

**MINUTES OF THE CABINET  
HELD ON**

3 March 2022

7.30 - 8.41 pm

**PRESENT**

**Committee Members**

Councillor Russell Perrin, Leader of the Council  
Councillor Joel Charles, Deputy Leader and Portfolio Holder for Business and Community Resilience  
Councillor Simon Carter, Portfolio Holder for Housing  
Councillor Alastair Gunn, Portfolio Holder for Governance  
Councillor James Leppard, Portfolio Holder for Finance  
Councillor Nicky Purse, Portfolio Holder for Environment  
Councillor Dan Swords, Portfolio Holder for Regeneration

**Additional Attendees**

Councillor Matthew Saggars  
Councillor John Steer

**Other Councillors**

Councillor David Carter  
Councillor Bob Davis  
Councillor Tony Durcan  
Councillor Tony Edwards  
Councillor Eugenie Harvey  
Councillor Chris Vince  
Councillor Nancy Watson

**Officers**

Brian Keane, Chief Executive  
Niel Churchill, Communications Manager  
Hannah Criddle, Governance Support Officer  
Andrew Bramidge, Director of Strategic Growth and Regeneration  
Simon Freeman, Deputy to the Chief Executive and Director of Finance  
Jane Greer, Director of Communities and Environment  
Simon Hill, Director of Governance and Corporate Services  
Andrew Murray, Director of Housing

126. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Michael Hardware.

127. **DECLARATIONS OF INTEREST**

None.

128. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 27 January 2022 are agreed as a correct record and signed by the Leader.

129. **MATTERS ARISING**

None.

130. **WRITTEN QUESTIONS FROM THE PUBLIC**

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

131. **WRITTEN QUESTIONS FROM COUNCILLORS**

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

132. **PETITIONS**

None.

133. **FORWARD PLAN**

**RESOLVED** that the Forward Plan is noted.

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

**RESOLVED** that the following decision be noted.

- a) Portfolio Holder for Housing - 7 February 2022

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

None.

136. **JOINT FINANCE AND PERFORMANCE REPORT, QUARTER 3 2021/22**

Cabinet received the Joint Finance and Performance Report for Quarter 3 2021/22.

Proposed by Councillor James Leppard (seconded by Councillor Simon Carter) it was:

**RESOLVED** that Cabinet:

**A** Noted the projected outturn position set out in sections three and four of Appendix A to this report for the third quarter (October to December) of 2021/22 as follow:

- i) A projected overspend of £952,000 representing 1.59 per cent of the gross General Fund Budget.

- ii) The Council performed on or above target for 43 out of 47 (91 per cent) of its monthly and quarterly Key Performance Indicators (KPIs); and successfully completed 21 out of 59 (36 per cent) of its service milestones.

137. **HOUSING REVENUE ACCOUNT, QUARTER 3 FINANCE REPORT 2021/22**

Cabinet received the Housing Revenue Account Finance Report for Quarter 3 2021/22.

Proposed by Councillor Simon Carter (seconded by Councillor James Leppard) it was:

**RESOLVED** that Cabinet noted:

- A The Quarter 3 – Housing Revenue Account (HRA) Budget Monitoring report as set out in the following paragraphs and in Appendix 1 to the report.
- B That the forecast HRA general working balance as at 31 March 2022 will be £13.840 million.

138. **CAPITAL PROGRAMME, QUARTER 3 FINANCE REPORT 2021/22**

Cabinet received the Capital Programme Finance report for Quarter 3 2021/22.

Proposed by Councillor James Leppard (seconded by Councillor Simon Carter) it was:

**RESOLVED** that:

- A Approves revised budgets at Quarter 3 as detailed below:
  - i) The current budget for the Housing Capital Programme (HCP) is £27.332 million. The forecast outturn and proposed revised budget at Quarter 3 is £20.712 million comprising; £17.618 million for the Core Housing programme and £3.094 million for New Build developments.
  - ii) The current budget for the Non Housing Capital Programme (NHCP) is £11.796million. The forecast outturn and proposed revised budget for Quarter 3 is £11.698million.
- B Approves the re-profiling of £6.465million in the Housing Capital programme, as detailed in Appendix A.

- C Approves the re-profiling of £117,000 in the Non-Housing Capital programme, as detailed in Appendix B.
- D Approves the inclusion in the Non-Housing Capital Programme of £22,000 for the installation of CCTV at various underpasses throughout the town. This scheme is fully grant funded by Essex Police.

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

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

- a) Minutes of meeting Tuesday, 11 January 2022 of Harlow Local Highways Panel
- b) Minutes of meeting Thursday, 13 January 2022 of Cabinet Policy Development Working Group

140. **MATTERS OF URGENT BUSINESS**

- a) Land at Parnell Road

The cabinet received a verbal report updating members on the unsuccessful bid to purchase land at Parnell Road authorised at the meeting on 27 January 2022 (minute 125 refers)

LEADER OF THE COUNCIL

# Cabinet – 3 March 2022

## Questions from the Public

### 1 David Forman to Councillor Dan Swords (Portfolio Holder for Regeneration):

Firstly, what are the estimated legal costs in the event of failure in appealing the judgement of Judge Leonard, handed down 7 December 2021 in the High Court of Justice Senior Courts Costs Office, which relates to the scope of costs incurred in contesting the Compulsory Purchase Order of land at London Road North currently owned by Powerrapid Ltd?

Secondly, what is the likelihood of success in this appeal of costs as indicated by Harlow Council's legal advisors in terms of percentage?

Thirdly, is the London Road North Science Park still a "viable scheme on the land currently owned by the Council" as stated in the report approved by Cabinet on 22 June 2017, reference paragraph 5 on page 130 of the reports pack, without the 10 acres of land currently owned by Powerrapid?

### Reply from Councillor Dan Swords (Portfolio Holder for Regeneration):

Thank you for your question, Mr Forman.

I would like to begin by emphasising the point in your last paragraph that the case you refer to dates back to June 2017 with the Order being made in October 2018.

In terms of your specific questions:

First, the determination of costs is still subject to a legal process and possible future court hearing, so unfortunately it is not possible to provide figures at this stage as these could only be speculation.

Second, the Council's legal advisors have not provided a percentage figure for success, however the Council is confident that there will be a substantial reduction in the costs claimed by the landowner.

Third, the development is still very much a viable scheme. This is evidenced by the fact the Council has completed three developments on the site and is at present finalising terms on a new 50,000 square foot building to commence construction later this year. Additionally, at the CPO Inquiry, Powerrapid confirmed for the first time that they were now prepared to commence development in line with the Council's Local Development Order. Discussions on this have progressed well and

we are now expecting that Powerrapid will bring forward complementary development on the site.

I hope this reassures Mr Forman both of the legal certainty he is seeking and on our commitment to delivery a fantastic Innovation Park that makes the most of our Enterprise Zone status.

# **Cabinet – 3 March 2022**

## **Questions from Councillors**

### **1 Councillor Bob Davis to Councillor Nicky Purse (Portfolio Holder for Environment):**

How many fines or warnings have been issued by NES from the start of the year until 1 March for:

- a) Fly Tipping;
- b) Dog Fouling; and
- c) Discarded Cigarettes.

### **Reply from Councillor Nicky Purse (Portfolio Holder for Environment):**

The following fines or warnings have been issued by NES from the start of the year up till 1 March.

- a) Fly tipping – 42
- b) Dog fouling – 6
- c) Discarded cigarettes – 1177

### **Supplementary question from Councillor Bob Davis to Councillor Nicky Purse (Portfolio Holder for Environment):**

Thank you for your answer Councillor Purse, that's very helpful to get those figures at short notice. There is a major problem with dog fouling but the money for NES is serious, I know what I would prefer to step in. Would you consider taking the service in-house rather than letting someone earn money out of this and the residents not getting a proper service?

### **Supplementary reply from Councillor Nicky Purse (Portfolio Holder for Environment):**

In answer to your question, this is a service that the last Administration set up in the beginning of the pandemic. It is a service that can be renewed and will be shortly I believe, and I can get back to you, will go out to tender again.