

**MINUTES OF THE CABINET
HELD ON**

21 March 2024

7.30 - 9.03 pm

PRESENT

Committee Members

Councillor Dan Swords, Leader of the Council
Councillor David Carter, Deputy Leader and Portfolio Holder for Housing
Councillor Michael Hardware, Portfolio Holder for Economic Development
Councillor James Leppard, Portfolio Holder for Finance and Governance
Councillor Nicky Purse, Portfolio Holder for Sustainability and Environment
Councillor John Steer, Portfolio Holder for Community

Other Councillors

Councillor Simon Carter
Councillor Tony Edwards
Councillor James Griggs
Councillor Daniella Pritchard
Councillor Matthew Saggars
Councillor Chris Vince
Councillor Nancy Watson

Officers

Donna Beechener, Assistant Director -
Revenues and Benefits
Niel Churchill, Communications
Manager
Rebecca Farrant, Assistant Director -
Corporate Services
Julie Galvin, Legal Services Manager
James Gardner, Assistant Director -
Regeneration
Scott Marfleet, Desktop Engineer
Jacqui Van Mellaerts, Assistant
Director - Finance
Simon Pipe, Customer and Business
Insight Manager
Adam Rees, Senior Governance
Support Officer
Yvonne Rees, Interim Chief Executive

116. **WEBCAST INTRODUCTION**

The Leader said the meeting was being webcast live and would be available for repeated viewing after the meeting has ended. By continuing to attend the meeting, you were consenting to being filmed and to appearing in the webcast.

117. **APOLOGIES FOR ABSENCE**

None.

118. **DECLARATIONS OF INTEREST**

Councillor Sagers declared a non-pecuniary interest as a council leaseholder and a pecuniary interest as a remunerated council appointed director of HTS (Property and Environment) Ltd.

119. **MINUTES**

RESOLVED that the minutes of the meeting held on 15 February 2024 are agreed as a correct record and signed by the Leader.

120. **MATTERS ARISING**

None.

121. **WRITTEN QUESTIONS FROM THE PUBLIC**

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

122. **WRITTEN QUESTIONS FROM COUNCILLORS**

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

123. **COMMUNICATIONS FROM THE LEADER**

The Leader outlined progress on the council's five priorities. He said the housing repairs backlog was on track to be cleared by next week. There was now a tenancy audit programme, and the housing allocations policy had been reviewed.

The council had improved its landscape maintenance policy. It would be bringing forward a neighbourhood car parking programme.

A number of town centre schemes were on site, and the council was on track to exceed its council house building target.

124. **PETITIONS**

None.

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

RESOLVED that the following decision be noted.

- a) Portfolio Holder for Finance and Governance - 12 March 2024

126. **FINANCIAL PERFORMANCE REPORT, QUARTER 3 2023/24**

Cabinet received the Financial Performance Report, Quarter 3 2023/24.

Proposed by Councillor James Leppard (seconded by Councillor Dan Swords) it was:

RESOLVED that Cabinet:

A Noted:

- i) The forecast outturn position set out within the report in respect of the General Fund as at the end of quarter 3 (April – December) of 2023/24 is an adverse variance of £371,000.
- ii) The update contained within the report that this has changed to a forecast favourable variance at the end of Period 10 (January 2024) of £26,000.

B Noted:

- i) The forecast outturn position set out within the report in respect of the Housing Revenue Account as at the end of quarter 3 (April – December) of 2023/24 is an adverse variance of £778,000.
- ii) The update contained within the report that this has increased to a forecast adverse variance at the end of Period 10 (January 2024) of £822,000.

C Noted the forecast outturn position set out within the report in respect of the Non-Housing Capital Programme as at the end of quarter 3 (April – December) of 2023/24 with a projected favourable variance of £2.946 million.

D Noted the forecast outturn position set out within the report in respect of the Housing Capital Programme as at the end of quarter 3 (April – December) of 2023/24 with a projected favourable variance of £3.358 million.

E Approved the Period 9 reprofiling into 2024/25 within the Housing and Non-Housing Capital Programmes included within Appendices C and D.

F Recommended to Full Council the approval of the Budget allocations identified for 2023/24 within the Housing and Non-Housing Capital Programmes included within Appendices C and D to the report.

G Noted the council's Oflog metric data at Quarter 3.

127. **CORPORATE PLAN DELIVERY PLAN AND COMMUNICATIONS FRAMEWORK**

Cabinet received a report on the Corporate Plan Delivery Plan and Communications Framework.

Proposed by Councillor Dan Swords (seconded by Councillor James Leppard) it was:

RESOLVED that Cabinet approved:

A The Corporate Plan delivery plan for 2024 - 2025, attached as Appendix A to the report.

B The supporting Communications Framework, attached as Appendix B to the report.

128. **HARLOW INVESTMENT FUND**

Cabinet received a report on a proposed amendment to the structure of the Harlow Investment Fund.

Proposed by Councillor Michael Hardware (seconded by Councillor Dan Swords) it was:

RESOLVED that Cabinet approved the amendment of the proposed company structure of the Harlow Investment Fund to adopt Limited Liability Partnership (LLP) arrangement.

129. **COUNCIL HOUSE BUILDING PROGRAMME ANNUAL UPDATE REPORT**

Cabinet received the council house building programme annual update report.

Proposed by Councillor Michael Hardware (seconded by Councillor Dan Swords) it was:

RESOLVED that Cabinet:

A Noted the review and update on the Council House Building Programme (CHBP) as agreed at Cabinet in March 2023.

B Acknowledged that an all-Members Briefing was held by the Regeneration Team in October 2023.

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

a) **Referral from Scrutiny Committee - Climate Change Strategy**

Cabinet received a referral from the Scrutiny Committee on the Climate Change Strategy.

Proposed by Councillor Nicky Purse (seconded by Councillor David Carter) it was:

RESOLVED that Cabinet approved the draft Climate Change Strategy at Appendix B of this report for consultation.

b) **Referral from Audit and Standards Committee - Risk Management Report**

Cabinet received a referral from the Audit and Standards on the risk management report.

Proposed by Councillor James Leppard (seconded by Councillor Dan Swords) it was:

RESOLVED that Cabinet noted the approvals made by the committee in respect of Risk Management.

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

None.

132. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL

Cabinet – 21 March 2024

Questions from the Public

1 Jake Shepherd to Councillor Dan Swords (Leader of the Council):

Harlow Council is proudly a Living Wage Employer, with the acquisition of The Harvey Centre will the Council seek to persuade independent retailers and business owners to follow in its footsteps?

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

As you rightly point out, Harlow Council are a proud Living Wage Employer and fully support the invaluable part it can play in helping employees to meet their day-to-day living expenses across all of the organisations that have adopted it. I welcome the significant increase to the Living Wage that the Government has announced which will see a £1,800 pay rise for those receiving it in the new financial year.

Whilst we may not hold any form of enforcement powers, Harlow Council would always seek to promote the virtues of the Living Wage and its application to all businesses across the town, county, and country, and not just those operating within the Harvey Centre.

Supplementary question from Jake Shepherd:

What can the leader say his legacy is for helping with the cost of living crisis?

Supplementary reply from Councillor Dan Swords (Leader of the Council):

Fully funding the community hub and freezing council tax.

2 Colin Thorpe to Councillor Dan Swords (Leader of the Council):

At the Cabinet Meeting held 1st December 2022 Councillor Charles stated “The Council is committed to actively working with the Potter Street Wellbeing Hub Trust to seek to find venues from which it can commence running some well being activities in the Potter Street area.”

In your letter dated 7th December 2022 to the Trustees in your capacity of Deputy Leader and Portfolio holder for Regeneration after it was decided that Osler House was uneconomical to repair you wrote “That is why we will seek to find an alternative venue in Potter Street for your project that does not require such levels of investment .I am confident that this can be done in short order.”

In an email dated 12th December 2022 in reply to my own Robert Halfon MP wrote “ Thank your for your email please be assured that I will work with the Council to do all we can to help find an alternative venue for the Hub.”

Fourteen months have now passed since these promises were made will the Leader of Council now honour these promises or will the residents of South East Harlow once again be let down?

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

With a view to assisting the Potter Street Wellbeing Hub locate a venue, Council Officers facilitated a meeting with the Potter Street Community Association who at the time had capacity to take on new bookings within the existing Community Centre. As far as I have reviewed, perfectly reasonable offers were made but not accepted. This would have seen the hub located in Potter Street.

Nevertheless, Harlow Council have also supported the Wellbeing Hub concerning the community garden/growing project at the Dudley Terrace Allotment. That is an active project, and the Council is in the process of regularising the occupation of the site via the grant of a new lease.

Furthermore, given the welcome news of the proposed sale of Osler House to Mind in West Essex, there may be opportunity to work with the charity regarding use of the community space within the property. In due course, Harlow Council would be happy to make introductions so that the parties can discuss what opportunities there may be.

3 Colin Thorpe to Councillor Dan Swords (Leader of the Council):

Following on from my previous question on the Council's suggested commitment to supporting the “Hub”.

The Potter Street Health and Wellbeing Hub have only been able to progress one part of it's plans and this has been achieved by taking over a derelict allotment site in Potter Street and creating the Potter Street and Church Langley Community Garden .

Unfortunately, the Garden lacks its “Hub” which is a central part of the project not only as a administrative centre for the rental of allotments but also somewhere our volunteers can rest

Will the Council now use its powers as granted in the “Smallholdings and Allotments Act 1908” Part II section 26 which allows for improvements on allotments and The Town and Country Planning (General Permitted

Development) (England) Order Part 12 Class A which allows the erection of small ancillary buildings of less than 4 metres in height with a maximum of 200 cubic metres capacity and provide a small log cabin funded by some of funds which were allocated to Osler House and by so doing honour its promise to find a base for the “Hub” in Potter Street?

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

Thank you for your question. The council congratulates The Potter Street Health and Wellbeing Hub on its important work in creating a community garden. The provision of a small log cabin for the purposes of an administrative centre or rest area on statutory allotment land will be contrary to planning laws. However, the council will commit to working with your organisation with a view to providing an appropriate facility for ancillary use to a statutory allotment, subject to the building and use falling within permitted development.

Supplementary question from Colin Thorpe:

Does Planning have to work within the constraints of the planning order and not use words that are not within the planning order. Incidental is not used in the planning order, but ancillary is. Will the council use its powers to allow a small log cabin to be erected on the site?

Supplementary reply from Councillor Dan Swords (Leader of the Council):

Can't comment on specific application. However, we have had extensive planning dialogue. We will seek to support to you. However, you can submit an application contrary to advice and if you submit an application which is rejected, you can appeal the decision. However, I would encourage you to consider and go along with the advice the council has given you.

Cabinet – 21 March 2024

Questions from Councillors

1 Councillor Chris Vince to Councillor Dan Swords (Leader of the Council):

At the last cabinet meeting I asked the leader about the meeting he had with Arriva about the ongoing situation with cuts to services across Harlow, in particular the number 9.

I was promised at that meeting the minutes of the meeting he had in January, however, at time of writing I have yet to receive them, can I ask again publicly for those minutes and also the actions which came from that meeting?

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

I apologise for this slip. I will fully brief Cllr Vince on this matter and bring him up to speed with the ongoing work.

Supplementary question from Councillor Vince:

Can you email minutes first and then arrange a meeting between us?

Supplementary reply from Councillor Dan Swords (Leader of the Council):

Yes.

2 Councillor Chris Vince to Councillor Dan Swords (Leader of the Council):

The taxi industry news website 'taxi point' recently wrote an article stating that Wolverhampton and Milton Keynes councils have entered into a shared enforcement plan.

Due to the issues raised previously about taxis from neighbouring council areas, and also the need of Harlow Council to close a rather large budget gap over the next 4 years, has a shared enforcement plan been looked at between Harlow council and neighbouring authorities?

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

We are committed to improving our enforcement and are looking at a number of ways to potentially introduce shared enforcement. We have carried out joint enforcement sessions with other authorities such as Wolverhampton and, in Essex, the matter of sharing enforcement with neighbouring authorities is being

looked into collectively by a new formed Essex Working Group and will hopefully be moving forward with this in the next few months.

Supplementary question from Councillor Vince:

When the meeting happens, can we lobby the government to reverse some of the Deregulation Act 2015?

Supplementary reply from Councillor Dan Swords (Leader of the Council):

I agree and have met with ministers about this. The changes undermine the standards that are expected.