

**MINUTES OF THE CABINET  
HELD ON**

15 February 2024

7.30 - 10.50 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 Durcan  
Councillor Tony Edwards  
Councillor Michael Garnett  
Councillor James Griggs  
Councillor Sue Livings  
Councillor Colleen Morrison  
Councillor Kay Morrison  
Councillor Aiden O'Dell  
Councillor Russell Perrin  
Councillor Lanie Shears

**Officers**

Niel Churchill, Communications  
Manager  
Cara Stevens, Assistant Director,  
Housing Operations (People)  
Simon Freeman, Deputy Chief  
Executive and Director of Finance  
Simon Hill, Director of Governance  
and Corporate Services  
Paul Keen, Communications Officer  
Wendy Makepeace, Assistant Director  
- Housing and Property  
Jacqui Van Mellaerts, Assistant  
Director - Finance  
Adam Rees, Senior Governance  
Support Officer  
Yvonne Rees, Interim Chief Executive

97. **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.

98. **APOLOGIES FOR ABSENCE**

None.

99. **DECLARATIONS OF INTEREST**

Councillor Aiden O'Dell declared a pecuniary interest in item 15 as a leaseholder at Sycamore Field.

100. **MINUTES**

**RESOLVED** that the minutes of the meetings held on 15 and 29 January 2024 are agreed as a correct record and signed by the Leader.

101. **MATTERS ARISING**

The Leader said he would speak to Councillor Vince about meetings with Arriva.

102. **WRITTEN QUESTIONS FROM THE PUBLIC**

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

103. **WRITTEN QUESTIONS FROM COUNCILLORS**

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

104. **COMMUNICATIONS FROM THE LEADER**

The Leader welcomed Yvonne Rees to her first Cabinet meeting following her appointment as Interim Chief Executive.

He said that the council had now been shortlisted for the LGA's most improved council award.

The council had continued to make progress against its five priorities, including clearing 94 percent of its housing backlog and replacing hundreds of road signs.

105. **PETITIONS**

None.

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

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

- a) Portfolio Holder for Finance and Governance - 10 January 2024
- b) Portfolio Holder for Finance and Governance - 25 January 2024
- c) Portfolio Holder for Finance and Governance - 25 January 2024

107. **MEDIUM TERM FINANCIAL PLAN 2024/25 - 2026/27 AND GENERAL FUND BUDGET 2024/25**

Cabinet received a report on the Medium Term Financial Plan 2024-2028 and General Fund Budget 2024-25.

It was agreed that Councillor Vince would be provided with more detail about how the figures for the surpluses on page 58 of the agenda pack were reached.

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

**RESOLVED** that Cabinet recommended to Full Council that:

- A** The Medium-Term Financial Plan 2024 - 2028, and the General Fund Budget for 2024/25 attached as Appendix A to the report, is approved.
- B** The Council's Band D Council Tax for 2024/25 is set at £288.90 representing a 0% increase as set out in the 2024/25 Medium Term Financial Plan.
- C** The General Fund estimates for 2024/25, as set out in Appendix B to the report, are approved.
- D** The proposed transfers between the General Fund and Earmarked Reserves, referred to within the report and set out in Appendix A to the report, are approved.
- E** The proposed Fees and Charges, as set out in Appendix C to the report, are approved.
- F** The Pay Policy Statement, as set out in Appendix E to the report, is approved.

108. **HOUSING REVENUE ACCOUNT BUDGET 2024/25 AND HOUSING REVENUE ACCOUNT BUSINESS PLAN 2023-2053**

Cabinet received a report on the Housing Revenue Account Budget 2024/25 and Business Plan 2023-2053.

The Leader agreed to meet with Councillor Perrin about painting at Milwards.

Councillor Vince would be provided with the difference between the housing rent increase and a Council Tax freeze.

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

**RESOLVED** that Cabinet recommended to Full Council to:

- A** Approve the Housing Revenue Account (HRA) estimates as set out in Appendix A to the report.
- B** Approve that tenant rents are increased by 7.7 percent with effect from 1 April 2024. This equates to an average weekly rent of £112.20 an increase of £8.02 as set out in paragraph 2 of the report.
- C** Approve that the rents and personal charges for temporary accommodation are increased with effect from 1 April 2024 as set out in paragraph 3 of the report.
- D** Approve that garage rents within the 'retain and invest' category are increased by 5 percent with effect from 1 April 2024. This equates to an average weekly rent of £12.97, an increase of £0.62. Also approve the proportionate increases for other garages, car ports and car spaces as set out in paragraph 4 of the report.
- E** Approve that tenant service charges are increased to recover full cost with effect from 1 April 2024 (see paragraphs 5 to 7 of the report and Appendix C attached to the report).
- F** Approve that the leasehold service charges are increased with effect from 1 April 2024 to ensure that all leaseholder costs are recovered (see paragraphs 8 to 11 of the report and Appendix C attached to the report).
- G** Approve that all other tenant charges are increased with effect from 1 April 2024 in order to recover cost (see Appendix C attached to the report).
- H** Approve the Housing Revenue Account Business Plan, as set out in Appendix B to the report.

109. **CAPITAL AND TREASURY BUDGET REPORT 2024-25 TO 2027-28**

Cabinet received the Capital and Treasury Budget Report 2024-25 to 2027-28.

The Leader agreed to provide Councillor Vince with more information about the proposed housing energy efficiency schemes.

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

**RESOLVED** that Cabinet recommended to Full Council to:

- A** Approve the 2024/25 Housing Capital Programme (HCP) totalling £60.409 million as set out in Appendix A to the report.
- B** Approve the 2024/25 Non-Housing Capital Programme totalling £32.782 million as set out in Appendix A to the report.
- C** Approve the following Capital and Treasury Reports:
  - i) The Capital Strategy Report (Appendix B to the report);
  - ii) The Treasury Management Strategy Statement 2023/24 (Appendix C to the report);
  - iii) The Investment Strategy Report 2023/24 (Appendix D to the report); and
  - iv) The MRP Statement 2023/24 (Appendix E to the report).

*It was agreed that item 15 be considered next. Councillor O'Dell left the meeting.*

110. **FIRE SAFETY WORKS 154-189 & 190-207 SYCAMORE FIELD**

Cabinet received a report on fire safety remediation works at 154-189 and 190-297 Sycamore Field.

The Leader agreed to meet with Councillor Perrin about the impact of the demolition on disabled residents and the noise made by the Walking Watch.

Councillor Perrin would be provided with details on the impact on contents insurance for residents.

Councillor Kay Morrison would be provided with all relevant fire safety documentation.

Councillor Vince would be provided with an explanation as to why alternative funding mechanisms weren't applicable.

Councillor Griggs would be provided with information about insurance indemnity.

Proposed by Councillor David Carter (seconded by Councillor Dan Swords) it was:

**RESOLVED** that Cabinet approved:

- A** The disposal of the buildings known as 154-189 & 190-207 Sycamore Field and the associated vehicle parking known as carports 154-163, 164-171 and 201-207 Sycamore Field and

hardstandings 172-189 Sycamore Field due to fire safety remediation requirements that cannot be achieved.

- B** The commencement of decanting residents from these properties in line with the council's allocations policy.
- C** The payment of home loss and disturbance payments as appropriate.
- D** Commencement of negotiation with leaseholders for the repurchase of properties with approval to complete purchases delegated to the Director of Housing in consultation with the Assistant Director for Housing and Property.
- E** The use of Compulsory Purchase Powers under Section 226 Town and Country Planning Act 1990 should this become necessary.
- F** Service of a demolition notice under Section 138B and Schedule 5A of the Housing Act 1985 which will confirm the council's intention to demolish the buildings and suspend the obligation on the council to complete right to buy applications on the two buildings in question.
- G** The negotiation and settlement of any statutory compensation claims made by residents as a result of the service of the Initial Demolition Notice delegated as set out in recommendation D above.

*Councillor O'Dell returned to the meeting.*

#### 111. **ALLOCATIONS POLICY**

Cabinet received a report on a revised Housing Allocations Policy.

It was agreed that Councillor Kay Morrison would be provided with the figures omitted from the Equality Impact Assessment.

Councillor O'Dell would be provided with the detailed definition of 'adequate housing'.

Proposed by Councillor David Carter (seconded by Councillor Dan Swords) it was:

**RESOLVED** that:

- A** Cabinet approved the following changes:
  - i) The Policy removes Band 4 and moves to a three band system as set out in paragraphs 7-9 of the report.

- ii) The lower age limit be increased to 18 years as set out in paragraphs 10-11 of the report.
- iii) The local connection requirement be increased to 7 years, the removal of the employment criteria, and the introduction of a born and bred criteria as set out in paragraphs 12-20 of the report.
- iv) Stepped financial limits be introduced as set out in paragraphs 21-26 of the report.
- v) The criteria for armed forces be amended as set out in paragraphs 27-32 of the report.
- vi) The supported housing quotas be reviewed as set out in paragraphs 33-34 of the report.
- vii) Time limits for bidding be amended as set out in paragraphs 35-39 of the report.
- viii) The revised definition of accommodation for live in carers be amended as set out in paragraphs 40 and 41 of the report.
- ix) The process for managing refusals be amended as set out in paragraphs 42-45 of the report.
- x) Living in flats with children above ground floor be removed as an assessed housing need as set out in paragraphs 46-48 of the report.
- xi) The definitions surrounding deliberately worsening circumstances be strengthened as set out in paragraphs 49-52 of the report.
- xii) The Tied Tenant category be removed as set out in paragraph 53 of the report.
- xiii) Homeless applicants be added to the banding scheme as set out in paragraph 54 of the report.
- xiv) Applicants who wish to give up two social housing properties in Harlow for one be placed in Band 2 as set out in paragraphs 55-56 of the report.

**B** The revised Allocation Policy be implemented with effect from 1 April 2024 for all new applicants joining the housing needs register, with a phased implementation between 1 April 2024

and 1 October 2024 for existing housing register applicants, aligned to the implementation of the new Allocation IT module.

- C** Delegation be given to the Portfolio Holder for Housing to approve a revised Allocation Policy as a Portfolio Holder decision by 1 April 2024 in line with the decisions taken by the Cabinet.

112. **LOCAL LIST/NON DESIGNATED HERITAGE ASSETS**

Cabinet received a report on local list and non-designated heritage assets.

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

**RESOLVED** that Cabinet adopted the updated local list attached as Appendix 4 to the report.

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

None.

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

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

- a) Minutes of meeting Tuesday, 9 January 2024 of Harlow Local Highways Panel
- b) Minutes of meeting Thursday, 25 January 2024 of Safety Committee

115. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL



# 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.

# Cabinet – 15 February 2024

## Questions from Councillors

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

When asked by a member of the public, himself a hackney carriage driver, what steps were being addressed to stop private hire drivers using the word 'taxi' you said:

“This has not been enforced well enough to date and the council is now taking proactive enforcement action for such a breach of the operator licence.”

Can you please tell me what proactive steps have been taken to deal with this issue following that meeting?

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

All Private Hire Vehicles that had the stickers with the word “taxi” have received replacement signage compliant with Operator conditions.

Any Private Hire (PH) Operator who advertises using the word taxi or cab has received a visit to provide verbal advice, PH Operators who have continued to be in breach of the condition have also received stronger enforcement measures.

However, this has not happened as quickly as I would like, and it is evident to me that this continues to happen and therefore, I will intervene for this matter to be dealt with by the subcommittee to ensure it is stopped without further delay.

### **Supplementary question from Councillor Chris Vince:**

What intervention can be taken and how long will it take?

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

The Sub Committee can review licences where operators do not comply.

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

In the same meeting another member of the public raised the issue as I have previously about the issue of Wolverhampton licences operating in Harlow. I have subsequently been made aware that taxis with Epping Forest and Uttlesford licences are also operating in Harlow.



Although this is less unusual can I ask what steps are being taken to ensure that all taxis operating in Harlow are checked and are up to the same standards we expect of our Harlow licenced taxis, you said in the September meeting taking advice from the LGA document dated July 2021 this is something you would actively pursue, and what further work has been done to support Harlow's hard working taxi drivers?

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

Harlow Council has established a working relationship with City of Wolverhampton Council (CWC) and has carried out several joint enforcement operations together in Harlow and will continue with this good work, interest in what we do has been expressed across other Essex Authorities on how we work together, as CWC Enforcement Officers have only visited Harlow and Chelmsford in Essex to date.

Joint enforcement of vehicles from neighbouring authorities is also progressing, an Essex Licensing Working Group has been set up to consider an Essex-wide authorisation and vehicles in Harlow licensed by other authorities will be actively checked.

**Supplementary question from Councillor Chris Vince:**

How many joint operations have taken place and how many will take place?

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

I will write to you with specific details.