

**MINUTES OF THE COUNCIL
HELD ON**

29 October 2020

7.30 - 9.10 pm

PRESENT

COUNCILLORS

Maggie Hulcoop (Chair)
Bob Davis (Vice-Chair)

David Carter	Andrew Johnson
Simon Carter	Eddie Johnson
Joel Charles	Shona Johnson
Nick Churchill	Sue Livings
Jean Clark	Stefan Mullard
Mike Danvers	Russell Perrin
Jodi Dunne	Danny Purton
Tony Durcan	Lanie Shears
Tony Edwards	Clive Souter
Michael Garnett	John Strachan
Michael Hardware	Emma Toal
Eugenie Harvey	Chris Vince
Mark Ingall	Nancy Watson
Shannon Jezzard	Mark Wilkinson

OFFICERS

Brian Keane, Chief Executive
Simon Hill, Head of
Governance
Adam Rees, Governance
Support Officer
Lisa Thornett, Corporate
Governance Support Officer

28. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Frances Mason and Phil Waite.

29. **DECLARATIONS OF INTEREST**

None.

30. **MINUTES**

RESOLVED that the minutes of the meeting held on 17 September 2020 are agreed as a correct record and signed by the Chair.

31. **COMMUNICATIONS FROM THE CHAIR**

The Chair said that due to Covid-19 restrictions her golf day had been cancelled. She had given a virtual speech to an event commemorating Black History Month, and had also attended a Zoom retirement party for the Reverend Robert Findlay.

One of the Chair's selected charities Petals had thanked the Council for lighting up the Civic Centre to commemorate Baby Loss Awareness Week. Mind had thanked the Playhouse for lighting up on Mental Health Day.

32. **PETITIONS FROM THE PUBLIC**

None.

33. **QUESTIONS FROM THE PUBLIC**

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

34. **QUESTIONS FROM COUNCILLORS**

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

35. **MOTIONS FROM COUNCILLORS**

a) Local Government Reform

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

"This Council believes that the anticipated Government white paper on Local Government reorganisation is premature and ill-timed and agrees that:

- i) The current district council system has delivered, and continues to deliver high quality services for local residents;
- ii) Any combined authority or unitary arrangement will create a democratic deficit with less accountability to Harlow residents; and
- iii) The focus on Covid-19 recovery, and the challenges currently faced by local authorities as a result, means that additional pressures of reorganisation from any Government proposal are ill-timed.

The Council therefore requests that the Leader of the Council writes to the Secretary of State expressing the Council's view in the strongest terms."

RESOLVED that the above motion was carried

b) Sam's Place

This motion had been withdrawn from the agenda.

c) Green Flag Awards

Proposed by Councillor Danny Purton (seconded by Councillor Eugenie Harvey):

“This Council welcomes the prestigious Green Flag Awards with Harlow Museum Walled Gardens and Harlow Mill joining Parndon Wood and Harlow Town Park as examples of the UK’s very best green spaces. The awards recognise and reward well-managed parks and green spaces, setting the benchmark standard for their management across the United Kingdom and around the world.

Whilst the Town Park is owned by the Council and maintained by Officers, HTS and volunteer teams, and Parndon Wood Nature Reserve is maintained by the Council and local organisation ECCO, Harlow Mill is maintained by the Canal and River Trust.

These awards are a testament to the work that Council Officers, HTS, ECCO and our brilliant volunteers carry out each and every week. The support our local volunteers provide is so valuable and in particular we would like to thank the Museum Garden volunteers, the Green Team volunteers, Parndon Wood’s Wildspace Volunteers, the Harlow Conservation Volunteers, Town Park Volunteers and the Friends of Pets’ Corner who put in so much hard work to keep these spaces looking beautiful.

This Council requests that the Covid-19 Recovery Working Group investigates ways and means by which these wonderful spaces could be further utilised by residents and visitors to support the physical and mental health of the community during the Pandemic.”

RESOLVED that the above motion was carried.

36. **REFERENCES FROM CABINET AND COMMITTEES**

a) Referral from Cabinet - Resolution in Principle to use Compulsory Purchase Powers to Advance the Development of the Harlow and Gilston Garden Town

Full Council received a referral from Cabinet to agree a resolution in principle, to use Compulsory Purchase Orders (CPOs) in order to support development in conformity with the Local Plan.

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

RESOLVED that:

- i) In principle, Full Council agreed to use powers available to it under section 226(1)(a) of the Town and Country

Planning Act 1990 to compulsorily purchase land within the District to support development where in conformity with the Harlow Local Development Plan (subject to its adoption) in order to achieve the planning benefits set out within the Plan. Noting that this in no way predetermines or circumvents the formal planning process.

- ii) Full Council, in principle, where Harlow District Council is landowner, or through the process of acquisition (including under CPO) would become landowner, the Council agreed to retain ownership but grant licence for infrastructure works on that land provided that:
- The infrastructure is intended for a public purpose, benefit or public adoption;
 - There are no legal restrictions preventing this from happening;
 - It does not materially undermine another purpose for which the Council requires the land or there are compelling reasons to dispose of a freehold interest ; and
 - Where appropriate, the Council receives appropriate costs/compensation, indemnities and other arrangements considered necessary.
- iii) Subject to East Herts District Council resolving to follow the same course of action, Full Council, in principle, also agreed to use the powers set out in recommendation i) should that be necessary to compulsorily purchase land in the Burnt Mill and River Way areas of the District, to enable the construction of transport infrastructure to support development in the Harlow and Gilston Garden Town including the delivery of The Gilston Area allocation and The River Stort Crossings in the East Herts District Plan and the achievement of the wider strategic planning benefits referred to in the report including supporting the future Harlow Local Development Plan.
- iv) Full Council noted that Officers will prepare for any possible Compulsory Purchase Order(s) (CPO) including any associated Indemnities on behalf of the Council in accordance with the agreements under Recommendations i) and iii); and, where considered necessary to make a CPO, the Head of Governance, in consultation with other Heads of Service of the Council as may be necessary, will bring each matter back to Cabinet seeking authority to do so.

37. **REPORTS FROM OFFICERS**

None.

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

- a) Minutes of meeting Tuesday, 8 September 2020 of Licensing Committee
- b) Minutes of meeting Thursday, 10 September 2020 of Cabinet
- c) Minutes of meeting Wednesday, 30 September 2020 of Development Management Committee
- d) Minutes of meeting Tuesday, 13 October 2020 of Scrutiny Committee
- e) Minutes of meeting Wednesday, 14 October 2020 of Development Management Committee
- f) Minutes of meeting Thursday, 15 October 2020 of Cabinet

39. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COUNCIL

Full Council – 29 October 2020

Questions from the Public

1 Steve Dean to Councillor Mark Ingall (Leader of the Council):

I submitted a question to Council on 17 September 2020 regarding the land sale associated with Planning Application HW/FUL/20/00316 at 108 Greygoose Park, Harlow. This Planning Application was refused in July 2020 and in your reply to my question on 17 September you said that if there is a successful appeal against this decision, the land sale will go ahead.

The diagram attached to your reply showed an area marked D highlighted in yellow as 'The piece of land Harlow Council is prepared to sell' that was agreed in March 2017, subject to planning approval. 'The piece of land Harlow Council is prepared to sell' does not include any of the land marked B in your diagram as you advised that the Council refused to sell any of this area.

However, in order to overcome one of the reasons for the planning application refusal in 2019 (inadequate provision for parking), in the application made in 2020 the area of land that would have to be purchased from Harlow Council has been increased to include part of the land marked B in your diagram, i.e. the area the Council refused to sell. This overall piece of land would likely result in an unacceptable loss of trees and hedgerow which are an important amenity feature of the area with consequent further impacts such as increased noise and less security for residents of the adjoining cul-de-sac. This was the reason for refusal of Planning Application HW/FUL/20/00316 in July 2020.

As the land required to facilitate Planning Application HW/FUL/20/00316 consists of an area that, as advised by yourself, was not agreed for sale by Harlow Council in March 2017 (subject to planning approval), and the land sale offer is more than three years old, should the land sale offer be withdrawn and a further purchase request not be considered until after the land sale policy review is complete next Spring (as per Harlow Council's web site)?

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

The Council recognises that the development proposals under planning application HW/FUL/20/00316 includes the use of land within Parcel B, as detailed on the Council's plan dated 27 February 2017. When the Council considered the land purchase application submitted by the owner of 108 Greygoose Park, the Council elected not to sell land Parcel B. The outcome

of that application was that the Council agreed conditionally to sell land Parcel D only.

In line with that decision, the Council remains willing to sell land Parcel D, subject to planning. Should the owner of 108 Greygoose Park wish to acquire additional land to facilitate the delivery of the current, or any subsequent development proposals, a fresh land purchase application will need to be submitted and determined by the Council. Any such future applications will be decided in line with the Council's prevailing land sale policies. Aligned with the Council's discretionary moratorium on land sale applications, as things stand new applications are not currently being considered.

Full Council – 29 October 2020

Questions from Councillors

1 Councillor David Carter to Councillor Mark Ingall (Leader of the Council):

Lewisham Council leases 40 flats in two blocks, Terminus House and Templefields House, both from Caridon who own the properties. According to Councillor Bell from Lewisham, 8 are vacant and they are working hard to fill them. Councillor Bell also says they are working with the accommodation provider to get these tenants permanent homes close to where they live now, as they are building their lives in the area.

Can Councillor Ingall assure me that Harlow Council will not offer any accommodation to these residents placed here by Lewisham Council?

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

Since the introduction of Permitted Development rights in 2013 and the freeze to the Local Housing Allowance cap, both introduced by a Conservative Government, a number of Labour, Conservative and Lib Dem councils have felt forced into using converted office blocks to discharge their homeless duty by placing tenants in accommodation out of borough in towns like Harlow.

However the information Councillor Carter relies upon to frame his question, focussing singularly on Lewisham, comes from a report written in February of this year, prior to a number of telephone calls made by me to Councillor Paul Bell the housing Portfolio Holder for Lewisham, and prior to a visit here in October by Paul Bell at my invitation to view some of the accommodation. As such this report is now out of date. As a direct result of these telephone calls and visit Councillor Bell has asked for a full review into the use by Lewisham of office block conversions like Terminus House and Templefields Harlow.

Harlow has established its own rules on who can join the Harlow Housing Needs Register and what priority can be awarded on applications for housing. Whilst applicants may qualify in their own right, after investigation, to join Harlow Councils Housing Needs Register, Harlow sets a strong residency criteria for applicants to qualify through either their own residency, a family connection, employment or other special reason. Qualification is the first stage of being accepted onto the register, overall priority being awarded is based on evidence housing need.

2 Councillor Andrew Johnson to Councillor Mark Ingall (Leader of the Council):

By what means and by how much has the Council and the community of Harlow benefitted by way of support from the Government during the Covid Pandemic?

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

Currently the Council has received or expects to receive £2.2 million in direct Government support as a result of the Covid-19 Crisis. This is both ring fenced and non-ring fenced grants provided at different stages of the pandemic and through different funding allocations and has been provided to support the additional costs and income reductions the Council has experienced as a result of the pandemic.

However this support to the Council of £2.2 million comes after 10 financial years during which the Council has seen a 55 per cent reduction in its annual support from Government equivalent to a total cumulative loss to the town of nearly £17million so far over that period.

Furthermore the report presented to Cabinet in September identified that the Council was facing a £500,000 financial pressure in the current year as government support had not matched the increased costs and reduced income caused by Covid. This has possible implications in to the future years of Harlow's MTFS. Despite further funding allocations being made since that report was published there are likely to be ongoing financial pressures and support for the community required in the coming months.

The local economy has received £32 million pounds in direct government support to date. This has been provided through extended business rates reliefs (£19 million), business grants (£12 million) and hardship support (£1 million).

Supplementary question from Councillor Andrew Johnson to Councillor Mark Ingall (Leader of the Council):

Will the Leader note the £95 million of further funding being made available by the Government for Harlow, and will he thank those responsible for this, including the local MP, for their work in securing this money?

Supplementary reply from Councillor Mark Ingall (Leader of the Council):

Whilst any further funding is welcome, it will eventually have to be paid back by the public. It is also dwarfed by the contracts given by the Government, including that given to SERCO for the failed track and chase system.

3 Councillor Simon Carter to Councillor Mark Wilkinson (Portfolio Holder for Housing):

How many council houses has the council built in the previous municipal year, how many does it expect to build in the current year, and how many will it build in the next year?

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

In the municipal year 19/20, 2 Council homes were developed and delivered by Harlow Council. In addition 130 affordable homes were delivered in partnership with others on the BCA estates and on the site of the former Rugby club.

In the municipal year 20/21, 15 new Council homes will be delivered by the Council and, in partnership, 70 affordable homes. In addition 45 homes will be purchased directly by the Council to be renovated to Council House standard and let as Council Homes. Also 5 more houses will be purchased and renovated by Harlow's housing and regeneration company, restored to Council house standards, 2 to be let at Council house rents, 2 to be let at affordable rents and 1 at full market rent.

During 21/22 the Council expects to build 16 new council homes.

During 22/23 onwards the Council currently has plans to develop 66 new council homes at Lister House (Perry Road), The Hill and Stackfield.

In total this will result in 348 affordable homes being delivered, of which 146 will be Council homes over this four year period.

The Council will pursue other opportunities to deliver new social rent and affordable homes, either with partners or other suitable developers. In addition, the Council hopes to continue purchasing houses on the open market itself and through HTS (Housing and Regeneration) Ltd.

Supplementary question from Councillor Simon Carter to Councillor Mark Wilkinson (Portfolio Holder for Housing):

Why has the development of council houses taken so long?

Supplementary reply from Councillor Mark Wilkinson (Portfolio Holder for Housing):

The development of housing is complicated, and there had been some issues which needed to be overcome. The Regeneration team has worked hard to overcome these and good progress is being made.

4 Councillor Simon Carter to Councillor Mark Ingall (Leader of the Council):

How many private homes does the council intend to purchase on the open market, and over what period?

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

As reported to Cabinet in September it is proposed to acquire up to 45 three bedroom houses via the open market at an average cost of £280,000 per dwelling during the remainder of the 2020/21 financial year to add to the HRA housing stock. The actual number purchased will depend on final price paid and availability of suitable homes that meet local housing need.

Supplementary question from Councillor Simon Carter to Councillor Mark Ingall (Leader of the Council):

Does the Leader agree that by buying houses on the open market, instead of developing them itself, the Council is just putting money back into private pockets?

Supplementary reply from Councillor Mark Ingall (Leader of the Council):

The money was already in effect private money and this process squares the circle.

5 Councillor Michael Hardware to Councillor Mark Ingall (Leader of the Council):

How much New Homes Bonus has the Council received during the last 10 years and what has the Council done with the money?

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

Since 2011/12 the Council has received a total of £7.7 million in New Homes Bonus Payments.

The funds have been used to:

- Support the local services provided through the Discretionary Services Fund (£6.0 million);
- Support the General Reserve or the base budget during 2011/12, 2012/13 and 2013/14 (£925,000); and
- Make contributions to other specific reserves focussed on Harlow regeneration and the creation of HTS Group (£780,000).

Supplementary question from Councillor Michael Hardware to Councillor Mark Ingall (Leader of the Council):

Has the Council received any New Homes Bonus payments from Terminus House and Templefields?

Supplementary reply from Councillor Mark Ingall (Leader of the Council):

I will arrange for a written response to be provided to you.

6 Councillor Michael Hardware to Councillor Danny Purton (Portfolio Holder for Environment):

The Council decided recently not to reduce the number of homes in the Local Plan, despite the new 2018 ONS figures revealing a lower housing need in the town. The reason given by the Council was that it wanted to maintain the numbers in order to meet perceived social housing demand as displayed by the Housing Needs Register. Can he confirm the percentage and total number of social housing in the soon to be adopted Local Plan?

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

Planning Practice Guidance issued by the Government identifies that the ONS figures on household formation are the “starting point estimate for housing need”; other factors are also taken into consideration, such as longer term migration trends, the need to provide housing to support employment growth as well as the desire to increase the level of affordable housing provision.

The new Local Plan has a requirement that 30 per cent of all housing developed on major sites (i.e. those providing more than 10 houses) should be defined as affordable housing. With the Plan providing for the delivery of 10,600 homes in total, this would equate to 3,180 affordable homes.

Supplementary question from Councillor Michael Hardware to Councillor Danny Purton (Portfolio Holder for Environment)

Does the Portfolio Holder understand the difference between social housing and affordable housing?

Supplementary reply from Councillor Danny Purton (Portfolio Holder for Environment):

It is very difficult to specify what will be social housing within a Local Plan. The Council has a corporate priority to build social rented housing.

7 Councillor Tony Edwards to Councillor Mark Ingall (Leader of the Council):

Would the Leader of the Council agree to approach Essex County Council seeking a resolution to the poor state of Northgate Roundabout which by design is arguably impossible to maintain without specialist equipment and road closures. Can the Leader also seek assurances from the County Council that ease of maintenance will be considered as an important design feature of highway design?

Reply from Councillor Mark Ingall (Leader of the Council)

This roundabout has caused problems for a number of years – from the lengthy period to undertake repairs to the current difficulties with maintenance.

I will agree to write to Essex County Council and request that this roundabout is changed to hard surfacing to prevent maintenance problems. I will also seek an assurance that Harlow Council's landscape team are involved in any future design of roundabout construction and/or repair so that appropriate advice can be provided and maintenance difficulties prevented.

Supplementary question from Councillor Tony Edwards to Councillor Mark Ingall (Leader of the Council):

Would the Leader welcome the support of County Councillors in resolving these issues?

Supplementary reply from Councillor Mark Ingall (Leader of the Council):

Yes, I would welcome support in getting this roundabout repaired in such a way that maintenance is possible in the future.

8 Urgent question from Councillor Andrew Johnson to Councillor Mark Ingall (Leader of the Council):

Does the Leader of the Council believe there are any immediate actions that Harlow Council and its elected Labour leadership need to undertake in the light of today's published report by the EHRC into antisemitism?

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

I welcome the report, I have always rejected anti-Semitism and adopted IHRA definition. Anyone who holds these views has no place in public life. I support Keir Starmer in his endeavour.

Supplementary question from Councillor Andrew Johnson to Councillor Mark Ingall (Leader of the Council):

Given his support of Keir Starmer's decision, why did he campaign for Jeremy Corbyn at the last election, and what has changed?

Supplementary reply from Councillor Mark Ingall (Leader of the Council):

I have campaigned for every Labour leader since Michael Foot. I reiterate that under my leadership the Council has adopted the IHRA definition of anti-Semitism, anyone who holds anti-Semitic views has no place in public life and my support for the implementation of the EHRC report.