

**MINUTES OF THE CABINET
HELD ON**

27 February 2020

7.40 - 9.45 pm

PRESENT

Committee Members

Councillor Mark Ingall, Leader of the Council

Councillor Eugenie Harvey, Deputy Leader and Portfolio Holder for Community and Wellbeing

Councillor Mike Danvers, Portfolio Holder for Resources

Councillor Tony Durcan, Portfolio Holder for Economic Growth

Councillor Danny Purton, Portfolio Holder for Environment

Councillor John Strachan, Portfolio Holder for Regeneration

Councillor Mark Wilkinson, Portfolio Holder for Housing

Other Councillors

Councillor David Carter

Councillor Simon Carter

Councillor Joel Charles

Councillor Michael Hardware

Councillor Andrew Johnson

Councillor Russell Perrin

Officers

Brian Keane, Chief Executive

Andrew Bramidge, Head of Environment and Planning

Simon Freeman, Head of Finance and Deputy to the Chief Executive

Jane Greer, Head of Community Wellbeing

Simon Hill, Head of Governance

Andrew Murray, Head of Housing

Adam Rees, Governance Support Officer

115. **APOLOGIES FOR ABSENCE**

None.

116. **DECLARATIONS OF INTEREST**

None.

117. **MINUTES**

RESOLVED that the minutes of the meeting held on 23 January 2020 are agreed as a correct record and signed by the Leader.

118. **MATTERS ARISING**

None.

119. **WRITTEN QUESTIONS FROM THE PUBLIC**

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

120. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

121. **PETITIONS**

None.

122. **FORWARD PLAN**

RESOLVED that the Forward Plan is noted.

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

RESOLVED that following decisions are noted.

- a) Portfolio Holder for Housing - 11 February 2020
- b) Leader of the Council - 18 February 2020

124. **LOCAL DEVELOPMENT PLAN - MODIFICATIONS PRIOR TO CONSULTATION**

Cabinet considered a report which sought approval to begin a formal consultation on the Planning Inspector's Main Modifications, as well as a number of minor modifications to the Local Plan.

Proposed by Councillor Danny Purton (seconded by Councillor Mark Ingall) it was:

RESOLVED that Cabinet:

- A** Approved the proposed Main Modifications to the Harlow Local Development Plan and the amendments to the Policies Map, as set out in Appendix B, C and D to the report, and provided authority that these now be subject to formal public consultation.
- B** Delegated authority to the Head of Environment and Planning, in consultation with the Portfolio Holder for Environment and the Chair of the Local Development Plan Panel, to forward any responses received to the consultation to the Planning Inspectorate.
- C** Noted the updated Local Development Scheme, as set out in Appendix E to the report, and approved it for publication.

125. **TOWN CENTRE AREA ACTION PLAN - FINALISATION OF REGULATION 19 AND SUBMISSION TO PLANNING INSPECTORATE FOR EXAMINATION UNDER REGULATION 22**

Cabinet considered a report which sought approval to finalise aspects of the Regulation 19 of Town Centre Area Action Plan, and then to submit the Plan for inspection under Regulation 22.

Proposed by Councillor Danny Purton (seconded by Councillor John Strachan) it was:

RESOLVED that:

- A** Approved the publication of the revised draft Town Centre Area Action Plan (as set out at Appendix A to the report), for the purposes of consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- B** Delegated authority to the Chief Executive, in consultation with the Portfolio Holders for Environment and Regeneration, to make and approve any minor or inconsequential amendments to the Town Centre Area Action Plan arising from the completion of ensuing technical documents and any further legal advice prior to formal publication.
- C** Delegated authority to the Chief Executive, in consultation with the Portfolio Holders for Environment and Regeneration, following the consultation exercise, to submit the Town Centre Area Action Plan to the Planning Inspectorate for Examination under Regulation 22.

126. **TOWN WIDE HMO ARTICLE 4 DIRECTION**

Cabinet considered a report to approve 12 month notification period for a subsequent Article 4 Direction which would remove permitted development rights from properties for conversion to Houses in Multiple Occupation.

Proposed by Councillor Danny Purton (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that:

- A** Covenants restricting the use of properties to single family dwellings be enforced, where applicable, with any variation to this being agreed by the Head of Environment and Planning, in consultation with Portfolio Holder for the Environment.
- B** Cabinet approved the making of a non-immediate Direction under Article 4 of the Town and Country Planning (General

Permitted Development) (England) Order 2015 across the whole District to remove permitted development rights from properties for conversion to Houses in Multiple Occupation.

- C** Cabinet agreed that the final decision on the implementation of the Article 4 Direction will be taken by Cabinet following the completion of the 12 month notification period.

127. **DISPOSAL OF MOBILITY HOUSE AND MOBILITY HOUSE ANNEX**

Cabinet received a report which sought approval to dispose of Mobility House and Mobility House Annex.

Proposed by Councillor John Strachan (seconded by Councillor Eugenie Harvey) it was:

RESOLVED that:

- A** Declared Mobility House and Mobility House Annex (the Properties) are surplus to requirements.
- B** Approved plans to dispose of the freehold interest in the Properties conditional upon the purchaser delivering a satisfactory scheme of redevelopment.
- C** Delegated authority to the Head of Finance and Deputy to the Chief Executive, in consultation with the Portfolio Holder for Regeneration, to negotiate and finalise the terms of the disposal and (subject to being satisfied that it would be for the best consideration reasonably obtainable) thereafter procure the legal completion of the sale documentation.

128. **CHARGING POLICY FOR PRE-APPLICATION ADVICE**

Cabinet received a report to approve the introduction of a charging scheme for pre-application advice.

Proposed by Councillor Danny Purton (seconded by Councillor Mark Wilkinson) it was:

RESOLVED that:

- A** Approved the introduction of a charging scheme for pre-application planning advice in accordance with the proposed Charging Schedule and exemptions as set out at Appendix A, to take effect from 1 April 2020.
- B** Delegated authority to the Head of Environment and Planning, in consultation with the Head of Finance and the Portfolio Holder for Environment, to review or update the Charging Schedule.

- C Delegated authority to the Planning and Building Control Manager, in consultation with the Head of Environment and Planning, to decide on the scale of the fees for any mixed-use developments on a case by case basis and clarify exemptions.

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

As the duration of the meeting would exceed two hours, it was agreed under paragraph 9.1 of the Council Procedure Rules that the meeting would continue until the remaining business on the agenda had been considered.

a) Recommendations from Religious Diversity Working Party

Cabinet considered the recommendations from the Religious Diversity Working Party.

Proposed by Councillor Eugenie Harvey (seconded by Councillor Mark Ingall) it was:

RESOLVED that the Action Plan, attached as Appendix 1 to the report, be approved.

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

RESOLVED that the minutes of the following meetings are noted.

a) Minutes of meeting Tuesday, 19 November 2019 of Housing Standards Board

131. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL

Cabinet – 27 February 2020

Questions from the Public

1 Mr David Forman to Councillor Mark Ingall, Leader of the Council

In response to the BBC's Panorama programme aired on 3 February regarding the conversion of office blocks to temporary accommodation, much reaction has centred on ending Permitted Development Rights to convert offices.

Consequently, does the Leader of the Council agree:

- a) That a more fruitful discourse would be to formulate a national plan for large scale investment in affordable and, in particular, social rented accommodation;
- b) That one solution is offered by the National Housing Federation in its report 'Capital grant required to meet social housing need in England 2021 – 2031' published in June 2019, that details a viable financial model for building 137,059 affordable homes, of which 80,285 are social rented, each year for ten years from 2021. This would require Government capital grant funding of £12.8bn per year at 2019/20 prices, producing an average grant funding rate of 44% of total scheme costs;
- c) That the National Housing Federation are correct about the necessity of this scale of building and Government investment when it says: "Given the pressures facing the housing market, it is also the only route to reaching the Government's target of building 300,000 homes per year"?

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

The problems that have arisen from some of the Office block conversions in Harlow have their roots in Government Policy. Since the introduction of Universal Credit there has been a significant rise in homelessness resulting in increased demand for temporary accommodation.

The decision in 2016 to freeze the Local Housing Allowance Cap, that limited the maximum rent a Council could pay to the bottom third of the market in its area at a time when rents were rising fast, has meant that many Councils can no longer find any accommodation within their borders that they can legally afford to rent for those on housing benefit.

Permitted Development Rights, agreed in 2013 allowing for the conversion of office blocks into residential accommodation without planning permission, has enabled

private companies to cash in on the problems caused by Universal Credit and the Local Housing Allowance Cap and provide accommodation that often falls short of decent space standards. The profits these companies make from housing benefit relies on a model of full occupancy hence their less than scrupulous vetting of the mix of tenants they house.

You are entirely right that a national plan for large scale investment is the only long term answer to solving the national housing crisis and that the National Housing Federation solution makes some sense.

Supplementary Question from Mr David Forman

What will Harlow Council do to support people behaving in an anti-social manner who may well have been traumatised by their displacement to our town?

Supplementary Reply from Councillor Mark Ingall, Leader of the Council:

For some time Harlow Council has adopted a multi-agency approach to help identify and support families through the transition period.

The police do work with landlords to support and deal with matters relating to antisocial behaviour

Harlow Council also produce a leaflet that helps families and other households through the transition period. This signposts to services and facilities available and helps those new to the town settle into their new community.

2 Mrs Sheila Sullivan to Councillor Mark Wilkinson, Portfolio Holder for Housing

At present all Houses in Multiple Occupation (HMO) in Harlow need to be licensed by the local authority. This ensures all HMO tenants are protected and all landlords are treated equally. Large HMOs (5 or more occupants) are licensed under the Statutory Licensing Scheme. Small HMOs (4 or fewer occupants) are licensed under the Additional Licensing Scheme which Harlow Council established in April 2015.

That scheme expires in April 2020, but can be renewed. As the Council's website explains, it just needs to advertise its intention to establish an Additional Licensing Scheme for 10 weeks before bringing it into force. Together the Statutory and Additional Licensing Schemes also provide a database for future planning decisions looking to control the frequency of HMOs in a community.

Does Harlow Council plan to renew the Additional Licensing Scheme when the present one expires in April 2020?

Reply from Councillor Mark Wilkinson (Portfolio Holder for Housing):

Nearly every HMO that was covered by the five-year Additional Licensing scheme adopted by the Council is now subject to national mandatory licensing under Part 2 of the Housing Act 2004, since the definition of HMOs to be licensed in that way was changed by central government with effect from 1 October 2018. The new requirement extends to HMOs that are occupied by five or more people in more than one household. The Council's Additional Licensing scheme applied to HMOs occupied by two or more people.

In practice six smaller dwellings with fewer than five residents were included in the Council's Additional scheme, which will not need to be licensed under the national mandatory licensing powers. Once their current licenses expire these dwellings would not need to be licensed in future, unless another new five-year Additional Licensing scheme were put in place specifically to bring that about.

To designate their areas for an additional licensing scheme a Local Housing Authority has a statutory obligation to show that a significant proportion of the HMOs in question are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public, and that other measures to address the particular problems will not be sufficient. Further, designation of areas for such Additional Licensing schemes is subject to confirmation by central government.

There is not at this time substantive evidence of such particular problems associated with the small number of small HMOs in question so as to satisfy the statutory requirements for proposing such a designation. In these circumstances, and in the light of the fact that government has quite recently considered which HMOs ought to be licensed by default when extending the mandatory requirements, and has determined that such smaller HMOs would not be included, it appears most unlikely that central government would approve such a designation. For these reasons the Council has no current plan to introduce a further Additional Licensing scheme.

The dwellings concerned have however been brought to the Council's adopted standards for fire safety and standard amenities, and remain subject to inspection and remedial action where necessary even though they will no longer be licensed. The Council will keep the position under review in case circumstances change.

Supplementary Question from Mrs Sheila Sullivan

I am concerned that there is a loophole within the system. What will the Council do about this?

Supplementary Reply from Councillor Mark Wilkinson, Portfolio Holder for Housing:

Whilst smaller HMOs do not tend to have the same negative effects as larger ones, we will keep the situation under review.

3 Mr Nicholas Taylor to Councillor Mark Ingall, Leader of the Council

The Harlow and Gilston Garden Town Plan will see hundreds of homes being built on Green Belt land to the west and south west of Harlow, clearing away many acres of greenhouses used for food production, jeopardising the importance of the Lee Valley as a food production area. The Lee Valley Growers Association formed in 1911 formally objected to the Plans of Epping Forest DC at the Local Plan examination.

The Harlow Alliance Party are aware that a number of the land owners of this land, some of whom have had businesses there for many decades, do not want to sell their livelihoods and then try to find land which someone else might want to sell to be used for food production.

Can you tell me why this Labour controlled Council are in favour of building on the green belt, the destruction of local businesses and jobs and the loss of food production, threatening the importance of the Lee Valley as a centre of food production in this country?

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

The sites referred to are located within Epping Forest District and so are contained within Epping Forest District Council's Local Plan. The Lee Valley Growers Association should refer their concerns to Epping Forest District Council.

Policy E3 in the EFDC draft Local Plan specifically provides policies to promote and protect the glasshouse industry in the Lee Valley with an aim of increasing production by 20% in the Local Plan period. It should also be noted that the land within the Water Lane masterplan area has been consistently promoted by the landowners for inclusion within the Plan and for future residential-led development.

4 Mr Nicholas Taylor to Councillor Mark Ingall, Leader of the Council

In view of the response to my questions last month, it is clear that come the end of the current Local Plan period in 2033, that despite Harlow Council's house building programme, it will have less homes than it did in 2012. The Plans of neighbouring authorities for new homes on Harlow's borders will not see any Council owned

homes built, at best a small number of the overall number of new builds may be owned by Housing Associations.

Can you explain how these Plans help the thousands of families living locally, desperate for a Council home, who will never be able to afford to buy even a so called "affordable" home?

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

In 2012 Harlow had a stock of 9,824. In 2019 the stock had fallen to 9,180, a reduction of 644 properties over a seven year period. The local plan provides for 10,620 new homes, with the policy being that 30% of these should be available as affordable housing.

Supplementary Question from Mr Nicholas Taylor

Of the 10,620 homes, how many will be publically owned, rented properties?

Supplementary Reply from Councillor Mark Ingall, Leader of the Council:

It is too early to say.

5 Mr Alan Leverett to Councillor Mark Ingall, Leader of the Council

The outcome of the Inspectors examination of Harlow Council's Local Plan will be known later this year. It is noted that the Council produced a document a couple of months ago which set out how it was going to engage with residents in the future.

Harlow Council will very soon now need to consult residents about the changes which the Inspector finally makes to The Local Plan. Can you give specific examples of what residents can expect to be different as a result of the recent undertaking compared with the consultation it carried out with residents during the 4 year period that it took to construct it's Local Plan?

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

The latest phase of creating Harlow's Local Plan now provides certainty to local residents. Previous consultations, over several years, have focussed on looking at options for growth locations. The conclusion of this process now fixes these and so residents of Harlow will have certainty about which areas of the town will be available to be developed and which will not.

In terms of what will be different in the Local Plan, the Inspector has removed seven sites from the list of sites allocated for housing development and so these will now remain as green space. There are also a number of minor amendments to Green

Belt boundaries in Harlow and there is a new policy requiring developments to contribute to the health and wellbeing of the town.

6 Mr Alan Leverett to Councillor Mark Ingall, Leader of the Council

Councillors from both Parties as well as Harlow residents have expressed concerns about the plight of many of the residents uprooted from the area they live to be placed in office conversions in Harlow often miles from their extended families and support network. The hope must be that councils will cease this practice.

If this was ever the case, do you or indeed the Council have any thoughts about what these office conversions will be used for in the future?

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

The Council does not own any of the buildings that have been converted to residential use and so cannot control their future use unless Permitted Development Rights are ended and they become subject to planning control. In the event that this does happen it is hoped that some may be suited for conversion to better quality residential development or that those in industrial areas can be re-converted back to employment use.

7 Mrs Sue Lydamore to Councillor Mark Ingall, Leader of the Council

Many residents have expressed concerns that at the same time as Occasia House has remained empty for a considerable period, there are homeless families being placed in unsatisfactory accommodation and individuals are living on the street.

Are you able to give an update on what is the future of this building and has the Council given any thought about purchasing it and converting it into family sized homes for people on Harlow Council's Housing Register?

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

Harlow Council is discussion with the owners of the building regarding its future use. This dialogue is ongoing and for commercially sensitive reasons it is not possible to give more information on the progress of these discussion at this time.

8 Mrs Sue Lydamore to Councillor Mark Ingall, Leader of the Council

The towns Masterplan of the 1940's envisaged that the towns hospital would be sited in the centre of town, giving easy, quick access to as many residents as possible. Over a decade later this proposal had stood the test of time and the

hospital was built as originally proposed. Early responses to a survey presently being carried out by The Harlow Alliance Party show that 66 % want the new hospital to be located on it's present site.

Can you advise me what is Harlow Council's preferred option, building a new hospital on the present site or near to the new junction 7a some 3 miles from the present site?

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

Whilst there are many strong arguments to rebuild the hospital on it current site, there are also strong arguments for a new hospital to be built on a new site. Harlow Council, working with the MP for Harlow, have taken the view that what matters is that Harlow has a new hospital. Ultimately the location of the new hospital is a decision that will be made by the PAH trust and the Department for Health.

9 Mr Steve Dean to Councillor Mark Ingall, Leader of the Council

At last year's examination of Harlow Council's Local Plan, an officer of the Council, was asked about the consultation which the Council had carried out with residents living near those sites being considered for building homes on them. The officer stated that the Council had employed a business to do this, the responses then formed one element of the matrix used to determine whether the sites should remain on the list. Having spoken to hundreds of residents living near these sites, members of the Harlow Alliance Party have yet to come across anyone who was approached on this subject.

Can you tell me how many residents were consulted at each site, whether it be at the first stage when hundreds of sites were identified, the second stage when the number was less than eighty or the final stage for just 20 sites, and when this took place?

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

Consultants LUC undertook an Open Spaces Study which included the auditing of open spaces across the district. As part of this, public consultation was undertaken in a number of ways, in order to try and reach a broad range of Harlow residents:

- a) 850 individuals were contacted to take part in a telephone interview;
- b) a letter was sent to 4,000 residents, local groups and stakeholders to asking them to participate in the study by filling in a questionnaire;
- c) two workshops were undertaken for local residents and local groups;

- d) two focus groups were undertaken focusing on underrepresented groups;
- e) a total of 356 responses were received from the questionnaire and telephone interviews (118 phone and 238 questionnaires). In addition to this were detailed views of those individuals that attended the two workshop events and the two focus groups (which targeted children and young people).

In terms of the Local Plan, in addition to exhibitions, press notices/articles, website notices, notices in local libraries and the Civic Centre, the following numbers of people were sent notification letters/emails at each stage of the Local Plan production:

- a) Issues and Options stage – approximately 1,800 contacts;
- b) Emerging Strategy and Further Options stage – approximately 2,381 contacts;
- c) Development Management Policies stage – approximately 2,231 contacts; and
- d) Pre-Submission Publication stage – approximately 2,800 contacts.

The contacts comprised consultees on the Council's database, including individuals who expressed an interest, environmental organisations, resident associations and adjoining Councils.

10 Mr Steve Dean to Councillor Mark Ingall, Leader of the Council

Back in the 1990's Harlow Council carried out work to a number of sites around the town to stop travellers from occupying Council land. In view of the recent case involving Bromley Council, Harlow Council may find they are unable to get a further injunction against travellers setting up encampments in Harlow when the existing legal restriction expires in June of this year.

Has the Council any plan in place to carry out physical works around the town to stop travellers from being able to gain access to sites which they have used before?

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

The procedure Bromley Council used to seek an injunction was very different to the procedure used by Harlow. Our advice is that Bromley's failure to secure an injunction does not make Harlow Council's plans to renew our successful injunction any the less likely.

Work has already been carried out to secure vulnerable parts of the town. Should further areas be deemed to be vulnerable, the Council will look at the possibility of protecting that piece of land. We ask members of the public to remain vigilant, and to report any areas of concerns regarding the vulnerability of land that they may have.

11 Mrs Kimberley Dew to Councillor Mark Wilkinson, Portfolio Holder for Housing

For decades Harlow Council had a repair and painting programme for the external fabric of its houses, effectively protecting its asset. Houses have not had such work carried out for at least 15 years and many houses are now suffering defects and looking shabby as a result. When can the tenants of Harlow Council's houses next expect their homes to be repaired and painted externally?

Reply from Councillor Mark Wilkinson (Portfolio Holder for Housing):

The Council has a programme of cyclical painting which is prioritised annually based on resources available, priorities, and the condition of dwellings. These programmes include painting and associated repairs of both the external fabric of flat blocks and houses and the internal decoration of communal areas within flat blocks.

A programme of external painting of estates on the Council website will be updated in May 2020.

12 Mrs Kimberley Dew to Councillor Mark Wilkinson, Portfolio Holder for Housing

Work to construct homes at Bushey Croft and at the former Lister House site (and Elm Hatch) are due to commence later this year. Can you advise what sort of tenure these new homes will be?

Reply from Councillor Mark Wilkinson (Portfolio Holder for Housing):

The new homes planned for Bushey Croft and Elm Hatch will all be council homes. We expect all of these homes to be rented and offered to people from Harlow's Housing Register.