

**MINUTES OF THE CABINET  
HELD ON**

12 December 2013

7.30 - 9.00 pm

**PRESENT**

**Cabinet Members**

Councillor Mark Wilkinson, Leader and Governance Portfolio Holder  
Councillor Rod Truan, Deputy Leader and Housing Portfolio Holder  
Councillor Jean Clark, Community & Inclusion Portfolio Holder  
Councillor Tony Durcan, Resources & Enterprise Portfolio Holder  
Councillor Emma Toal, Youth & Citizenship Portfolio Holder

**Additional Attendees**

Councillor Christine O'Dell  
Councillor Dennis Palmer  
Councillor Daniella Pritchard

**Apologies**

Councillor Paul Schroder  
Councillor Phil Waite

**Officers**

Graham Branchett, Chief Operating Officer  
Graeme Bloomer, Head of Regeneration  
Simon Freeman, Head of Finance  
Brian Keane, Interim Head of Governance  
Lynn Seward, Head of Community Wellbeing  
Joel West, Governance Support Officer

**Other Councillors**

Councillor David Carter  
Councillor Simon Carter  
Councillor Michael Garnett  
Councillor Andrew Johnson  
Councillor Eddie Johnson  
Councillor Sue Livings  
Councillor Russell Perrin  
Councillor Jon Clempner  
Councillor Edna Stevens  
Councillor Paul Sztumpf

93. **COMMUNICATIONS FROM THE LEADER OF THE COUNCIL**

The Leader of the Council announced that, with immediate effect, Councillor Paul Sztumpf would replace Councillor Paul Schroder as the Portfolio Holder for Regeneration. The Leader thanked Councillor

Schroder for his hard work to date and noted that his retirement from the post was due to work commitments.

The Leader of the Council also announced that, with immediate effect, responsibility for licensing policy would be transferred from the Environment Portfolio to the Youth and Citizenship Portfolio.

94. **DECLARATIONS OF INTEREST**

None.

95. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 14 November 2013 are agreed as a correct record and signed by the Leader.

96. **MATTERS ARISING**

None.

97. **WRITTEN QUESTIONS FROM THE PUBLIC**

The questions submitted and responses provided by Portfolio Holders are appended to these minutes.

98. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

99. **PETITIONS**

None.

100. **CABINET WORK PLAN**

**RESOLVED** that the Cabinet Work Plan 2013/14 is noted.

101. **FORWARD PLAN**

**RESOLVED** that the Forward Plan of key decisions is noted.

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

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

- a) **Decision of the Portfolio Holder for Housing - 26 November 2013**

103. **HARLOW WELLBEING PARTNERSHIP AND HARLOW FAIRNESS AND DIVERSITY PARTNERSHIP**

The Cabinet received a report proposing the creation of two new partnerships: a Harlow Wellbeing Partnership and a Harlow Fairness and Diversity Partnership.

Proposed by Councillor Mark Wilkinson (seconded by Councillor Rod Truan) Cabinet:

**RESOLVED that:**

- A** Cabinet agrees to the creation of a Harlow Wellbeing Partnership with the terms of reference and membership set out in paragraphs 11 and 12 of the report submitted.
- B** Cabinet recommends to Council the creation of a Harlow Fairness and Diversity Partnership with the terms of reference and membership set out in paragraphs 17 and 18 of the report submitted.
- C** Councillors Tony Durcan and Emma Toal are nominated as the Council's representatives on the Harlow Wellbeing Partnership.
- D** Cabinet recommends to members of the Harlow 2020 Partnership that the partnership is dissolved.

104. **OLD HARLOW CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN**

The Cabinet received a report proposing amendments to the Old Harlow Conservation Area boundary, and a Character Appraisal and Management Plan for the area.

Proposed by Councillor Emma Toal (seconded by Councillor Rod Truan) Cabinet:

**RESOLVED** that the following is recommended to Full Council:

- A** That the amendments to the Old Harlow Conservation Area boundary, as identified in the appendices to the report submitted, are approved.
- B** That the Old Harlow Conservation Area Character Appraisal and Management Plan, as detailed in the appendices to the report submitted, are approved.

105. **HARLOW GARDEN VILLAGE ESTATE CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN**

The Cabinet received a report proposing the creation of a Harlow Garden Village Estate Conservation Area within Old Harlow, and a Character Appraisal and Management Plan for the area.

Proposed by Councillor Emma Toal (seconded by Councillor Rod Truan)  
Cabinet:

**RESOLVED** that the following is recommended to Full Council:

- A** That the Harlow Garden Village Estate Conservation Area boundary, as identified in the appendices to the report submitted, is approved.
- B** That the Harlow Garden Village Estate Conservation Area Character Appraisal and Management Plan, as detailed in the appendices to the report submitted, are approved.

106. **JOINT FINANCE AND PERFORMANCE REPORT QUARTER 2**

The Cabinet received a report that reviewed performance against the Council's approved General Fund budget and Corporate Plan for 2013/14.

Proposed by Councillor Mark Wilkinson (seconded by Councillor Tony Durcan) Cabinet:

**RESOLVED** that the projected outturn position for the first two quarters (April – September) of 2013/14, as set out in section three of the appendix to the report submitted and summarised as follows, is noted:

- I. A favourable variation on controllable budgets of £157,000, representing -0.2 per cent of the gross General Fund Budget.
- II. 45 out of 52 (86 per cent) of performance indicators are on or above target.

107. **HOUSING REVENUE ACCOUNT QUARTER 2 FINANCE REPORT**

The Cabinet received a report that reviewed the Council's performance against its approved Housing Revenue Account for 2013/14.

Proposed by Councillor Tony Durcan (seconded by Councillor Rod Truan)  
Cabinet:

**RESOLVED that:**

- A** The forecast net underspend of £940,000 (as identified in Appendix A to the report submitted), representing 1.78 per cent of the total budget, is noted.
- B** The forecast balances at 31 March 2014, of £3,964,000 for the Housing Revenue Account and £1,605,000 for the Major Repairs Reserve (as identified in Appendix C to the report submitted) are noted.

108. **CAPITAL PROGRAMME QUARTER 2 FINANCE REPORT**

The Cabinet received a report that reviewed the Council's performance against its approved Housing and Non-Housing Capital Programme for 2013/14.

Proposed by Councillor Rod Truan (seconded by Councillor Tony Durcan)  
Cabinet:

**RESOLVED that Cabinet:**

- A** Notes the progress made in the delivery of the Council's Housing and Non-Housing Capital Programmes as at 29 September 2013 detailed as follows:
  - I.** Housing Capital Programme expenditure of £4,297,000 against profiled expenditure of £4,390,000 and the projected outturn for 2013/14 of £26,034,000.
  - II.** Non-Housing Capital Programme expenditure of £439,000 against profiled expenditure of £514,000 and the revised projected outturn for 2013/14 of £2,713,000.
- B** Approves the budget of £983,000 for the purchase of dwellings on the open market to add to the Council's housing stock, funded in part from retained capital receipts and from the HRA Business Plan.
- C** Approves the inclusion of capital business cases in the Non-Housing Capital Programme as detailed in paragraphs 27 to 29 of the report submitted and a Financial Management System (Agresso) software upgrade with Human Resources Module.

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

a) **Referral from Resources, Housing and Governance Overview Working Group - Local Council Tax Support Scheme 2014/15**

The Cabinet received a report from the Resources, Housing and Governance Overview Working Group that recommended that the Council approve a Local Council Tax Support Scheme for 2014/15.

In addition to the submitted report, the Cabinet was advised that a second recommendation: for Officers to explore ways to promote and advertise the help and support that is available to assist those affected by Council Tax reforms, had also been made by the Overview Working Group.

Proposed by Councillor Tony Durcan (seconded by Councillor Mark Wilkinson) Cabinet:

**RESOLVED** that:

**A** The Local Council Tax Support Scheme for 2014/15, which will be unchanged from the 2013/14 scheme, is recommended to Full Council.

**B** Officers are asked to explore opportunities to promote and advertise the help and support that is available to assist those affected by Council Tax reforms.

b) **Referral from the Community, Citizenship, Regeneration and Environment Overview Working Group - Unadopted Highway Maintenance Strategy**

The Cabinet received a report from the Community, Citizenship, Regeneration and Environment Overview Working Group that recommended that the Council approve an Unadopted Highway Maintenance Strategy.

Proposed by Councillor Emma Toal (seconded by Councillor Tony Durcan) Cabinet:

**RESOLVED** that the Unadopted Highway Maintenance Strategy, attached as Appendix 1 to the original report to the Community, Citizenship, Regeneration and Environment Overview Working Group report, is approved.

110. **UPDATE ON THE IMPLEMENTATION OF MOTIONS**

The Cabinet received a report that presented an update on the motion carried at Full Council in October 2013 on the provision of youth services. The report included correspondence between the Council and Councillor Ray Gooding, the Essex County Council Portfolio Holder for Education

and Lifelong Learning. In addition to the appended correspondence, the Cabinet was advised that a further email had been received, advising that Councillor Gooding will be arranging a meeting between himself and Harlow Councillors to discuss Youth Services.

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

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

- a) Minutes of Meeting Tuesday 8 October 2013 of the Housing Standards Board

112. **MATTERS OF URGENT BUSINESS**

None.

CHAIRMAN OF THE COMMITTEE

**CABINET – 12 DECEMBER 2013  
QUESTIONS FROM THE PUBLIC**

**1. Mr M Patrick, 16 Hull Grove, Harlow, to Councillor Rod Truan, Portfolio Holder for Housing:**

Does Harlow Council register the private landlords that it and Streets2Homes use to give homes and accommodation from its housing needs register or housing options team?

**Councillor Rod Truan, Portfolio Holder for Housing:**

There is no requirement for the Council to register its use of self-contained accommodation secured from private landlords. Houses in Multiple Occupation of three or more storeys with five or more residents are required to meet regulatory housing standards under licence from the Council. The Council has recently consulted on introducing licensing for all other Houses in Multiple Occupation in Harlow.

**2. Mr M Patrick, 16 Hull Grove, Harlow, to Councillor Rod Truan, Portfolio Holder for Housing:**

Does Harlow Council carry out condition checks as well as safety checks on its private landlords that it and Streets2Homes use to give homes and accommodation from its housing needs register and housing options team? i.e. water sanitation, gas, electric certification and fire regulations.

**Councillor Rod Truan, Portfolio Holder for Housing:**

The Council, through its formal procurement arrangements, requires that any property secured from private landlords complies with legal obligations regarding water sanitation, gas safety, fire safety and occupier's liability.

Licensed Houses in Multiple Occupation are inspected by the Council and must demonstrate compliance with relevant statutory housing standards including fitness for occupation, gas safety and fire safety.

In addition, private landlords are requested to provide copies of current valid safety certificates for each property, and the condition of the property is inspected regularly throughout each letting.

**3. Mr P Topley, 150 Altham Grove, Harlow, to Councillor Rod Truan, Portfolio Holder for Housing:**

Where exactly does it state as to what is the number of bedrooms each Council tenant has, if not on their tenancy agreement?

**Councillor Rod Truan, Portfolio Holder for Housing:**

The number of bedrooms for a Council property is stated in the tenancy offer letter sent to all tenants, based on property records held by the Council. The property records are also used to calculate the rent and/or other charges.

**4. Mr P Topley, 150 Altham Grove, Harlow, to Councillor Rod Truan, Portfolio Holder for Housing:**

Will Harlow Council look at bedroom sizes relating to Harlow tenants as to whether they are under 7ft X 10ft, as other Councils have deemed this too small to be classified as a bedroom?

**Councillor Rod Truan, Portfolio Holder for Housing:**

Each Council determines its own bedroom classifications. There is no size requirement for general needs classifications. The bedroom classifications must be consistent for both housing benefit and rent purposes. "Blanket bedroom re-designations" without a clear and justifiable reason are open to challenge from the Government which may lead to loss of housing benefit subsidy. Any individual changes have to be consistent with the Council's rent charging policy, which is being reviewed in 2015.

**5. Mr J Rogers, 151 Bishopsfield, Harlow, to Councillor Mark Wilkinson, Leader of the Council:**

The report from the Head of Finance on the Council Tax Benefit Scheme consultation to the Council's Resources, Housing and Governance Overview Working Group stated that the difference in wages between residents in bands A, B and C on benefits and wages is minimal. Could you please inform us what that differential is?

**Councillor Mark Wilkinson, Leader of the Council:**

At the meeting of the Resources Housing and Governance Overview Working Group held on 19 November 2013, the Head of Finance made a comparison of the impact of the cost of Council Tax for a claimant on Jobseekers Allowance with the impact for a resident in employment with average Harlow earnings, as

calculated independently by the Office for National Statistics, following the Government's changes to Council Tax Benefit. The comparison was not between actual wages, but the proportion of household income spent on Council Tax in both cases.

As stated in the report later on the agenda for tonight's meeting, the operation of the Local Council Tax Support Scheme has been reviewed over the first eight months of 2013/14. The impact of the Scheme has been assessed for both those claiming support and those in employment not entitled to any discount on their Council Tax.

Subject to the benefits being claimed and individual circumstances, residents not in employment will spend between 5.0% and 6.6% of their income on liability. In contrast, residents in employment, on average Harlow earnings, and in a Council Tax Band C property (the most common in Harlow) will spend between 5.7% and 7.05% of their income on Council Tax. The differential in this example is very small: between 0.7% and 0.45% more for those residents in employment.

**6. Mr J Rogers, 151 Bishopsfield, Harlow, to Councillor Mark Wilkinson, Leader of the Council:**

What is the percentage of properties in each of the Council Tax bands within Harlow Council?

**Councillor Mark Wilkinson, Leader of the Council:**

The proportion of properties before discounts and exemptions is detailed in the table below.

	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Total Properties for Council Tax Purposes	2,179	7,477	18,357	4,081	2,077	853	379	11
Proportion	6.15%	21.11%	51.82%	11.52%	5.87%	2.4%	1.1%	0.03%

**7. Mr A Chocrane, 23 Tickenhall Drive, Harlow, to Councillor Mark Wilkinson, Leader of the Council:**

What was the annual revenue that Harlow Council received in 2012/13 from Council Tax Bands D and above?

**Councillor Mark Wilkinson, Leader of the Council:**

The Council does not monitor the collection of Council Tax by property banding and has no requirement to do so. The total Council Tax billed and due to be paid is aggregated and collection of the income throughout the year is only monitored at this aggregate level. It is therefore not possible to provide an answer to your question.

**8. Mr A Chocrane, 23 Tickenhall Drive, Harlow, to Councillor Mark Wilkinson, Leader of the Council:**

How much extra administration and wage costs has Harlow Council had to find since the introduction of the Council Tax charge to benefit claimants, including costs of staff attending Chelmsford Magistrates Court?

**Councillor Mark Wilkinson, Leader of the Council:**

The Council employed two additional members of staff on two-year fixed term contracts as a result of the changes to Council Tax Benefit. The majority of the costs associated with these posts have been met by Essex County Council, Essex Police and Crime Commissioner and Essex Fire Authority in a cost sharing agreement between the precepting bodies and the District Councils across Essex. The net cost to Harlow Council is £7,100 in 2013/14. Council representatives have always attended the Magistrates Court for Liability Order hearings. This has continued as before and any additional work associated with the Council Tax Benefits changes has been undertaken within existing resources.

**9. Mr T Topley, 215 Willowfield, Harlow, to Councillor Mark Wilkinson, Leader of the Council:**

What has been the total cost to date for Harlow Council to submit court summonses due to non or under-payment of Council Tax by benefit claimants?

**Councillor Mark Wilkinson, Leader of the Council:**

The Council makes a payment of £3.00 to the Magistrates Court for each application for a Liability Order. To date, 1,199 applications have been made in respect of those of working age in receipt of Local Council Tax Support, which amounts to £3,597.

**10. Mr T Topley, 215 Willowfield, Harlow, to Councillor Mark Wilkinson, Leader of the Council:**

What date does Harlow Council predict that the back-log of under or non-payment of the Council Tax charge of benefit claimants will be fully paid?

**Councillor Mark Wilkinson, Leader of the Council:**

This is the first year of operating under the Local Council Tax Support Scheme, for Harlow and all other Councils across England. It is very difficult to predict when all Council Tax will be collected from those directly affected by the changes introduced by the Government. It has always been recognised that some Council Tax will be collected after the year for which it has been billed, and this was the case prior to these benefits changes.

Current in-year collection rates are normal and broadly comparable with the in-year collection rate in 2012/13. Where necessary the Council is supporting claimants experiencing financial difficulties in a number of ways (these are outlined in the report on the Cabinet's agenda) which it is hoped will further improve the level of Council Tax collected.

**11. Mr J Wake, 283 Rivermill, Harlow, to Councillor Tony Durcan, Portfolio Holder for Resources and Enterprise:**

In an interview broadcast on the Ray Clark breakfast show on BBC Essex on Thursday 7 November 2013, Councillor Tony Durcan, Portfolio Holder for Resources, was asked to comment on the fact that nearly 1,000 jobless householders had been issued with court summonses for non-payment of Council Tax. He said that involving the courts had actually helped "both sides" involved in setting an amount the non-payers should contribute because it was "independent".

Councillor Durcan's comments were incorrect. The facts are as follows.

The court does not "set an amount".

The granting of a Liability Order by the Magistrates Court is a rubber-stamp exercise. For example, on 3 September Chelmsford Magistrates Court granted Harlow Council 437 Liability Orders.

Once a Liability Order has been issued against a jobless householder the Council writes to that person, informing them of the fact that it has been issued and enclosing a Council Tax Request For Information Form. This form is a statement of financial circumstances. Those to whom the form

has been sent are legally required to fill in Part B. It has to be returned within 14 days.

There is a box on the form entitled "Offer to clear debt". If someone writes an amount in the box less than that which Harlow Council is demanding, then Harlow Council applies for an Attachment of Benefit order. These are for a standard amount: £3.60 per week.

Given that Councillor Durcan, as Portfolio Holder for Resources, is responsible for the administration of Harlow's Localised Council Tax Support Scheme, is his failure to fully inform himself of the consequences of that Scheme for the poorest householders in the town a gross dereliction of duty?

**Councillor Tony Durcan, Portfolio Holder for Resources and Enterprise**

No.

**12. Mr J Wake, 283 Rivermill, Harlow, to Councillor Mark Wilkinson, Leader of the Council:**

The political consensus in this country subscribes to the principle of progressive taxation, according to which those who have the most should bear the greatest burden. In a verbal report to a meeting of the Resources, Housing and Governance Overview Working Group on Tuesday, 19 November 2013, the Council's Head of Finance stated that the burden of Council Tax borne by jobless householders in Harlow was approximately equal to that borne by employed householders on an average wage.

How does Councillor Wilkinson, as Leader of the Council, justify breaking with the prevailing political consensus to impose this fundamental violation of the principle of progressive taxation?

**Councillor Mark Wilkinson, Leader of the Council:**

The point raised at the Resources Housing and Governance Overview Working Group was an illustration of the impact that Council Tax has on every household in Harlow. It was used to highlight that the impact on those residents having to pay a contribution for the first time in 2013/14 under the changes introduced by the current Government is similar in proportion to income for those in work and not entitled to any support under the Scheme.

Focussing on the point you have raised regarding progressive taxation, it is not possible to look at this matter purely in relation to the burden of Council Tax payments. As you have pointed out, a progressive tax system impacts more as earnings or income increase. The cumulative impact of taxation will be far greater

for those residents in employment and with higher disposable incomes in two ways:

Firstly, individuals will pay taxes on their earnings which is deducted directly from their wages and paid to HMRC. Secondly, taxation on expenditure (or indirect taxation) is, to some degree, of choice, which increases according to how much an individual can afford to or decides to spend. This is achieved by the Government through VAT, insurance tax, fuel duty, vehicle licensing and air duties on travel etc. Those able to save will also pay tax on any interest bearing accounts held outside of an ISA.

Benefits payments are not subject to taxation in the same way as directly earned income and there are a number of disregards in terms of savings held and possible costs for travel to work which are applied to help those claiming benefits. There are a wide range of benefits available to those in need including Housing Benefit and Job Seekers Allowance. Whilst those in receipt of benefits will still pay the same types of indirect taxation on items they purchase etc., the level of expenditure is likely to be lower than those in employment and therefore will result in lower tax payments.