

**MINUTES OF THE COUNCIL
HELD ON**

28 July 2022

7.30 - 10.10 pm

PRESENT

COUNCILLORS

Andrew Johnson (Chair)
Sue Livings (Vice-Chair)

Stephen Lemay	Michael Garnett
Stacy Seales	Alastair Gunn
Lanie Shears	Michael Hardware
James Griggs	Eddie Johnson
Daniella Pritchard	James Leppard
Clive Souter	Ash Malik
David Carter	Colleen Morrison
Simon Carter	Russell Perrin
Joel Charles	Nicky Purse
Nick Churchill	Matthew Saggars
Jean Clark	Dan Swords
Jodi Dunne	Chris Vince
Tony Durcan	Nancy Watson
Tony Edwards	Mark Wilkinson

OFFICERS

Lisa Thornett, Corporate
Governance Support Officer
Simon Freeman, Deputy to the
Chief Executive and Director of
Finance
Simon Hill, Director of
Governance and Corporate
Support

APOLOGIES

Bob Davis John Strachan

15. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bob Davis and John Strachan.

16. **DECLARATIONS OF INTEREST**

None.

17. **MINUTES**

RESOLVED that the minutes of the meeting held on 26 May 2022 are agreed as a correct record and signed by the Chair.

18. **COMMUNICATIONS FROM THE CHAIR**

The Chair congratulated and welcomed Councillor Kay Morrison to the chamber. He thanked Brian Keane, who had retired as Chief Executive, and thanked him for his service to the town and warmest wishes on his retirement.

The Chair explained that his first couple of months had been exciting and busy. He highlighted three particular events. Her Majesty's Platinum Jubilee with Town Criers, proclamations, panto princesses and song and ceremony with beacon lighting.

Secondly volunteer's week where he met and personally thanked Harlow residents on behalf everyone.

Finally Armed Forces week, where our armed forces community were remembered. It was a moving week which began with the Civic raising the flag with help of local veterans and culminated with him representing Harlow by giving thanks to serving members of the 16th Air Assault brigade at the Colchester Garrison, as well as being marveled by the Red Devils parachute display team.

He also gave thanks to the Vice Chair, who had attended various engagement throughout the working day.

19. **PETITIONS FROM THE PUBLIC**

None.

20. **QUESTIONS FROM THE PUBLIC**

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

21. **QUESTIONS FROM COUNCILLORS**

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

22. **MOTIONS FROM COUNCILLORS**

None.

23. **MAIN DEBATE**

Councillor Tony Edwards raised a point of order at the start of this item, under Standing Order 12.1 (i) that the debate be deferred until such time when the end of year performance and financial report for 2021/2022 was received.

The Chair asked for clarification as the standing order states that it could be adjourned but not deferred. Councillor Edwards agreed it was to adjourn the debate. The Chair advised it was a motion to be voted on. Councillor

Edwards proposed the adjournment and Councillor Vince seconded the motion. The motion was not carried.

In accordance with Council Procedure Rule 16.3, the Chair called on the Leader of the Council to introduce the debate on the work undertaken by the Council on 2021/22 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.

24. **REFERENCES FROM CABINET AND COMMITTEES**

- a) Referral from Electoral Review Working Group - Response to LGBCE Consultation

An amendment was proposed by Councillor Simon Carter and seconded by Councillor James Leppard. The amendment was as follows:

To amend the name of 'East Harlow' ward to 'Churchgate' and to delegate to the Director of Corporate and Governance Services in consultation with the Chair of the Electoral Review Working Group to make inconsequential editorial changes to the submission.

Upon being put to the vote the amendment was carried.

Proposed by Councillor Simon Carter and seconded by Councillor James Leppard it was:

RESOLVED that:

- i) The response to the Local Government Boundary Commission for England (LGBCE) was approved subject to the amendment of the East Harlow ward being named Churchgate ward.
 - ii) Delegated authority be given to the Director of Corporate and Governance Services in consultation with the Chair of the Electoral Review Working Group to make inconsequential editorial changes to the submission.
- b) Referral from Audit and Standards Committee - Audit and Standards Committee Annual Report 2021/22

Proposed by Councillor Matthew Saggars and seconded by Councillor Russell Perrin it was:

RESOLVED that the Annual Report for the Audit and Standards committee for 2021/2022 be approved.

- c) Referral from Licensing Committee - DfT Standards - Introduction of English Language Proficiency Assessments for Taxi and Private Hire Drivers

Proposed by Councillor Nick Churchill and seconded by Councillor Clive Souter.

RESOLVED that the following be approved,

- i) The licensing process for Hackney Carriage and Private Hire drivers continue to permit 1-year and 3-year licence applications.
 - ii) That the procedural change to medical certification requirements that will allow drivers the option to apply for a 3-year licence at each renewal be noted.
 - iii) Subject to i) and ii), the timescale for the introduction of the procedural changes and the introduction of English Language Proficiency Assessments for Taxi and Private Hire Drivers, be implemented as agreed by the Assistant Director Environment and the Chair of the Licensing Committee to allow administrative and software adjustments to be made.
- d) Referral from Scrutiny Committee - Annual Report of the Scrutiny Committee 2021/22

Proposed by Councillor Tony Edwards and seconded by Councillor David Carter.

RESOLVED that Full Council noted the report.

25. **REPORTS FROM OFFICERS**

None.

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

RESOLVED that the minutes of the following meetings are noted:

- a) Minutes of meeting Tuesday, 15 March 2022 of Scrutiny Committee

- b) Minutes of meeting Wednesday, 16 March 2022 of Development Management Committee
- c) Minutes of meeting Thursday, 24 March 2022 of Cabinet
- d) Minutes of meeting Thursday, 21 April 2022 of Development Management Committee
- e) Minutes of meeting Wednesday, 15 June 2022 of Audit & Standards Committee
- f) Minutes of meeting Thursday, 16 June 2022 of Cabinet
- g) Minutes of meeting Tuesday, 5 July 2022 of Licensing Committee
- h) Minutes of meeting Wednesday, 6 July 2022 of Development Management Committee

27. **MATTERS OF URGENT BUSINESS**

The Chair explained that there was one matter of urgent business. The Chair had approved consideration of it as the panels may need to meet prior to the next Full Council. He asked members to approve changes to the membership of the Chief Executive appraisal panel and Chief Executive appointment panel to replace Councillor Joel Charles with Councillor Dan Swords.

The report was proposed by Councillor Russell Perrin and seconded by Councillor Dan Swords.

RESOLVED that the appointments were agreed.

CHAIR OF THE COUNCIL

Full Council – 28 July 2022

Questions from the Public

1 David Forman to Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):

I am concerned by a statement in paragraph 67 of the public reports pack (minutes of April 2022 Safety Committee) published for consideration by the Cabinet meeting of 21 July. The statement of concern is:

"The Health and Safety Officer advised that the PAT testing was last completed three years ago and would be due again in Autumn 2022. They noted that after this, the need for PAT testing may be reviewed."

Consequently, does Harlow Council agree or disagree that:

(a) In-service inspection and testing of electrical equipment (PAT testing) is necessitated by two pieces of secondary legislation, namely, The Electricity at Work Regulations 1989 and the Provision and Use of Work Equipment Regulations 1998;

(b) That the frequency of inspection and testing is guided by risk assessments by the Duty Holder as stated in the Institution of Engineering and Technology's 5th Edition of the Code of Practice for In-Service Inspection and Testing of Electrical Equipment.

(c) That electrical equipment connected to the electrical installation other than by means of a plug requires inspection and testing as described in the IET's 5th Edition Code of Practice?

Reply from Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):

There is no mandatory direction to carry out PAT testing over a set period – it is best practice to test, and carry out visual periodic inspections as deemed required, in relation to the premises and the nature of the work activities that are carried out.

The risk within HDC premises is low, with the exception of the Playhouse, which does have a PAT test inspection carried out annually, (the equipment/tools in use pose a greater risk and are used more frequently). The other premises are majority IT based and very low risk.

A three yearly inspection is now scheduled with the next test due September 2022 onwards, with an external qualified contractor carrying out the programme.

Risk assessments are in place for activities/teams, as required by the department, and it is reminded that regular visual checks should be carried out, and any issues/maintenance required, should be immediately reported and the equipment taken out of use/replaced.

It is my understanding that HTS are responsible for the electrical installation service checks and maintenance connected to HDC premises. We are compliant and adhering to the necessary requirements and guidance.

Supplementary Question

Given the concern about the word 'need' rather than the word 'frequency' and the fact that the IT code of practise changed in September 2020, introducing a substantial number of changes from the previous edition. Would it not be prudent to take advantage of a British company namely Seawood, who provide on their website, a whole host of free training videos and webinars in relation to PAT testing including one video entitled 'the duty holders guide to PAT testing'.

Response from Councillor LeMay

If I could ask you to write me a note of that question, then I will write back to you.

2 Nicholas Taylor to Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration):

On 28 October last year I asked you why work was being done in Market Square, what was the expected cost and when could residents expect work to be completed. In response you said that the work was scheduled to finish in the winter.

Here we are some nine months later, and work has still not been completed. I am aware that a question was asked by Cllr Carter last week about the flower beds and an explanation given about the delays in getting them planted up. I am aware that the contractor ran out of materials last November.

Can you advise me if the contractor is in default of the contract undertaken, was a penalty clause placed in the contract for late completion and when will the whole scheme to be completed?

Reply from Councillor Dan Swords (Deputy Leader and Portfolio Holder for Regeneration):

Thank you for your question.

As I previously stated this was a scheme agreed and initiated by the previous administration, but I will deal with the detail of the question.

The contractor did not run out of materials last November. Due to the known delays with procuring supplies, the decision was taken to purchase approximately 60% of the materials in advance of final designs being completed. Although this was a risk it did mean that works could commence on time. However, lead-in times have since extended much further and so it has taken longer to obtain the remainder of the materials required.

The contract includes provisions for liquidated damages, penalty clauses and a performance bond as standard for this type of scheme. The Council, throughout delivery of the scheme has worked closely with the contractor and design consultants and been made aware of the supply and delivery issues at the earliest opportunity. It has not been appropriate to enact the penalty clause as the delays have been outside of the contractor's control. The Council is working with the design consultants around alternative materials to ensure that the scheme continues to meet quality objectives set out at the start, whilst ensuring delivery within budget. It is anticipated that the paving works will complete by the end of August 2022, and it is intended that the planters and planting will be installed for the start of this year's planting season in October.

Supplementary Question

It's clear that the shrub boxes placed along Broadwalk have not received any attention. Much of the planting has died or has been pulled out of the earth. What arrangements have been made to take care of those boxes and the new planting after its installed later this year.

Response from Councillor Dan Swords.

To deal with the latter part of the question first in terms of the planters in the East Gate area, a full maintenance schedule has already been put in place and a proposed to put a specific type of planting including putting in a built-in irrigation system. In terms of the plant boxes that were placed in Broadwalk, I am aware of the issues, and they're currently being looked into because they are part of the current maintenance schedule. So as soon as I have more detail, I will write to you with that detail.

3 Nicholas Taylor to Councillor Michael Hardware (Portfolio Holder for Strategic Growth):

I noted the Council's withdrawal of its support for Epping Forest DC's Local Development Plan to allow the building of thousands of homes on Harlow's border. Despite this, the Planning Inspector in his latest submission to EFDC has not made any changes to this part of the Plan. It is now in the hands of Conservative Councillors at EFDC as to whether the Green Belt around Harlow is destroyed. Many Councils in the Southeast of England are already reviewing their Local Plans.

Will you advise me if any formal meetings have taken place between Councillors and or officers from both Councils where Harlow DC has voiced its withdrawal of support for the destruction of the Green Belt?

Reply from Councillor Michael Hardware (Portfolio Holder for Strategic Growth):

A one-to-one meeting was held on 30 June 2022 between the Council's Director of Strategic Growth and Regeneration and his counterpart at EFDC. At that meeting Harlow Council's concern at the implications for Harlow of some of the changes proposed by the Planning Inspector were expressed.

However, this was not a formal response from the Council. Epping Forest District Council have yet to commence the formal consultation on the Main Modifications to their Local Plan – it is expected that this will start in the next few weeks.

At that point, Harlow Council will make a formal response to this consultation and will re-state our objection to development in Epping Forest to the south and west of Harlow as well highlighting concerns at some of the changes proposed by the Inspector, which could be to the detriment of Harlow.

4 Robert Bruce to Councillor Alastair Gunn (Portfolio Holder for Governance):

On 27 January you were asked a question about the Council's off street parking programme. I am pleased to see that some progress has been made, completed schemes have been welcomed by residents. You responded to the question by saying that a robust assessment of sites identified was taking place.

Can you advise me of progress in respect of the site between Five Acres and Barn Mead and provide me with a list of sites where the assessment has

taken place and any further progress which has been made leading to the construction of new off-street parking?

Reply from Councillor Alastair Gunn (Portfolio Holder for Governance):

The original proposal for parking between Five Acres and Barn Mead was deferred by the Planning Committee and subsequently withdrawn pending a consultation on the need for a greater number of parking spaces in the immediate area. The Council undertook a survey with 3 options, and Option 3 for the largest amount of parking possible on the site was preferred by those responding and this is the area opposite the original green space adjacent to the access road to the between Five Acres and Barn Mead.

The Council is currently working with consultants, to scope and design the new parking site and drafting the necessary applications for modifying the crossing of the Public Footpath that runs along the access road to Goldsmiths and down to Barn Mead Pavilion.

In order to develop the detail required for the design proposal the Council is in the process of completing a parking and traffic survey of the highway for a length of Partridge Road from the entrance to Five Acres to the entrance to Abbotsweld.

Various other sites were considered as part of phase 2 however following assessments undertaken and pre planning advice has determined that the sites identified at Ladyshot, Foldcroft, Oxleys, and Hookfield (2) are not feasible.

Currently information obtained through Estate Inspections and engagement with residents is being considered of potential sites for a further phase of off-street parking are being collated.

5 Alan Leverett to Councillor Russell Perrin (Leader of the Council):

I understand that several services provided by the Council have or are to be shared with other Councils, I would expect a cost benefit analysis was carried out as a prelude to these services being shared with other authorities.

Can you advise me how much the Council expects to save in the next three years because of these changes, was a service level agreement signed between the authorities involved and where in the Council will such agreements be monitored to ensure that residents receive the same or indeed a better service than was previously the case?

Reply from Councillor Russell Perrin (Leader of the Council):

I thank Mr Leverett for his question.

Since this Administration regained control of the Council in May 2021, no new shared services arrangements have been entered into by the Council. Discussions have been held with other authorities with a view to entering arrangements and I can assure Mr Leverett and Councillors that portfolio holders would undertake due diligence before taking a formal decision. Future collaboration/partnership working will be based on operational and commercial advantage. The outcome of discussions would be brought to Cabinet at the appropriate time and formal agreements executed. We continue our work to ensure that the Council seeks cost reduction through challenging how we deliver services, ensuring value for money, as well as a return on investment in its service provision and that our partnerships are correct, strategic and maintain or improve our front-line services to residents.

Supplementary Question

As you are no doubt aware, some of the statutory services of the Council they administer are already being carried out externally. Can you confirm that these are contracted to carry out enforcement and these of these services and will this be pretty proactive rather than reactive.

Response from Councillor Perrin.

Thank you Mr Leverett if I understand your question correctly, any services that are currently engaged, they will have a review period and some are going through a review at the moment and they will go through the usual scrutiny when they're being reviewed but if you have any specifics later on, if you'd like to write to me, I'm more than happy to give you specific details on how they're following process and how that's benefitting the tax payer.

6 Alan Leverett to Councillor Nicky Purse (Portfolio Holder for Environment):

On 15 July 2021 you were asked a question about the maintenance of Council owned trees. The death of a mother and her daughter caused by a council owned tree in another part of the country which fell on the car they were travelling in, highlights the need for all councils to keep a close check on the condition of the trees they own. You said in reply to the question that a planned maintenance programme would start that year. There seems little if any evidence that works to trees has taken place since then.

Will you please advise me if such a programme is now in place, how many trees have been attended to since then and how much money will be put

aside each year to ensure that such a sad event as described above does not happen in Harlow.

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

Trees are inspected where there is a concern about risk or liability, and any works necessary to ensure safety or reduce risk of damage to property are carried out.

In addition, as Councillor Gunn stated last year, the Council has commissioned through HTS a town wide survey of trees on Council land which will ensure that all of the major features of our tree stock are recorded in a comprehensive data base. This will support proactive tree maintenance where this is necessary to better manage risk. Survey work has started in the Town Park and around equipped children's play areas and to date surveys of over 22,000 trees have been completed. The storms at the start of year have also re-directed the survey to where we see large trees come down in the storms the surrounding areas of trees will take a higher priority in the next round of surveys.

HTS already has a responsibility to deal with dangerous trees, and where urgent work has been found necessary it has been completed. It is recognised that surveying so many trees may identify extra works over and above HTS's existing responsibilities, and the Council has agreed with HTS that it will consider the financial implications once a representative proportion of trees have been surveyed. As set out last year, the expectation is that surveying work will take around three years: once the Council has a complete picture of its tree stock, it will be in a better position to identify long term costs of different approaches to maintenance.

Supplementary question

In terms of the three years, now two years as we are one year on since they said we would do the survey, so we have two years to go. Can you tell me how long it will take once the three years is up to do the work to maintain the trees?

Response from Councillor Purse.

I can answer that already they are through the first two waves of the actual survey and areas that have been identified already, money is going to be released to start working on those areas.

7 David Forman to Councillor Mike Garnett (Chair of Development Management Committee):

The Development Management Committee (DMC) refused the application of Brass Architecture on behalf of CRC London church for a change of use of part of the Leisurezone at its meeting on 8 June 2021 (Application # HW/FUL/21/00148).

May the public infer from that decision, subsequently overturned on appeal, that the eight councillors on the DMC wilfully failed to comprehend:

(a) paragraph 4.21 of the Harlow Local Development Plan (HLDP) on page 35 which reads - "To improve the living standards and lifestyles for the district's existing and future residents, new development will provide relevant community facilities. This includes leisure and sporting facilities, playing pitches, playgrounds, allotments, community halls and **places of worship** which will help reduce deprivation levels and promote healthy and active lifestyles";

(b) paragraph 16.12 of the HLDP on page 171 which reads: "This policy also considers a range of different community and cultural buildings and uses, including places of worship, healthcare and education facilities, libraries and social facilities such as community halls. These uses can provide the necessary infrastructure that underpins a healthy and prosperous community, and a range of activities that help to engage and connect the public."; and

(c) Harlow Council Officer's recommendation to approve the application and their dismissal of five written objections which comprised seven topics of objection, of which five related to church/religion, when they said in their supplementary representations report on page 10 - "Hire costs and religion are not a material consideration" and "In conclusion, the additional letters of representation received do not alter the Officer's recommendation to grant planning permission subject to conditions."

Reply from Councillor Mike Garnett (Chair of Development Management Committee):

No, I do not accept that the Development Management Committee has incorrectly assessed Planning Policy. The law has always made a clear distinction between whether something is a material consideration and the weight it should be given.

The former is a question of law. The latter is a question of planning judgement which is entirely a matter for the decision maker. Here, Members of the Development Management Committee considered the views of the

community and chose to give more weight to this in their decision making, as is their right.

Whilst it is unfortunate that the Planning Inspector disagreed with the views of elected members and the people they represent, it is important to note that the committees' actions have not resulted in a financial loss to the Council.

Supplementary Question

The first part is if one watches YourHarlow's video of the 8 June 2021 Development Management Committee meeting and listens to comments by councillors Leppard, Davies and Danvers, do you agree that a 'reasonable person' would deduce that the planning application (reference HW/FUL/21/00148) was rejected on the basis of the ideology of the Christian Revival Church, especially if one considers the council officer's summation of members' comments that includes reference to "ethos of the proposed user" (view from 19mins 38secs).

Secondly, given the applicant's successful appeal to a planning inspector, do you agree that the Christian Revival Church's Article 9 Freedom of Thought, Conscience and Religion rights under the European Convention on Human Rights have been violated and that this contention is justified by reference to paragraph 45 of a European Court of Human Rights document titled 'Guide on Article 9 of the European Convention on Human Rights' which states: "In a democratic society, in which several religions coexist within one and the same population, it may be necessary to place restrictions on this freedom in order to reconcile the interests of the various groups and ensure that everyone's beliefs are respected. However, in exercising its regulatory power in this sphere and in its relations with the various religions, denominations and beliefs, the State has a duty to remain neutral and impartial."

Response for Councillor Garnett

Not sure I can respond to that straight away its a lot of information to your question. I need to look at the video youtube and you're talking about human rights. You've obviously put a lot of work into that and I need to study what you are saying so if you could send me a copy of that and I'll get you an answer within say 10 days if that's alright.

8 Hugh Hoad to Councillor Nicky Purse (Portfolio Holder for Environment):

Why is HTS allowed to maintain the landscape in Greenhills area in the state it is?

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

HTS manage Council owned landscape to the same standards town wide, as set out in the specification that forms part of the contract. HTS has achieved the majority of key performance indicator targets set in the current service level agreement which is now under review. The landscapes client team at the Council will work with HTS to resolve any problems if they occur. The Council has recently commissioned an audit of the Council's environment work, and further details of that report will be issued in due course.

If Mr Hoad has any specific concerns, I invite him to write to me with them and I will ask that the teams address them if they are within the Council's remit.

9 Hugh Hoad to Councillor Russell Perrin (Leader of the Council):

I understand that an extension of the Public Space Protection Area of the Town Centre has been requested, why? As the Council is totally incapable of enforcing it and it is just another waste of council tax.

Reply from Councillor Russell Perrin (Leader of the Council):

Public Space Protection Orders (PSPO) provide councils with a power to implement restrictions to address a range of anti-social behaviour issues in public spaces in order to prevent future similar issues occurring. Restrictions can be placed on an area where activities have or are likely to have a detrimental effect on the quality of life of local people and where this is unreasonable and persistent poor behaviour.

The order can be enforced by Police Officers, authorised Police Community Support Officers, and authorised Council Officers, and often these parties will work in partnership to enforce to order or to give advice on this matter. There are many examples over the past three years where enforcement action has been taken.

For anti-social behaviour not covered by the PSPO, the Council works within its existing Anti-Social Behaviour Policy to address matters that fall outside of the remit of PSPOs. This might include using powers such as Acceptable Behaviour Contracts, Civil Injunctions, Criminal Behaviour Orders, Community Protection Warnings and Injunctions.

Supplementary Question

How many injuries do I have to suffer before the Council will enforce the no cycling, no e-bikes through the town centre? I give warning now that I will be

taking legal action for this non-enforcement of the protection order as you are doing nothing about the daily cycle track in the town centre.

Response from Councillor Perrin.

Thank you, Mr Hoad, to answer your questions you shouldn't have to suffer any injury at all. But if there is a particular infraction of any of the enforcement notices that are available, and you should come into contact and somebody cause you personal injury or harm or indeed you see anybody breaking those rules I would recommend that you do inform both the police and this council, and if you have done so I would be very happy if you were to provide me with the details of these incidents outside this meeting for myself to personally take that up with the Governance team and we can have a look and see what's gone wrong here in this instance if anything.

10 Sally Jones to Councillor Simon Carter (Portfolio Holder for Housing):

After last week's Cabinet meeting, on Thursday evening, you must be aware of the Major Works due to take place on Five Acres. I am a leaseholder, owner occupier, living alone and working a full time job, my salary is the only income I have.

I have been told that Florries Law is not applicable in this case at Five Acres, which is extremely disappointing and a matter that I am not 100% clear on.

I am distraught at the thought of having to take out a loan at this stage of my life (at 58, I expected to be planning my retirement), I still have my mortgage to pay and am still paying off a loan I took to buy a second hand Ford Fiesta car.

Please can I ask how Harlow Council feel it is ok to predict the issue of invoices in excess of £26,000 and why is there not a cap/limit to this value or the works?

Reply from Councillor Simon Carter (Portfolio Holder for Housing):

Thank you for your question.

Let me open by saying I do understand the concern that the cost of the proposed works must be causing. It is further frustrating that the actual cost will not be known for a few more weeks. It is not our intention to cause unnecessary stress or concern.

Florrie's Law does not apply in this case because Harlow Council is not receiving Government funds for the work that is being planned. The

Government is reviewing a number of reports on relations between landlords and long term leaseholders but is yet to publish any legislation or regulations.

The Council have put in place several repayment options to help Leaseholders spread the cost and which include:

1. 2.5% Prompt Payment Discount.
2. Ten months interest free payments.
3. Interest free loan over term of up to 5 years (secured against your property).
4. Council loan – secured against your property.
5. Discretionary loan (secured against your property).
6. Voluntary charge.
7. Flexible payment option.

These have been reviewed and compared against other councils and is shown to offer a wide range of options.

May I recommend that once the final figure is known that you contact your Housing Officer and discuss the best way forward. Only work that is considered necessary will be carried out to your property but I will reiterate that the council, as landlord, has a duty of care to ensure that its properties are safe and secure and environmentally sustainable. With the new insulation there should, in normal circumstances, be a reduction in your energy bills. The Council, through an open tendering process, aims to achieve value for money.

The Council will continue to talk to all leaseholders affected by these proposed works, their individual situations, the work required and will continue to offer support.

Supplementary Question

Tonight, there are ten leaseholders here from Five Acres that includes Cliff Phillips and Denise Gillies who both submitted questions to Brian Keane prior to five o'clock on Monday those question have disappeared so it doesn't install us with a lot of confidence so my question to Simon Carter is you say in your response the Council will continue to talk to all leaseholders affected by these proposed works. When can we have a meeting with the Council, please?

Response from Councillor Simon Carter

Thank you, I'll also add that if we can't find those questions please re-submit them and either I or the Chair will respond to you rather than you having to wait for September which is the next Council meeting.

But in that time what is becoming apparent is there are different issues affecting different properties and its far more effective for us to speak on an individual basis to the individual occupiers or leaseholders or invest in this when new information becomes available. We are now entering the assessment phase where the contractor is actually carrying out the surveys to actually see what work needs doing. This will be reinforced with videos as necessary; we will also be comparing experience of both reviews in terms of repairs and so forth and similar reviews elsewhere before we form the assessment. It is becoming clear there are different buildings with different requirements and while others will try and cover all that in one meeting with lots of people, it'll be far easier to carry out one to one discussion with the individual occupier but as we keep saying all the way through by all means come back to us either to me or to your housing officers if you have any further questions. So, we as the Council are now awaiting further information from the contractor on what works actually are down to each particular property and as I said earlier its not our intention to cause any distress or upset or to do any works that are not absolutely necessary, if that helps.

11 Colin Thorpe to Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):

In relation to Osler House, why in a question asked by Mr Allan Leverett of The Harlow Alliance party and answered by Councillor Swords July 2021 who stated the Council was fully behind the project of the creation of a Wellbeing Hub which would be an asset to the community no progress has been made?

Reply from Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):

There was a £220k budget allocated to the works. The HTS business case for the planned works shows that this cost has nearly doubled. As such the council has asked the Osler House group for a revised business case to reflect this. Once this revised business case has been reviewed, we will meet with the group.

Supplementary question

Why has the building been allowed to deteriorate to such a state that the cost has risen to such an extent when it was known that the roof was leaking, which has caused the repairs to go up in price and the tenant as a perspective tenant is expected to Pay something towards the costs of the maintenance of the building in as much that we will get a building that will need redecorating and we have to pay £22,000 towards the alterations of the building and should HTS be making a profit out of a charity which has been set up to support the council's own 10-year health and wellbeing plan.

Response from Councillor Perrin

I think the delay you find was Covid, the two-year gap was just about finishing now. But also, I don't think the up lift in these cost is about a leaking roof, its about lots of other major costs, financial constraint costs, cost of materials. But I will review it all and I will meet with your group, and I will go through it line by line.

Full Council – 28 July 2022

Questions from Councillors

1 Councillor Kay Morrison to Councillor Alastair Gunn (Portfolio Holder for Governance):

The late, much-missed and highly-regarded Cllr Frances Mason devoted a good deal of her time and expertise on an equality, diversity and inclusion strategy, a crucial initiative of benefit to Harlow.

What are we doing, and I could refer to the shocking actions of my immediate predecessor, to ensure that those who live and work here including, obviously, minority groups and individuals, feel safe, valued and respected?

Reply from Councillor Alastair Gunn (Portfolio Holder for Governance):

Firstly, can I start by condemning the conduct of the former Councillor for Bush Fair and, in doing so, also commending the Leader of the Council Russell Perrin for taking swift action which led to his suspension of the Conservative Whip and resignation as a Councillor. This is zero tolerance in action.

In June 2021 the Council adopted a revised Equality, Diversity and Inclusivity policy. I join Cllr Morrison in paying tribute to the work of Frances Mason for her work, which allowed this administration to move swiftly and make this our first acts after the 2021 local elections.

Under the Equality Act 2010, the Council must have due regard to its Public Sector Equality Duty when making decisions and implementing policies that may impact on those people who have protected characteristics. The Council's new policy goes beyond just the legal requirements and sets out its three key objectives which are:

- a) The Council's services are accessible to everyone and do not discriminate on any unjustifiable ground;
- b) The Council's services seek to meet the needs of our customers and local communities can influence our services; and
- c) Equality and diversity is championed within the Council and our workforce, at all levels, is representative of the local community.

In order to achieve these objectives, the Council has an Equality Action plan which sets out a number of officer led actions. One of the many actions

completed to date includes the Council's Complaints Policy being re-written to allow for further learning to take place following complaint outcomes.

The Council now publishes an annual Equality, Diversity and Inclusivity report to detail the Council's achievement towards its objectives and to show the initiatives undertaken throughout the year to promote equality and diversity across the Council and town as a whole. The LGA Framework for Equality and Diversity is also currently being completed to ascertain where the Council sits within the framework. This will then allow for a greater understanding on how we can drive the equality and diversity programme forward.

Furthermore, whilst there is no specific duty to make an Equality Impact Assessment (EIA), when dealing with service provision, policies, procedures, functions and projects where the Public Sector Equality Duty is a significant factor, the policy now requires the Council to complete an EIA form. Further training is currently being sourced to assist officers with completing the EIA process.

All Councillors and Council Officers are required to complete require online Equality and Diversity training. The Council's Procurement strategy and the Modern Slavery statement also meet the required equality and diversity standards.

Supplementary Question

Most unfortunate that preventative action wasn't taken before the 5 May to state the obvious. When will it be possible for me to have sight of that EIA form and what progress has been made on the arrangements with regards to training for officers?

Response from Councillor Gunn

Well, I wouldn't have thought there would be any difficulty getting the form to you. I'm sure that could be followed up by Officers, I see a nod from the relevant officer. In terms of progress on training I think something like three quarters of Council officers have completed the training so progress is good and I will as a result of your question be wanting to understand the other quarter and also drilling down into the counter element of the training which I think also needs a bit of a push.

2 Councillor Kay Morrison to Councillor Dan Swords (Portfolio Holder for Regeneration):

Planning applications for telecommunications masts have been lodged, affecting several parts of Harlow, and 2 are in my ward. With residents, I have learned that that some aspects of the decision-making process are either

obscure or simply not apparent, leaving concerned citizens to figure it out by submitting questions or by osmosis, possibly.

Objections, comments and petitions have been submitted in numbers but contributors are mystified by the recording system. Hard copy letters aren't counted publicly or displayed as online submissions are. Regardless of the integrity of contributions or of their number, we are told, the decision remains delegated. What is the justification for this when a committee, given the volume of submissions, would provide transparency while acknowledging residents' very real anxieties and their strength of feeling?

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

Thank you for your question and I understand the concerns you raise. A number of ward councillors have raised objections and questions with me about the recent spate of applications for telecommunications masts.

On the specific masts Cllr Morrison raises, she may be aware that one has been determined and refused and the other will shortly be determined. I would like to pay testament to the vociferous campaigning from residents in these areas. Having spoken to a number of those residents, given the outcome, they too are reassured that this process has worked.

In response to Cllr Morrison's specific questions:

i) Are all representations made against planning applications recorded?

I can confirm that all representations received, whether online or hard copy, are recorded on the Councils systems and those representations are considered as a part of the officer's assessment of the development. Details of which are set out in the delegated report that accompanies the decision notice and is publicly available on the Council's website for all determined applications.

ii) How are applications determined?

For telecommunications mast applications, the process from receipt to determination (including a consultation period and assessment) must be completed within 56 days. Failure to determine the application in that time will result in the development automatically gaining a deemed consent.

On the matter of how these applications (known as Prior Approvals) are assessed, subject to compliance to part 16 of the Town and Country General Permitted Development Order, Local Authorities are only permitted to assess the 'siting' and 'appearance' of the proposal. No further considerations are allowed.

iii) Why are Prior Approvals not determined by the Planning Committee?

Prior Approval (PA) applications for Telecommunications masts fall within part 1 of the Council's Scheme of Delegation. This means such applications are delegated to Officers and therefore cannot be determined by the Planning Committee. The decision to delegate these applications to officers was in part taken due to the fact that PAs of this nature must be determined within 56 days of receipt. If applications are not determined within that time period the application will, as stated above, gain a deemed consent. Given the sensitivity of timing, it is not possible to call these applications before the Planning Committee that meets once a month, on average.

However, it should be noted that Harlow Council has only approved 2 telecommunications masts in the last two years. Furthermore, all applications that have been determined from the latest round of applications to date, have been refused.

By that very point, I am confident that the process works.

Supplementary Question

I thank you for your lengthy answer, Councillor Swords, you managed to answer a question that I didn't ask, however you are obviously very generous by nature and you're right the campaigning has been exemplary model campaign. It is a crucial importance that Harlow Council is seen to be professional thorough and ethical and that we strive constantly to improve our services, would you agree?

Response to from Councillor Swords

There are a couple of points that I would like to make the first response I gave directly answered the questions that you asked. Secondly I could not agree more on the point of complacency and process which is why one of the first things we done after that Amazon gate scandal that you allowed in failure on planning process was to massively reform the planning process and giving the community statement of involvement. So I personally think that as I stated all of those application have been refused and I've spoken to many residents in areas that campaigned against those application all of whom feel the process has worked are the very virtue that their campaign has been successful so may say that I think we are in part carrying out process and due diligence in a slightly better way than was the case with the Amazon gate Icon scandal of the last month.

3 Councillor Jean Clark to Councillor Alastair Gunn (Portfolio Holder for Governance):

In view of record-breaking weather extremes (heatwaves, droughts, floods and wildfires), indicating an escalation of the climate emergency, what strategies are the council adopting in response?

For example, does it not underline the need to install more rapid electric vehicles charging points, even if more expensive? In addition, what plans are there to prepare our housing stock- present and future- to meet the challenges of the escalating climate crisis?

Reply from Councillor Alastair Gunn (Portfolio Holder for Governance):

Reducing the town's carbon footprint to zero will be a long and complex journey of which the Council in common with other similar authorities is only at the beginning. The Council's forthcoming climate change strategy will outline in greater detail the challenges for us, for business, and for residents. Having said this the Council has been working with suppliers and we expect to see the first EV charge points in Council car parks by the end of the municipal year, while the rest of that car park estate will be assessed for viability; that Council buildings have recently seen photovoltaic solar panels installed that are making a real difference to energy consumption; that the Council housing team have begun to identify what measures are necessary to decarbonise the housing stock; that together the measure that have already been taken have made a reduction in the Council's carbon footprint .

In addition to reducing the amount of carbon that we emit, there is also ongoing work in relation to climate change adaptation i.e. capital schemes in conjunction with Essex County Council to mitigate against flooding, new and improved biodiversity across the town, changes in the planning process so that new developments do not worsen the environment/climate.

The Council is currently undertaking a review of all its stock in terms of EPC ratings and retesting on completion of works. Where possible through grant funding it is upgrading both cavity wall and loft insulation to improve on SAP rating.

The Council is also developing up a brief and schedule of works ready to make a bid for the next wave of SHDF for flat block works across the town which is due to be released in August 2022.

There are two retrofit pilots within the Housing Capital Programme for this year and it is currently scoping works for a further refurb/rebuild/retrofit out of a former shared temporary accommodation unit.

EV charging points are now built into the specification for all new builds.

The Council does work closely with all stakeholders (including major utilities) across the County to ensure resilience and that information is shared and should form part of our Severe Weather plan. The Severe Weather plan includes for drought, extreme heat, flooding, extreme cold (including snow and ice).

As part of flooding and drainage, we work in close partnership with Essex County Council to ensure resilience and mitigation against future flooding events. Partnership working has led to flood alleviation schemes being developed for Harlow to protect properties against flooding. The partnership includes all districts (including Southend and Thurrock unitaries), Environment Agency and water undertakers.

The Council fully acknowledges that the Council is only at the beginning of its journey.

Supplementary Question

I do recognise that it does involve the government involvement and therefore I'm wondering what you feel, I'm not too confident about the leadership and their good intentions to affect climate change and I don't know what you think but will you as a council stress the importance to the government of adding making radical step towards changing our environmental journey and speeding the whole process up.

Response from Councillor Gunn

Thank you, Councillor Clark, there are two questions in there one concerning the leadership, I don't think that applies to Harlow Council If I'm honest I've been on here for a year leading on this so there's been no change there but I'm clearly not going to comment on things outside of the Council, I'll let other people do that. I do think there is a real need for urgency on this that's proven with what I've been trying to do. We have made commitments in 2019 to put charging points into all our council car parks where feasible, that's happening now, were getting there. Things are happening, I wish it was quicker and I'm dealing with the slow processes that come with that on supplies and so on so forth. I'm happy to have a longer conversation with you about that because it is challenging to get the funding in place meeting all sort of qualifications for funding. I should just make a point also actually in relation to the regeneration of the town the new housing stock we're building the plans for Bushey croft actually did change as a result of Councillor Swords intervention the initial plans didn't have plans for e points or I think solar panels, but that has now been built into the designs so there are lots of things that we can do and we are doing to make that transition.

4 Councillor Chris Vince to Councillor Russell Perrin (Leader of the Council):

Following the revelation that an independent watchdog is going to investigate the claim by the Prime Minister that 40 new hospitals will be built, will the Leader of Harlow Council recognise the concerns of local residents particularly with news from the hospital's chief executive that their business plan has not yet been approved, and join with me in asking for reassurances from the town's MP and also the health secretary that Harlow will get its new hospital, which at time of writing had been delayed by at least 4 years?

Reply from Councillor Russell Perrin (Leader of the Council):

I thank Cllr Vince for his question.

As he knows the Government's Levelling Up White Paper made crystal clear the announcement for Harlow's new hospital. I am aware the Robert Halfon MP has met with the Health Secretary twice in recent weeks about this matter and that it is progressing – as has also been confirmed in Parliament many times.

Council officers and the Portfolio Holder for Regeneration have also recently met with the Hospital Trust about progress of the project and continue to work with the Trust to see our new hospital delivered.

Supplementary Question.

Following the rather shocking viral video revealing certain patients had to wait 13 hours in Princess Alexandra A and E, what has the Council done to communicate its concerns and the concerns of residents to the hospital management and what reassurances have been received

Response from Councillor Perrin

The concerns have been directly made to Secretary of State. Whenever we see scenes like those, they are passed on.

5 Councillor Chris Vince to Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):

Can you inform me what the situation is with financial support for the old Osler House site in Potter Street is, my understanding is that monies have been ring fenced in 2020/21 to support local community groups in turning this

site into a wellbeing hub which will support the community of Potter Street. Is this still the case?

Reply from Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):

There was a £220k budget allocated to the works. The HTS business case for the planned works shows that this cost has nearly doubled. As such the council has asked the Osler House group for a revised business case to reflect this. Once this revised business case has been reviewed, we will meet with the group.

Supplementary Question

Can you confirm that there is still £220k available?

Response from Councillor LeMay.

Yes, however the cost is potentially doubled.

6 Councillor James Griggs to Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):

The previous Portfolio Holder for HTS issued firm assurances that it was safe in his hands.

May I invite Cllr LeMay to confirm that the position hasn't changed by offering the same assurance. Will HTS be retained as a company solely owned by Harlow Council for the purpose of delivering services for the benefit of Harlow residents and that the undefined Conservative election pledge to make it 'commercially savvy' is not another way of saying privatisation?

Reply from Councillor Steve LeMay (Portfolio Holder for HTS, Properties and Facilities – with special responsibility for the roads):

Yes.

Supplementary question

I thank Councillor LeMay for his response, given the length of some of the answers given this evening, may I encourage him to work to instil in his colleagues and others a similar sense of clarity and brevity in future answers?

Response from Councillor Steve Lemay

Yes

