of the Council):**

I have never refused extra funding from Essex County Council (ECC) for improvements to our highways.

The extra money Councillor Hardware is referring to was given to County Councils to spend on addressing the backlog of general improvement works. It was given to ECC without strings attached. The decision by ECC to disburse it only to those councils who could match fund it was made on a whim from Councillor Kevin Bentley. This offer was made without consultation and after annual budgets had been settled.

In the meeting of Essex leaders where this was first disclosed a number of council leaders, mostly Conservatives, expressed concern, some expressed outrage at the proposal. I later wrote to Councillor Bentley asking for him to allocate the money, but without the strings attached, I also asked him to do the right thing and allocate the money at another, unrelated, meeting. Councillor Bentley refused to release Harlow's share of the money.

I agree that more money for highway's improvements would be useful and would ask that Councillor Hardware works with me in order to secure the additional funding from ECC without strings attached.

### **Supplementary question from Councillor Hardware to Councillor Mark Ingall, Leader of the Council**

Even though no extra money was allocated, the administration announced small scale parking schemes leading up to the local elections. Will the leader apologise for claiming that the Pottersfield parking scheme was the first delivery of that new scheme when in fact it was designed, implemented and project managed by Essex County Council and not Harlow Council?

### **Supplementary reply from Councillor Ingall, Leader of the Council**

I fully accept that this parking scheme was delivered by the County Council, but I'll remind you that the County Council currently receives 85 per cent of all the Council Tax collected in Harlow but keeps asking the Council to pay again for services the County Council should be providing from the £33 million a year it receives from Harlow residents. Services that we already pay twice include street lighting and providing PCSOs. We are not about to start paying the County Council twice for maintaining our highways. Councillor Hardware, you're ambitious, the question you should be asking of your bosses in County Hall is this. Go back to Councillor Bentley and ask where did the £100,000 of extra money allocated for Harlow Council go and when you ask that question, perhaps you should remember that you have been elected to represent the people of Harlow in County Hall and not to represent County Hall here in Harlow.

**3 Councillor Andrew Johnson to Councillor Danny Purton (Portfolio Holder for Environment):**

Can you confirm that the target of a 60% 'modal change' in Harlow and Gilston Garden Town plans is, in fact, for the entire town: both the new developments and the existing town? If so, this will require 60% of all journeys to be made by sustainable means: cycle, walk and public transport, in order for the existing and expanded town to be able to cope with the additional journeys required for shopping, work and leisure.

**Reply from Councillor Danny Purton (Portfolio Holder for Environment):**

The draft Harlow and Gilson Garden Town Transport Strategy (reported to Cabinet on 28 February 2019) seeks to ensure 60% of all journeys within the new Garden Town Communities (i.e. the new neighbourhoods allocated in the new Local Plans prepared by East Hertfordshire and being prepared by Epping Forest and Harlow) are to be undertaken by sustainable modes of transport.

Across the remainder of Harlow, the draft Transport Strategy seeks to achieve a target of 50% of all journeys being undertaken by sustainable modes of transport.

**Supplementary question from Councillor Andrew Johnson to Councillor Danny Purton, Portfolio for Environment**

Thank you Councillor Purton for your response and I am sure you know my concern regarding the high level that this plan is asking for. Given that and given the changes that we have seen in electric vehicles, does he consider that cars would be considered sustainable under the lifetime of this plan if they were electric?

**Supplementary reply from Councillor Purton, Portfolio Holder for Environment**

That's a very interesting question and in fact it has been addressed in a report that has come forward only recently which has pointed out that even electric vehicles create pollution in terms of various features on it even though it may be electrically powered. The main problem is private vehicles, in the sense of their effect on the environment is the congestion that they cause and yes these are ambitious targets, but we believe they are not only achievable but are absolutely necessary. Although we recognise the advantages that the Garden Town development is going to bring to Harlow in terms of jobs, in terms of Housing, in terms of other economic opportunities for the town, we are not prepared to accept additional traffic coming into Harlow creating problems for our existing communities and that's why this figure has been

set.. In this very room some five weeks ago in a meeting of the Leaders of the Councils along the A414 Corridor considered how they will approach A414 Corridor. They took the very courageous decision to reject all Highway Improvement Schemes and to go to a mass rapid transit system that is going to be built between St Albans and Harlow. This will assist our existing communities and go through all the new housing schemes that are going to be built along the corridor. So as people arrive at this they will have sustainable transport for all their movement needs. Yes it is ambitious but we are determined to meet it.