

Cabinet – 15 February 2024

Questions from the Public

1 **David Forman to Councillor James Leppard (Portfolio Holder for Finance and Governance):**

How can the public have confidence in in this administration's system of Governance and, in particular, the Councillor Code of Conduct in part 5 of the Constitution when:

- a) Only yesterday I made an online report to Essex Police regarding a Cabinet member failing to register within 28 days two different Disclosable Pecuniary Interests when becoming a councillor in May 2021 and again on re-election in May 2022 which is a criminal offence: and
- b) A further failure of that Cabinet member to register the same two Disclosable Pecuniary Interests in their Register of Interests dated 15 September 2023?

Reply from Councillor James Leppard (Portfolio Holder for Finance and Governance):

I thank Mr Forman for this question and bringing the omission to the attention of the Council. I understand that the member concerned has reviewed their form. You can have no doubt that the Council takes Governance very seriously and all members have attended training and will again this year after the elections as the Code of Conduct has changed.

Supplementary question from David Forman:

The Committee on Standards in Public Life (CSPL) in their report titled 'Local Government Ethical Standards', published in January 2019, stated in Recommendation No.18 that "criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished." However, the Government rejected this recommendation in their response on 18 March 2022.

Consequently, do you agree or disagree with the following government response to CSPL's Recommendation No.18 which reads:

"It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption.

The Government does not agree with this recommendation, but rather believes the criminal offence of a non-disclosure of pecuniary interest to be a necessary and proportionate safeguard and deterrent against corruption.

The high bar of police involvement has served to discourage politically motivated and unfounded complaints."

Reply from Councillor James Leppard (Portfolio Holder for Finance and Governance):

I re-iterate that the council will uphold the highest standards, but will write to you with a response.

2 David Forman to Councillor John Steer (Portfolio Holder for Community):

In the foreword to Harlow Council's Health and Wellbeing Strategy 2023 to 2028 it states:

"...substance misuse, particularly linked to alcohol consumption, could put additional pressure on both local primary and acute healthcare provision in the next five years alone."

"As a community leader, the council believes it has an important role to work to reduce the trends holding back better health and wellbeing outcomes in the town."

Considering this statement it is somewhat incongruous that one councillor has recorded receiving a case of beer from HTS Group as a Christmas present. Consequently, I wish to know:

- a) How does the council's HTS Group supplying gifts of beer support the council's objective of being a "community leader" in improving health and wellbeing outcomes: and
- b) Do you think it is acceptable that council tax payers foot the bill via HTS Group to supply beer to councillors?

Reply from Councillor John Steer (Portfolio Holder for Community):

I thank Mr Forman for raising the important matter of Health and Wellbeing. As an authority our focus is very much around ensuring that Harlow is a place where its residents can lead long, healthy, independent, happy and safe lives. A place where people are empowered and supported and manage their own health and wellbeing with equal access to services.

You may know that one of our priorities is to seek to reduce misuse of substances and alcohol and our stated strategy outcomes for the period to 2028 are to improve:

- a) the understanding of addiction issues, including alcohol and drug use, and gambling in young people, adults and older people in Harlow.
- b) prevention activity in relation to alcohol and substance misuse so that people at risk are informed and empowered to make healthy choices.
- c) access to advice, support and treatment for residents experiencing alcohol and substance use issue.
- d) levels of community harm associated with alcohol and substance misuse (such as antisocial behaviour and criminal activity) through effective education, enforcement and regulation.

You will also be aware that the gift, made four years ago, is a matter of long term public record.

Supplementary question from David Forman:

Will the Monitoring Officer get the Councillor to correct the record?

Reply from Councillor Dan Swords (Leader of the Council):

Supplementary questions should be directed to the person you asked the first question to. However, you can email the Monitoring Officer outside of the meeting with your request.

3 Jake Shepherd to Councillor John Steer (Portfolio Holder for Community):

Will the Council consider flood-lighting the public tennis courts around the town, similar to how the basketball court in Potter Street is illuminated?

Reply from Councillor John Steer (Portfolio Holder for Community):

Staple Tye MUGA has floodlights. The skatepark is also floodlit. Regarding the other court sites and MUGAs, a feasibility and design study would be required. This is something that we will explore and report back on in due course.

4 Jake Shepherd to Councillor John Steer (Portfolio Holder for Community):

Will this Administration appoint its share of trustees to Harlow and District Sports Trust so that they might persuade the Trust to release funds for similar improvement works to Harlow's public tennis courts in future?

Reply from Councillor John Steer (Portfolio Holder for Community):

The council appointed to the Trust from 2008 until 2012. Following the appointment in 2012, it was advised that the council wasn't entitled to make appointments to the Trust and therefore it hasn't made appointments since. I understand that the Leader of the Council is exploring this matter further.

5 Alan Leverett to Councillor David Carter (Portfolio Holder for Housing):

I note the recommendation at A in the report to be discussed later this evening about the future of two flat blocks at Sycamore Field, that is to sell the blocks, carports and hardstandings.

A cost benefit analysis must have been carried out when determining the course of action being proposed tonight. Can you tell me how much the site has been valued at and how many new properties this calculation has been based on?

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

The recommendation is not to sell the buildings or the land, it is the disposal of the buildings as Council assets as they require demolition. The cost benefit analysis is not based on any regeneration project as this is not regeneration scheme. This is an important fire safety matter and so the analysis was based on what the costs would be to bring the properties up to the required standard. As it is now well publicised this figure would be a minimum of £5.5 million pounds for the council, bills of £110,000 plus for leaseholders and would still not bring the building up to the appropriate standards, nor would the building ever be insurable, therefore this makes the work uneconomical.

Supplementary question from Alan Leverett:

Can you confirm this will result in a loss of 54 council homes?

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

No, this is not true.

6 Alan Leverett to Councillor David Carter (Portfolio Holder for Housing):

Having spoken to residents and noted comments on social media It is clear to me that residents have not been adequately informed of events since 2020.

Why has the council not provided residents with a copy of the External Wall Assessment of December 2020, the ECFRS Fire report including the assessment of the external walls and the enforcement notice and why have new leaseholders not been informed of what has happened to these blocks since 2020, prior to completing the purchase their home?

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

The council has given updates to residents where required. The council's approach has always been that of remediation of the building and so has written to tenants and leaseholders when undertaking work and has ensured the notice boards have the most up to date information on the buildings management in the "Notices Regarding Fire Risk Assessment". The council does not routinely publish Fire Risk Assessments unless the building exceeds 18m, a policy adopted by a number of Local Authorities in line with best practice.

With regard to the comment regarding the information that new leaseholders may or may not receive, whilst specific cases cannot be discussed it can be confirmed that the council has issued all relevant information it holds at the time of any purchase made between December 2020 and the present day including the provision of copies of the Fire Risk Assessments and copies of the enforcement notice issued by Essex County Fire and Rescue Service. This information formed part of the pack sent to the buyers' solicitors and therefore it is their responsibility to ensure the information is shared and the buyer is advised appropriately.

It must also be stated that up until very recently the council was still working to resolve these matters and retain the building which is why tenants and leaseholders had not been made aware of these current recommendations until the initial letter sent in January 2024.

Supplementary question from Alan Leverett:

The information supplied to tenants and leaseholders was not sufficient and only been given a week to consider it. Why haven't they been sent an actual copy of the reports.

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

All residents have been written to, and invited to attend and speak with Officers individually. Those meetings will be taking place as soon as possible.

7 Karen James to Councillor David Carter (Portfolio Holder for Housing):

I note the enforcement notice issued by Essex County Fire and Rescue Service (ECFRS) in respect to the flats at Sycamore Field expires in October 2024.

In the event that the two buildings cannot be vacated by then, can you advise me of the consequences for the council and residents if the ECFRS take enforcement action?

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

If it is agreed at tonight's meeting that the recommendations in the report are agreed, the council will immediately begin contacting tenants and leaseholders to understand their position and support them to vacate the building appropriately.

The October 2024 date was set by Essex County Fire and Rescue Service to complete the remedial works when this was still believed to be the suitable approach. The council has remained in contact throughout this process with ECFRS and will seek further information from them following this evening if the recommendations of the report are agreed. All options remain open to ECFRS in relation to enforcement action and the council will advocate on behalf of tenants and leaseholders to ensure that ECFRS consider the impact of any proposed action on those most impacted, the residents.

8 Karen James to Councillor David Carter (Portfolio Holder for Housing):

I note in the report to be presented later tonight that the Council will produce a plan for regeneration of the area following vacation of the buildings.

Why is this plan only going to come forward after vacation occurs, surely residents, particularly the leaseholders have the right to know what these plans are before determining what they intend to do if the recommendations are accepted later this evening.

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

As stated in my earlier answer to question 7, this is not a regeneration scheme at heart. This is an important fire safety matter and any regeneration process is a secondary consideration due to the urgency of this matter. Regeneration schemes are usually in the making for a number of years where designs would take place and phasing of the project is feasible but unfortunately this is not the case here. The council does not have any plans to share with residents and any future scheme would be years away from completion meaning it cannot be a

consideration for tenants and leaseholders should the decision be taken to dispose of the buildings.