

**CABINET
HELD ON 9 NOVEMBER 2022
(FROM 5.30 PM – 6.10 PM)**

PRESENT: Councillor Richard Cooper in the Chair. Councillors Mike Chambers, Phil Ireland, Stan Lumley, Tim Myatt and Graham Swift.

Late Arrivals: None

Early Departures: None

39/22 – APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:
An apology for absence had been received from Councillor Sam Gibbs.

(5.31 pm)

40/22 – DECLARATIONS OF INTEREST: There were no declarations of interest.

(5.31 pm)

41/22 – MINUTES: The Minutes of the meeting of the Cabinet held on 12 October 2022 were approved as a correct record.

(Five Members voted for the motion and there was one abstention)

(5.32 pm)

42/22 – EXEMPT INFORMATION: The report at Minute 43/22 and the appendices to the reports at 44/22, 45/22 and 48/22 were considered to be exempt under paragraph 3 of Schedule 12a to the Local Government Act 1972. Discussion on the items took place in open session.

(5.32 pm)

Prior to commencing the formal business of the meeting the Leader made a statement about public concern regarding homelessness in Harrogate Town Centre and Harrogate Borough Council's response. I want to just make a short statement about an issue that's been raised by many people and is an issue of concern rightly I think to many members of the public. Many I think are aware that over recent weeks the rear of Primark on Oxford Street has become a gathering point for people drinking, street begging and rough sleeping and I think it's important to describe how we've been helping these people and how we'll seek to help them going forward. That help has been and needs to be alongside other stakeholders and by that I mean the police, businesses in the Town Centre, the Harrogate Homeless Project and other agencies that can offer support and I'm grateful to Harrogate Borough Council's housing team and my colleague Councillor Mike Chambers for all they've done in this regard. To the best of the Council's knowledge three people are sleeping rough in the area and these are entrenched long-term rough sleepers. The Council has offered a variety of accommodation to them including at Fern House our purpose-built move-on accommodation in Starbeck, a bed and breakfast in Knaresborough, and a two-bedroom Council house, each of those offers have been

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refused but I don't want anybody to think that we haven't made those offers. Eventually temporary accommodation was accepted but unfortunately that accommodation was extensively damaged by the occupants who had to leave it and so they're now sleeping rough again. I know that caring members of the public are leaving food and coffees behind Primark for the groups who have gathered there and now that's often a much larger number than the three rough sleepers I mentioned earlier; although I can assure people that many of those gathering there and on Bower Street where we've seen similar issues have their own accommodation provided by housing associations or the council which they can use. Now I can't fault, and would never fault, people for demonstrating their compassion I would just say that extensive support with healthcare, washing, cooked meals and medical support is available a few yards away at the Springboard facility in the Wesley Chapel. If people have spare cash to support Springboard which is run by the Harrogate Homeless Project or Harrogate Street Aid through the various tap terminals around town then this may be a more long-term way to provide the help that's required and I should just make it clear at this point that I'm a trustee of Harrogate Homeless Project. The Council will continue to work with those sleeping rough alongside our partners to help those gathering in these areas get the support they need. In this way we can help stabilize what are often chaotic lives characterized by mental and physical health problems, addiction and family breakdown. The help we will provide will include drawing together a plan identifying how we as a town centre community rather than individual organizations can help these people access the support services they need and receive long-term support sometimes despite what many of us would see as obvious need they do not want to get this help so we need to take advice from experts such as those at the Homeless project about how this can be best achieved. The purpose of this statement is to let the public know what the various stakeholders have been doing to try and achieve that and also that we'll continue to do so as a team working together compassionately to bring stability and certainty to the lives of those who have not enjoyed the good fortune which has favoured many of us. So thank you very much for allowing me to make that statement colleagues I hope that clarifies some of the queries that many members of the public have been making about this very serious issue and what we're doing to help.

MATTER TO BE REFERRED TO COUNCIL

43/22 – **CAPITAL AND INVESTMENT PROGRAMME 2022/23 QUARTER 2:** The Head of Finance submitted a written report and sought approval for the amended Capital and Investment Programme for 2022/23 and Indicative Programmes from 2023/24 to 2026/27. The Council was taking a proactive approach to its asset management and ensuring that the return from investment was maximised and the Strategy assisted the Council in provision of corporate planning as schemes and funding for future years were approved. Costs in the strategy were provisional high level estimates based on prices at the time and would vary as more detailed work was undertaken on projects. A significant review of the HCC Redevelopment would impact on the Capital and Investment Strategy in the future and costs would vary as more detailed work was undertaken on the project.

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Section 6 of the report outlined the governance arrangements for the Programme, which was reported to Management Board before approval by Cabinet and Council in February alongside the revenue budget.

The amended Capital Programme for 2022/23 to 2026/27 was outlined in Table 1 at paragraph 8.1 of the report, and further detail was given at Appendix 1. Paragraph 8.2 provided an explanation of the changes which had resulted in an increase from the original approved programme. The main change being in respect of the investigations of the required work to complete the upgrade of the Hydro Pool. The full extent of the works had now been realised and work was required to replace some of the existing infrastructure rather than remedial work. Other changes included deletion of the £1,000k budget uplift to the Claro Road Depot redevelopment due to the s.24 agreement with NYCC not having been agreed. Other projects that were awaiting a decision on the s.24 agreement were listed in paragraph 9.6.

The amended Revenue Investment Programme for 2022/23 to 2026/27 was shown in Table 2, and further detail was given at Appendix 2, this was £522k less than the agreed programme as a result of works detailed at paragraph 8.4. Section 10 set out the resources available to fund the programme, and Table 3 at paragraph 10.3 set out the anticipated net capital receipts from the sale of assets.

Overall, capital and revenue expenditure of £83,348k was forecast in the amended five year rolling programme to 2026/27, which was a decrease of £4k from the previously approved programmes. The five year programme was not fully funded as there would be a shortfall of £362k in 2026/27.

RECOMMENDED (UNANIMOUSLY):

That (1) the amended Programme for 2022/23 and Indicative Programmes from 2023/24 to 2026/27 are approved, noting that future developments around the Harrogate Convention Centre (HCC) will have an impact on the figures in this report; and

(2) specific consent is sought from the County Council as set out in section 9 for the projects listed in paragraph 9.6.

(5.37 pm to 5.42 pm)

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Late Arrivals: None

Early Departures: None

MATTERS DEALT WITH BY CABINET

44/22 – **STRATEGIC HOUSING AND EMPLOYMENT SITES PROJECT - FORWARD PLAN REF: 09PSEG22:** The Executive Officer Housing Delivery and Strategic Sites submitted a written report that presented the content and conclusions of the Strategic Sites Masterplanning and Delivery Study undertaken by BDP and Colliers. The report set out the next steps for each of the three Council owned sites to enable further progress on the Strategic Housing and Employment Sites Project.

The Strategic Housing and Employment Sites project covered three council owned sites that had been allocated as part of the adopted Harrogate District Local Plan. The sites covered by the study were:

- Pannal, South of Almsford Bridge (Local Plan site ref: PN18).
- Harlow Nurseries (Local Plan site ref: H65)
- Dragon Road Car Park (Local Plan site ref: H63)

The consultants, of BDP and Colliers, had been tasked with examining how the sites could meet the Councils objectives of high quality place making and sustainable credentials into the development of each site. Paragraph 5.4 of the report set out the list of objectives the consultants has been asked to assess. The study had been carried out during 2021/22 and there were a number of work phases including feedback sessions with relevant officers, details of work undertaken were set out in paragraph 5.4. Paragraph 5.6 outlined the individual characteristics, opportunities and constraints of each of the three sites. Bespoke solutions had been found for each of the three sites, full details of which could be found in the final BDP masterplanning study report found at Appendix A. Exempt Appendix B contained the final Colliers Delivery report. The next steps were outlined at paragraph 5.7 of the report.

The Cabinet Member for Planning commended the report as a good piece of work that outlined the possibilities of each of the sites. He then proposed alternative recommendations to those contained in section 2.0 of the report for the following reasons:

- Harlow Nursery: the Council must ensure that a successful transfer and relocation takes place and this should be made explicit in the recommendations
- Dragon Road: Support for improvements to the Greenway. Officers proposals to develop the site were supported but it was key to first establish what the

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requirement for HCC traffic and parking will result from the HCC redevelopment

- Pannal/Leeds Road: the options presented were not to a standard of design that could be supported by Cabinet and there was desire to protect one of the key entrances to Harrogate Town.

RESOLVED (UNANIMOUSLY):

That (1) the content/conclusions of the Strategic Sites Masterplanning and Delivery Study undertaken by BDP and Colliers be noted; and

(2) the following recommendations for next steps on each of the three sites as set out below be approved;

Harlow Nursery:

- a) The Council engages expressions of interest from developers and Registered Providers.
This will be followed by a tender exercise to seek bids for conditional sale of the site; along the principles of development established in the BDP study outcomes.
The results of the tender process to be reported back to Cabinet.
- b) The Council liaises with NYCC regarding s.24 requirements linked to capital spend and capital receipts associated with the existing nursery operation relocation.
- c) the council notes that development of this site is contingent on the relocation of the existing council's nursery

Dragon Road:

- a) The Council procures technical drawings/surveys and a contractor to provide the improved Nidderdale Greenway infrastructure within the Dragon Road site.
- b) Officers to report back on costs and funding source to implement the greenway improvements.
- c) The council pauses action on this site until it is clear that the HCC redevelopment will be able to accommodate exhibition traffic on-site.
- d) The Council note that adequate parking for HCC associated vehicles takes primacy over site redevelopment.

Pannal:

- a) The Council rejects the recommendations in the report and recommends that the employment site allocation be removed from the Local Plan at the review stage.

Reasons for decision:

The Housing and Employment Strategic Sites Project presented a key opportunity to secure quality place-making on these Council owned sites allocated within the adopted local plan. The Masterplanning and Delivery study had now been completed

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and enabled Cabinet to make informed decisions on the future development potential to help meet the housing and employment needs of the district.

Alternative options considered and recommended for rejection:

Not to approve the next steps for each of the three sites was rejected as it would not give a clear direction for the delivery and future use of the sites. This would in turn negatively impact on meeting the identified housing and economic needs of the area as evidenced through the Council's adopted local plan. Council projects associated with the sites would also be impacted.

(5.42 pm to 5.51 pm)

(D)

45/22 – 2022/23 OCTOBER FINANCIAL AND SERVICE PLAN

PERFORMANCE UPDATE: The Head of Finance submitted a written report presenting the Council's latest financial position along with a summary of service plan performance, on an exception basis. The Council was currently reporting a forecast overspend of £2,503k on General Fund activity.

The budget for 2022/23 reflected a combination of the effect of rising utility costs which would cost a net £1.7m and the 2022/23 pay award at £1.1m. The increase in utility bills reflected a national and global position and would cost the Council an additional £1.6m for Gas and +£720k for electricity, these costs were current estimates based on invoices received so far in 2022. The costs did not reflect the impact of a Government energy bill relief scheme, details of which were being clarified. In terms of the pay award the Council had budgeted for 2.5% however the agreed pay award for 2022/23 had resulted in an overall average increase of circa 6.7%, this would be part offset by staff savings as a result of staff turnover.

The key variances that made up the forecast were shown in Table 1 at paragraph 5.2 of the report. Table 2 at paragraph 5.3 summarised the forecast budget variances by service. Paragraph 5.5 provided further detail for each service and further detail for the Council's key commercial areas was attached as exempt Appendices B to D to the report. Exempt Appendices A and E provided reasons for HCC's overspend of £104k and detailed lettings information. Appendix F to the report showed how variances related to budgeted savings and increased income and overall there was a forecast under-delivery of net savings of £443k.

The Overview and Scrutiny Commission had also considered the report at its meeting held on 8 November 2021. The Commission had requested the Head of Finance feed back its comments to Cabinet which were that the financial position was noted and that some service specific follow up information had been requested and would be provided in due course.

The Deputy Leader referred to the national and global issue of rising utility costs and that the Council was a particularly high energy organisation due in part to the number of leisure facilities, refurbishment and decarbonisation works being implemented at the various sites would ultimately lower how much energy was being

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used and having financial benefit to the tax payers of the district. He also referred to the pay award explaining that the 6.7% overall rise came in the form of a fixed sum increase of all staff that resulted in a greater increase for those on lower grades.

RESOLVED (UNANIMOUSLY):

That the Council's current financial position, a forecast overspend of £2,503k, and service plan exception reporting, is noted.

Reasons for decision:

It was good financial discipline that regular reporting was presented to Management and Members so as to ensure expenditure remained within budget, that potential underspends were highlighted and areas that were off target were highlighted and mitigating actions identified.

Alternative options considered and recommended for rejection:

Not to receive financial reporting which would weaken financial control, increase the risk of overspends against budget or missed opportunities to utilise underspends or identify mitigating actions.

(5.51 pm to 5.56 pm)

(D)

46/22 – **CORPORATE PERFORMANCE REPORT, Q2 2022/23:** The Improvement and Development Manager submitted a written report which provided an update on the quarter two progress on the measures within the Corporate Delivery Plan. In introducing the report the Director of Corporate Affairs reported that 71 actions were on target.

Appendix 1 to the report provided an update on performance against the Corporate Delivery Plan priorities and Appendix 2 contained the Corporate Health Report showing progress against the various performance indicators. The report had previously been received by Management Board, whose comments were incorporated into the report at section 8. Key successes included an increase in levels of recycling and progress in delivering the electric vehicle infrastructure. There were a number of concerns outlined in the report such as the length of stay in temporary B&B accommodation and the time taken to re-let local authority homes.

The Overview and Scrutiny Commission had also considered and noted the report at its meeting held on 7 November 2022.

RESOLVED (UNANIMOUSLY):

That the report be received and the comments from Management Board and the Overview and Scrutiny Commission be noted.

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Reasons for decision:

Our Corporate Plan set out our long-term vision for the Harrogate district, our aim as an organisation, our corporate priorities and the long term outcomes that we want to achieve. The Delivery Plan was updated on an annual basis and detailed what we would do, what our targets were and how we would measure these. This report tracked our progress against the Delivery Plan.

Alternative options considered and recommended for rejection:

No alternative options were considered as reporting progress on the Council's Corporate Delivery Plan performance was a key part of the Council's performance management arrangements.

(5.56 pm to 5.59 pm)

(D)

47/22 – HOUSING INVESTMENT PROGRAMME 2022/23 MONITORING: The Head of Finance submitted a written report which provided the latest forecast for the Housing Investment Programme (HIP) for 2022/23 and highlighted the main variances between this latest forecast and the budget.

On 2 February 2022, Cabinet had approved the HIP for 2022/23 with a forecast expenditure of £16,478k. On 17 August 2022, a Quarter 1 report was presented to Cabinet with a revised programme of £16,946k. The latest forecast programme as at October 2022 had decreased to £13,736k and a full breakdown of the budget and how the programme would be resourced was shown at Appendix 1.

The report gave details of the key variations in the programme. Within the planned maintenance budget there had been a decrease of £2,435k compared to the original budget figure due to ongoing staff vacancies and procurement of the kitchen contract. Any further reduction in costs before year end would be picked up in the Quarter 3 HIP monitoring report in January 2023. The Housing Development budget had decreased by £2,162k due to access and legal issues regarding Church Close and Pannal Green, planning approval had not yet been obtained at 22 Springfield Drive and 31 Gascoigne Crescent, there were delays in obtaining planning approval for Woodfield Close and Poplar Grove. There were also current staff vacancies. The Council was currently expecting to complete six new build/refurbishments along with refurbishments at Allhallowgate including the creation of three accessible flats in 2022/23.

RESOLVED (UNANIMOUSLY):

That the report is received and the position noted.

Reasons for decision:

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The individual schemes and the overall funding levels need to be reported for capital budget monitoring purposes.

Alternative options considered and recommended for rejection:

Not to report. This would mean the Council would not be adequately monitoring capital expenditure

(6.00 pm to 6.04 pm)

(D)

48/22 – COMPULSORY PURCHASE OF 4A BEECH LANE, SPOFFORTH, NORTH YORKSHIRE, HG3 1AN AND 16 GREENFIELDS DRIVE, HARROGATE, NORTH YORKSHIRE, HG2 7BL:

The Empty Homes Officer submitted a written report which requested approval for the making of two Compulsory Purchase Orders (CPO) under Section 17(1)(b) of the Housing Act 1985 for the acquisition of 4A Beech Lane, Spofforth, North Yorkshire, HG3 1AN and 16 Greenfields Drive, Harrogate, North Yorkshire, HG2 7BL (16 Greenfields Drive). The report also sought to approve subsequent disposal for the purpose of providing housing accommodation of both properties.

4A Beech Lane, Spofforth, North Yorkshire, HG3 1AN had been recorded empty since 1 January 2016. Despite numerous letters and attempts to set a timeline for returning the property to use with the owner no progress had been made. 16 Greenfields Drive had come to the Empty Homes Officer's attention after a referral was received from Environmental Health regarding the poor state of the property. The state of the property has continued to decline despite many attempts to get in contact with the owner. The report further detailed the actions of the Empty Homes Officer to attempt to bring the properties back into use in accordance with the Empty Homes Strategy. Compulsory purchase was a last resort, the Council had made every effort to see the properties returned to use and CPOs were now the only realistic option. Section 6 of the report outlined the financial and legal implications of undertaking the CPO and further financial information was attached at exempt Appendix 3.

The Empty Homes Officer confirmed that a decision to authorise the making of a CPO would not preclude the owner from taking steps to return the property to use and the two processes could run in tandem.

RESOLVED (UNANIMOUSLY):

That (1) the making of a CPO under Section 17 (1) (b) of the Housing Act 1985 to acquire the freeholds of 4A Beech Lane and 16 Greenfields Drive (edged red on the plan in Appendix 1) for housing purposes be authorised;

(2) the Head of Legal and Governance be authorised, in conjunction with the Head of Housing and Property, to take all necessary steps to secure the making, sealing, confirmation and implementation of the CPOs, including but not limited to

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the publication of all statutory notices, securing the confirmation of the order by the Secretary of State for Communities and Local Government (as appropriate) including the conduct of a Public Inquiry if necessary and vesting of the Land in the Borough Council; and

(3) the Head of Legal and Governance be authorised, in conjunction with the Head of Housing and Property, to acquire interests in the land within the Order either by agreement or compulsorily, the payment of compensation and statutory interest and the instituting or defending of proceedings where necessary, together with the properties' subsequent disposal.

Reasons for decision:

The Empty Homes Strategy, approved by Cabinet on 6 February 2019, set out the procedure to follow when dealing with long-term empty properties. The Key Objectives of the strategy included prioritising all longterm empty homes for action with the ultimate aim of reducing their number.

There was a massive shortage of housing stock within the Harrogate district as stated in the HEDNA 2018, this identified the overall housing need as 669 homes per year for the whole of the period of 2016-2035. This included a rented affordable housing shortfall of 208 properties and about half as much again for affordable sale. Moreover, there were currently 2006 households registered on the council's Waiting List for rented accommodation. This quantified the housing need required to justify the use of CPO powers in this instance.

In cases where owners were not taking the necessary steps to return their properties to use local authorities used a range of enforcement tools, one of which was to offer to voluntarily purchase the property.

On 24 August 2021 the Cabinet Member for Housing and Safer Communities issued approval to take steps to purchase three empty properties in the Borough of Harrogate at market value, including 4A Beech Lane and 16 Greenfields Drive. The offer was not accepted so enforcement action is the last available resort.

4A Beech Lane was a detached three-bed dwelling and had been recorded as empty since 1 January 2016. 16 Greenfields Drive is in a dated and poor condition. There was some suggestion there may be structural problems.

S17 (1) (b) of the Housing Act 1985 gives a local authority the power to compulsory acquire land in its area for the provision of housing accommodation, where there was housing need.

Acquisition must achieve a quantitative or qualitative housing gain. Acquisition of the properties would enable the council to ensure their refurbishment and return to use, thus meeting a key objective from the Empty Homes Strategy.

Alternative options considered and recommended for rejection:

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Planning Enforcement under Section 215 of the Town & Country Planning Act 1990. This is a notice served by the local authority requiring an owner to tidy up land which is harmful to public amenity. Following investigation it was concluded that this option would not resolve the long term difficulties presented by 4A Beech Lane and 16 Greenfields Drive. Though the properties are clearly degrading in quality the impact on residential amenity is not sufficiently great to meet the requirements of a s106 notice.

Continuing negotiations with the owners to either improve the property or sell by agreement is another option. This is unlikely to succeed as 16 Greenfields Drive has not responded to any letters and 4A Beech Lane has so far failed to meet any deadlines they have set. Neither have accepted the offer to voluntarily purchase the property so they have not entered negotiations. However, though negotiations to acquire the property by agreement have so far failed the council will continue to pursue this resolution, as per the government guidance, throughout this process irrespective of whether a CPO is made by this authority. Government guidance is clear that voluntary acquisition should be preferred to compulsory purchase.

An Empty Dwelling Management Order. While the properties would comply with the statutory principles of this process, the cost of the works required to make them viable for occupation might not be recouped within the seven year period of the scheme: both properties have been empty for many years so they will require complete modernisation.

Enforced Sale. This is not considered appropriate as it would require works in default subsequent to the service of a specific statutory notice (or another qualifying charge on the properties). No charge have been issued against 4A Beech Lane and 16 Greenfields Drive. Enforced Sale has therefore been ruled out.

Do nothing and allow the properties to deteriorate further. This will potentially increase anti-social behaviour and be a detriment to the area and adjoining occupiers and owners.

(6.04 pm to 6.10 pm)

(D)