

**MINUTES OF THE CABINET
HELD ON**

10 September 2020

7.30 - 9.30 pm

PRESENT

Committee Members

Councillor Mark Ingall, Leader of the Council

Councillor Eugenie Harvey, Deputy Leader and Portfolio Holder for Resilience and Recovery

Councillor Mike Danvers, Portfolio Holder for Resources

Councillor Tony Durcan, Portfolio Holder for Growth and Prosperity

Councillor Frances Mason, Portfolio Holder for Governance, Equality and Diversity

Councillor Danny Purton, Portfolio Holder for Environment

Councillor Chris Vince, Portfolio Holder for Community and Wellbeing

Other Councillors

Councillor Simon Carter

Councillor Joel Charles

Councillor Tony Edwards

Councillor Michael Hardware

Councillor Andrew Johnson

Officers

Brian Keane, Chief Executive

Andrew Bramidge, Head of Environment and Planning

Simon Freeman, Head of Finance and Property 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

Lisa Thornett, Corporate Governance Support Officer

20. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mark Wilkinson.

21. **DECLARATIONS OF INTEREST**

None.

22. **MINUTES**

RESOLVED that the minutes of the meeting held on 9 July 2020 are agreed as a correct record and signed by the Leader.

23. **MATTERS ARISING**

None.

24. **WRITTEN QUESTIONS FROM THE PUBLIC**

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

25. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

26. **PETITIONS**

a) **Rejection of Proposal to Amend Waste Collection at Mercers**

RESOLVED that the petition was rejected with the proviso that Councillors Danny Purton and David Carter would meet with Officers and residents at Mercers to discuss other potential solutions.

27. **FORWARD PLAN**

RESOLVED that the Forward Plan is noted.

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

RESOLVED that the following decisions are noted.

- a) **Chief Executive - 9 April 2020**
- b) **Chief Executive - 9 April 2020**
- c) **Chief Executive - 15 April 2020**
- d) **Chief Executive - 15 April 2020**
- e) **Chief Executive - 15 April 2020**
- f) **Chief Executive - 24 April 2020**
- g) **Chief Executive - 6 May 2020**
- h) **Chief Executive - 14 May 2020**
- i) **Chief Executive - 8 June 2020**
- j) **Chief Executive - 12 June 2020**

k) Chief Executive - 16 June 2020

l) Chief Executive - 29 June 2020

29. **YEAR END 2019/20 FINANCE REPORT**

Cabinet received a report which summarised the Council's financial year end performance for 2019/20, proposed carryovers into 2020/21 and contributions to reserves.

Councillor Mike Danvers proposed the following additional wording at the end recommendation C of the report "the acquisition of properties up to the value of £12.6 million for inclusion in the Housing Revenue account to ensure that retained receipts are utilised for the provision of social housing." The amendment was accepted by the proposer, Councillor Mark Ingall, and became part of the substantive motion.

Proposed by Councillor Mark Ingall (seconded by Councillor Mike Danvers) it was:

RESOLVED that:

- A** Acknowledged the outturn position set out in within the report in respect of General Fund, Housing Revenue Account (HRA) and Capital Programmes for the year ending 31 March 2020.
- B** Noted working balances at 31 March 2020 of £15,751,000 in respect of the HRA and nil in respect of the Major Repairs Reserve (MRR).
- C** Approved:
 - i) The carrying forward of £162,720 of budgets from 2019/20 to 2020/21 in respect of the General Fund as set out in Appendix B to the report.
 - ii) The transfer to reserves of £1,104,000 as set out in Appendix C to the report.
 - iii) The contribution of £150,000 into a Covid-19 Earmarked Reserve as set out in Paragraph 17 of the report.
 - iv) The carrying forward of £180,172 of budgets from 2019/20 to 2020/21 in respect of the Housing Revenue Account as set out in Appendix E to the report.
 - v) The carrying forward of £1,739,197 of budgets from 2019/20 to 2020/21 in respect of the Non Housing Capital Programme as set out in Appendix I to the report.

- vi) The carrying forward of £6,894,672 of budgets from 2019/20 to 2020/21 in respect of the Housing Capital Programme as set out in Appendix J to the report.
- vii) the acquisition of properties up to the value of £12.6 million for inclusion in the Housing Revenue account to ensure that retained receipts are utilised for the provision of social housing.

30. **JOINT FINANCE AND PERFORMANCE REPORT, QUARTER 1 2020/21**

Cabinet received a report which set out its financial performance, along with its performance against its own performance indicators, for the first quarter of 2020/21.

Proposed by Councillor Mike Danvers (seconded by Councillor Mark Ingall) it was:

RESOLVED that:

A Cabinet acknowledged the outturn position for the first quarter (April – June) of 2020/21 as follows:

- i) Financial – The forecast as currently predicted is for an in year pressure of £513k driven as a result of the Covid crisis and the impact it has had mainly on the Councils income streams but also as a result of additional costs incurred as a result of the crisis. This will be managed through the year and further updates provided to Cabinet in the normal way.
- ii) Risk -The report highlights the key corporate risks facing the Council at the current time and inevitably this includes the Covid 19 Crisis and the ongoing impacts it has and continues to have on the Council and the wider town.
- iii) The impact of the Covid-19 pandemic on the completion of the Council business and operational performance planning for 2020/21.

31. **HOUSING REVENUE ACCOUNT, QUARTER 1 FINANCE REPORT 2020/21**

Cabinet received a report which provided an update on the Housing Revenue Account (HRA) for the first quarter of 2020/21 and asked that Cabinet noted variances in the HRA budget and the forecast of the HRA and Major Repairs Reserve.

Proposed by Councillor Mark Ingall (seconded by Councillor Mike Danvers) it was:

RESOLVED that Cabinet noted:

- A** The HRA Quarter 1 Budget Monitoring Report 2020/21 (attached as Appendix A to the report).
- B** That the forecast HRA general working balance as at 31 March 2021 will be reduced to £11.873 million following the decision to finance part of the capital programme from revenue contributions.

32. **CAPITAL PROGRAMMES, QUARTER 1 FINANCE REPORT 2020/21**

Cabinet received a report which provided an update on the Council's Housing and Non Housing Capital Programmes for the first quarter of 2020/21.

Proposed by Councillor Mike Danvers (seconded by Councillor Mark Ingall) it was:

RESOLVED that:

- A** Cabinet noted the progress in the delivery of the Council's Housing and Non Housing Capital Programmes as at Quarter 1 (30 June 2020) as follows:
 - i) The Housing Capital Programme (HCP) current budget is £34.635 million which includes £6.896 million carried forward from 2019/20. Due to the delay in the start of capital work in 2020/21 it is anticipated that further re-profiling will be required with future reports detailing proposed programme changes into 2021/22 and subsequent years.
 - ii) The Non-Housing Capital Programme (NHCP) current budget is £14.129 million which includes £3.075 million carried forward from 2019/20. Due to the delay in the start of capital work in 2020/21 it is estimated that capital expenditure will be £13.685 million with the balance re-profiled into 2021/22.

33. **ANNUAL TREASURY MANAGEMENT REPORT 2019/20**

Cabinet received a report of the Council's treasury management functions in 2019/20.

Proposed by Councillor Mike Danvers (seconded by Councillor Eugenie Harvey) it was:

RESOLVED that:

- A** Cabinet noted the annual Treasury Management Report for 2019/20 (Appendix A to the report), including that the Council operated within the Treasury Management Strategy Statement during 2019/20, and that the report is recommended to Full Council for approval.

34. **CHANGES TO MEMBERSHIP OF THE HIGHWAYS PANEL**

The Leader said that this matter had now been withdrawn from the agenda.

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

a) Report of the Covid-19 Recovery Working Group

Cabinet received a referral from the Covid-19 Recovery Working Group which recommended approval of an action plan, which set out the actions the four workstreams would take to facilitate the recovery, recommended approval for the Working Group's terms of reference and the Vision Statement, and sought a recommendation to Full Council to amend the Corporate Plan to include an additional priority.

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

RESOLVED that Cabinet:

- A** Approved the Covid-19 Recovery Working Group's final Terms of Reference (attached as Appendix A to the report).
- B** Agreed the Vision Statement and Corporate Themes, and Action Plan (attached as appendices B and C to the report).
- C** Recommended to Full Council that a further Corporate Priority of 'Resilience and Recovery' is introduced into an amended Corporate Plan with the associated Action Plan.

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

RESOLVED that the minutes of the following meetings are noted.

- a) Minutes of Meeting Wednesday, 24 June 2020 of Harlow Local Highways Panel
- b) Minutes of meeting Wednesday, 22 July 2020 of Covid-19 Recovery Working Group

- c) Minutes of meeting Wednesday, 5 August 2020 of Covid-19 Recovery Working Group

37. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL

Cabinet – 10 September 2020

Questions from the Public

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

In February, in response to a question to you about the external repair and painting of council owned houses you said that "the Council had a programme of cyclical painting which is prioritised annually based on resources available, priorities and the condition of dwellings and that a programme of external painting of estates shown on the council's website will be updated in May 2020".

I subsequently made a Freedom of Information request of the Council, who responded by saying that the Council had no record of when houses had been externally repaired and painted before 2016 and that since then less than 250 houses have had such work carried out. As at the time of writing the website has not been updated, indeed it does not look as though it has been updated for over two years.

Without historical information, how has Harlow Council been able to prioritise when houses have and will be externally repaired and painted, when will a list appear on the council's website and bearing in mind how few houses have been completed in the last 4 years, when can every council tenant of a house expect to see their home refurbished and painted externally?

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

The Council is using survey information as well as its Asset Management information to target its cyclical maintenance programmes to the housing stock. This is reviewed annually, against priorities when developing the Housing Investment programme. The revised external works programmes commenced in 2018/19 and include programmes of cyclical maintenance to realise economies of scale and efficiencies.

Following a review of the implications of Covid-19, it is expected following this review, that a revised Housing Investment Programme will be published later in the year.

2 Mr Robert Bruce to Councillor Mark Ingall, Leader of the Council

Many residents in Harlow have concerns about the poor state of Harlow's roads (traffic congestion, pot holes, street lights, flickering bollards) that seem to remain unattended.

My question is this. Does Harlow Council have any input to Essex County Council, as what priority is given to repair and maintain roads and street furniture in Harlow? Has the Council expressed any concerns that the residents of Harlow feel that they seem to be given a low priority, when it comes to keeping the Towns roads in good order and free flowing.

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

I share your concerns, but I am afraid ECC do not seem to recognise the problems you mention. Indeed a recent report by ECC highways has a rather self-congratulatory tone and at least one of Harlow's Conservative County Councillors has congratulated the County on the lack of potholes in his division.

Harlow Council operates a Highways Rangers scheme on behalf of ECC whereby minor rectification works on ECC owned land within Harlow can be identified and remedial works carried out by Harlow Council to ensure that such matters are dealt with quickly.

Essex County Council (ECC) holds a quarterly Local Highways Panel specifically for Harlow involving Harlow Councillors. The panel has the responsibility for setting priorities and making recommendations for Highways schemes within the town. The meetings focus on schemes to improve congestion and resolve safety issues and these prioritised schemes are then recommended to ECC. But the budget allowed by Essex County Council for schemes recommended by this panel falls a long way short of being adequate to meet Harlow's needs.

Harlow Council Officers maintain active working relationships with Essex Highways teams regarding outstanding defects that have been reported but require completion. I personally work with and support local cycling groups and road users to identify cycle track and highways issues. I communicate these to the ECC highways portal, the ECC Portfolio Holder for highways and the Harlow's County Councillors. Recently as a result of a campaign undertaken by Harlow cycling groups ECC were persuaded to find £200,000 for immediate repairs to our cycle tracks.

Ultimately the problem is not the identification of schemes to improve the highways within Harlow but the inadequate allocation of funding to enable schemes to progress by ECC.

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

In response to my question to you at the July meeting of the Cabinet you responded by saying that the council would be focussing on new HMOs and those where there was a change in HMO ownership. Following this they may start to look at existing HMOs where there may be a breach of covenant. You went on to give examples of

factors that will be used to assess whether or not to agree to a variation to a covenant.

In view of the fact that there are HMOs in blatant breach of a covenant:

How soon can residents expect the council to look at existing HMOs?

It is very likely that the only way that the council would become aware of a breach is if it consults with other residents. In how wide an area in proximity to an HMO will you consult with residents either when giving permission for an HMO, when there is a change of ownership or reviewing an existing HMO?

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

The Council's focus remains on the enforcement of new HMOs. Based on legal advice, it is not possible to enforce covenants on long-standing HMOs where there has not been previous enforcement activity. However, the Council will seek to intervene where we believe there to have been a significant change to the operation of a particular property or where a change of ownership triggers a new covenant release.

In terms of the consultation process we use the same criteria for consultation as we use for consultation on a planning application, which is properties in the same row as the applicant property, plus those on the opposite side of the road. This obviously varies from property to property as street layouts vary across the town. The intention is to give those household who are likely to be most affected the opportunity to comment.

4 Mr Andrew Spillane to Councillor Mark Ingall, Leader of the Council

The subject of climate change will I am sure have been discussed in the chamber on a number of occasions in the past and the planting of thousands of trees across the town is a good step in trying to reduce carbon in the air. Back in the 1950's and 1960's the Harlow Development Corporation planted many trees, but seem to have given little if any thought about how they would be maintained as they grew to maturity.

It is clear that Harlow Council have long since had any kind of proactive approach to the maintenance and care of trees, evidenced by the fact that members of The Harlow Alliance Party have spoken to many residents who have expressed concerns about trees close to their homes.

When can residents expect Harlow Council to commence a comprehensive, planned approach to tree maintenance, bearing in mind the thousands of new trees that have now been planted?

Reply from Councillor Mark Ingall, Leader of the Council

As you have pointed out, the Council has an ambitious tree planting programme. We are also aware that we are at the point in the town's life when much of the infrastructure, including green infrastructure, requires maintenance. As such, we are currently in discussions with our property and environment company, HTS, about the establishment of a pro-active tree maintenance programme. We have a significant backlog of tree repairs to respond to from the storms in February and then the reduction in activity during the lockdown period of March to June. We are aiming to clear this backlog by the end of the calendar year.

Alongside this we are working with HTS to put in place from April next year a new approach to tree management that will see a pro-active planned maintenance regime put in place. This will obviously take some time to establish as it will require survey work across the town, but it is the Council's intention to work towards this approach from next year.

5 Mr Roy Court to Councillor Tony Durcan, Portfolio Holder for Growth and Prosperity

At the Cabinet meeting on 27 February, the Council was asked about the proposed tenure of a number of homes it intended to build, but failed to provide information about the former Lister House site.

Can you now provide me with this information?

Reply from Councillor Tony Durcan, Portfolio Holder for Growth and Prosperity

The Council intends to build 59 new homes on the former Lister House site. It is expected that these will all be affordable homes. At the present time our appraisals have shown that 18 of these homes will be available at social rent and 41 will be available at affordable rent.