
POLICY AND RESOURCES COMMITTEE**MINUTES**

Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on Tuesday 22 January 2019 between 7.30pm and 8.30pm.

Councillors present:

Sara Bedford (Chairman)	Chris Lloyd (Vice-Chairman) (Leisure)
Rupert Barnes	Alex Michaels (Environmental Services)
Matthew Bedford (Resources and Shared Services)	Angela Killick
Stephen Cox	Andrew Scarth (Housing)
Stephen Giles-Medhurst (Economic Development)	Roger Seabourne (Community Safety and Partnerships)
Reena Ranger (sub for Cllr Alex Hayward)	Martin Trevett (Infrastructure and Planning Policy)
Paula Hiscocks	

Officers Present: Steve Halls, Chief Executive
Geof Muggerridge, Director of Community and Environmental Services
Joanne Wagstaffe, Director of Finance
Malcolm Clarke, Waste and Environment Manager
Sarah Haythorpe, Principal Committee Manager

PR50/18 APOLOGIES FOR ABSENCE

Apologises for absence were received from Councillors Alex Hayward, David Sansom and Alison Wall. Councillor Reena Ranger had been appointed the substitute Member for Cllr Hayward.

PR51/18 MINUTES

The Minutes of the Policy and Resources Committee meeting held on 10 December 2018 were confirmed as a correct record and were signed by the Chairman.

PR52/18 NOTICE OF OTHER BUSINESS

The Chairman ruled that the following item of business had not been available 5 clear working days before the meeting but were of sufficient urgency for the following reasons:

EXEMPTION FROM PROCUREMENT PROCEDURE RULES – HLF RESTORATION WORKS – LEAVESDEN COUNTRY PARK

To enable the Council to progress the HLF restoration works at Leavesden Country Park.

PR53/18 DECLARATION OF INTERESTS

None received.

PR54/18 CREATION OF SUB-COMMITTEES OF POLICY AND RESOURCES COMMITTEE

At the Full Council meeting on 11 December 2018 a motion was passed as follows:

“This Council notes that Councillors have been elected to take decisions for the benefit of local residents and that presently there are a growing number of areas where significant powers have been delegated.

This Council agrees that the decision making process and the decisions themselves should be open to public scrutiny. This can only be done by having public meetings with fully published agendas and public access. Accordingly working parties will no longer be used; all significant decisions will go to an appropriate public committee for deliberation and decision.”

Members noted that although the membership of the sub-committees would be from the P&R Committee any Member of the Council could be appointed as a substitute although in view of the nature of the work of the Local Plan sub-committee it was desirable for there to be consistency within the attending membership.

On being put to the Committee the motion was declared CARRIED by the Chairman the voting being unanimous.

RESOLVED:

That two sub-committees namely Local Plan sub-committee and Constitution sub-committee of the Policy and Resources Committee be created with the following proportional membership:

- 9 Members on the Local Plan sub-committee with the political proportionality being 5, 3 and 1;
- 9 Members on the Constitution sub-committee with the political proportionality being 5, 3, 1;

(POST MEETING NOTE: the membership of the sub-committees will be 9 per sub-committee)

- That no decision making powers be delegated to the sub-committees;
- That substitute Members be allowed;
- That the remit for the sub-committees be agreed.

PR55/18 FIXED PENALTY NOTICES; OFFENCES UNDER SECTION 34(6) RELATING TO SECTION 34(2A) ENVIRONMENTAL PROTECTION ACT 1990 WHICH DEAL WITH THE UNAUTHORISED DISPOSAL OF HOUSEHOLD WASTE BY OCCUPIERS OF DOMESTIC PROPERTY

The purpose of this report is to seek the introduction of FPNs for offences under section 34 (6) relating to section 34 (2A) Environmental Protection Act 1990.

The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 provided that waste enforcement authorities were

empowered to issue an FPN for Duty of Care offences and build on the FPNs relating to fly tipping.

The Fixed Penalty Notice (FPN) provides an alternative to prosecution. It allows an individual to discharge liability for a duty of care offence by payment of a financial penalty, ending up with no criminal record and avoiding court proceedings which can be costly for local authorities.

A Member asked if Officers could share online details of what a registered waste collector's licence looks like as part of the publicity for the introduction of FPNs. The Director of Community and Environmental Services highlighted Paragraph 2.8 of the report which provided details on the educational work which Officers would be undertaking with residents.

On being put to the Committee the recommendations were declared CARRIED by the Chairman the voting being unanimous.

RECOMMEND:

That Policy and Resources Committee recommend to Full Council the amendment to the Council's Constitution – Scheme of Delegation (para 11.18.4) to include authorisation for all Environmental Enforcement Officers both to require an occupier of domestic property to give the occupier's name and address if the officer proposes to give the occupier an FPN and to issue Fixed Penalty Notices for offences under section 34 (6) relating to section 34 (2A) Environmental Protection Act 1990.

The Policy and Resources Committee recommend to Full Council that the level of FPN is set at £300 (reduced to £200 if paid within 10 days).

That the Policy and Resources Committee recommend to Full Council to delegate to the Chief Executive the ability to amend the scheme of delegation to authorise other relevant officers both to require an occupier of domestic property to give the occupier's name and address if the officer proposes to give the occupier an FPN and to issue Fixed Penalty Notices for offences under section 34 (6) relating to section 34 (2A) Environmental Protection Act 1990.

PR56/18 BATCHWORTH DEPOT PID

The Committee received a PID for Batchworth Depot.

Members raised the following points on the PID:

The report highlighted that staff were working in poor conditions with only one ladies toilet for 10 members of staff, no shower facilities, open wires, a mixture of different heaters, a building being either very hot or very cold, vermin in the walls, and this was a disaster waiting to happen.

Considering the work which needed to be done could the staff move into Three Rivers House or another building as it would be another year before the new premises was built.

The Council had a duty of care to provide good working conditions for employees. Why had no other premises been found and why had £500k been included in the budget but not been indexed linked.

Could £50k of the £500k budget be spent each year? Surely the Council had due diligence to its employees if vermin were in the walls. If the temperature was below a certain level why the employees were still expected to work?

The Director of Community and Environmental Services advised that the staff were not at direct risk and it was not a huge disaster waiting to happen. Officers had been looking for alternative sites but no other site had been found. The depot had passed a Health and Safety inspection and officers always kept on top of the day to day maintenance. The reason more extensive work had not been completed was the fact that Officers had tried to find an alternative site but had not been successful.

The Waste and Environment Manager said the staff were committed to their job and really dedicated to their work. If they were not happy to stay there they would leave. He advised that they had a small maintenance budget which enabled repairs to be undertaken. All Councillors were welcome to come and visit the depot and see how they all worked at 5.30am in the morning.

The appointment of the new Head of Property had provided for a thorough review of the premises to be made hence the PID coming forward to the Committee.

Councillor Stephen Giles-Medhurst moved, duly seconded, that the PID be accepted so that that the design and planning could go forward and Officers could get on with getting the depot rebuilt so that a state of the art and fit for purpose building could be provided by May 2020.

An amendment to the motion was moved by Councillor Paula Hiscocks that in the new local plan it be stated that the depot would stay at the site for at least 5 years after it was rebuilt.

The Director of Community and Environmental Services said it was not the immediate intention for the Depot to move however the building would be of a modular style which could then be moved if necessary and avoid wasted costs. If the Council were asked to sell the site and were provided with a new site this would be considered the same as if the site suffered an accident or fire then there would be no option but to move. Therefore it would not be sensible to include a 5 year clause.

On being put to the Committee the motion was declared CARRIED the voting being unanimous.

RESOLVED

That the PID be noted and be recommended to Council for consideration as part of the budget setting process.

PR57/18 FINANCIAL PLANNING 2019-2022

This report is an introduction to the three agenda items that follow.

The Chairman advised the Committee that all the four financial reports would be taken together as one item.

Councillor Matthew Bedford wished to point out that at item 11 he wished to move recommendation 9.2 which was to note that the Administration would publish its final recommendations on Financial Planning 2019-2022 five working days prior to the Council meeting on 26 February 2019 and present them at this meeting.

RESOLVED:

That this report be noted.

PR58/18 FINANCIAL PLANNING – REVENUE SERVICES

The purpose of this report is to enable the Policy and Resources Committee to recommend to the Council the medium term revenue budgets. This report is the first of three that are covered together under the recommendations reported at Item 11 on this agenda.

A Member asked for clarification on the settlement of compensation on Tree Preservation Order (TPO) of £110k. The Chief Executive advised that this stems from the process involved in the making of a TPO. If the Council does not reply within a certain time it is deemed that the application has been turned down. A claim was taken out against the Council for compensation as the tree had caused subsidence. The Council should have responded within the required time limit and were in the wrong as they did not reply. A Member asked for details on when the case occurred, when the final payment was made and details on the timeline of the issue. A written reply would be provided.

The Council had subsequently taken action on the matter with the scheme of delegation now amended in the Council Constitution to stop this situation happening in the future but would see a reduction in the number of TPOs coming before the Planning Committee.

POST MEETING NOTE:

The Finance Team received a Member enquiry on 21 January and responded on 21 January as follows:

The item is referred to on agenda item 9 (Page 2) and in a little more detail on Appendix 3 (Page 18 – Trees and Landscapes). The cost relates to a successful claim for subsidence damage to a building for refusal of Tree Preservation Order (TPO) consent to fell a tree. The Council's procedures have been reviewed to avoid such claims in future and the Constitution has been updated as a result of report to Council.

The Landscape Team received a further Member enquiry on 25 January 2019 and replied to the Member enquiry on 1 February 2019 as follows:

In response to your enquiry the following information is provided:

- .14/2403/TCA Notification to fell Cedar tree protected by virtue of its growing in the Conservation Area*
- .TPO812 was made in response to this notification. Objections were received and the confirmation of the TPO was referred to Planning Committee on 19/02/2015. Planning Committee made a decision to confirm the Order.*
- .15/0871/TPO Application made to fell Cedar tree – permission refused as insufficient evidence submitted in support of the application to justify removal of tree on grounds of it causing subsidence to property.*
- .16/0739/TPO Further application made to fell Cedar tree, and implicating the tree in subsidence damage. Application was again refused due to the fact that supporting evidence was considered inconsistent.*
- .The applicant did not make an appeal in respect of the refusal of consent, instead notified us of a claim on 4/10/2016.*
- .Quite a significant period of time passed while TRDC teams were waiting on the claimant's review of the situation however eventually the claim was settled out of court on 13/12/2018 for an amount of £108,208 inclusive of VAT. This*

was agreed following our seeking both Legal advice and the advice of an external structural engineer.

The Council has now put in place a mechanism for minimising such claims in future by ensuring that permission is granted in all cases where subsidence is cited as a reason for an application to fell the tree and the application is validated (with all the necessary supporting information)."

A Member raised comments with regard to the Environmental Services Cemeteries budget and why there was a surplus? The Director of Finance advised that there had been changes in the business rates for Council premises and a change in the rateable value of cemeteries in 2017 which had provided more income in the budget. But Members should note that maintenance work was required to be carried out at the cemeteries for example the new car park at Woodcock Hill. A Member asked if weeding of the paths and re-fixing of the tomb stones could be undertaken at the Chorleywood Road cemetery. It was advised this was a closed cemetery.

POST MEETING NOTE:

In 2018/19 the variance is purely due to the £540 increase in Business Rates (BR). A further BR increase has been applied to future years, however in 2019/20 an inflation price rise has been applied to some of the fees and charges, which is greater than the increase in business rates. The price rise is only applied to 2019/20 as if we inflate future years again, it gets out of sync with the services proposals the following year and can mean that they end up adding inflation to figures that have already been inflated, potentially leading double counting. Therefore in 2020/21 and 2021/22 the overall figure reduces very slightly.

In response to a Member question on the Homelessness General Fund there was a surplus of (£75,870) showing could this be explained. The Director of Finance advised that the £18k variance included revised employee estimates and took into account vacancies and changes in pay elements but a full response would be provided.

POST MEETING NOTE:

The figures are higher in 2019/20 and future years due to the estimated increase in the expected number of homelessness. These have now been revisited and have been adjusted in the Administration budget proposals to reflect the impact of both the Bury and the garage site developments.

It was noted that there had been a reduction in the number of families requiring temporary accommodation from over 90 to under 50. This had been due to families being housed in premises in South Oxhey but once these properties were rebuilt as part of the South Oxhey Initiative new temporary accommodation would need to be provided.

A Member requested clarification on the surpluses in the car parking budget which they understood should be cost neutral. It was noted that this was just one element and referred the Member to the car parking maintenance budget below and the cost of the contract with Hertsmere Council for the enforcement. It was noted that there would be a deficit this year of £20k. A written reply would be provided on the car parking accounts and how the amounts corresponded between revenue and capital

POST MEETING NOTE:

In 2018/19, the income was reduced by £200k due to the delay in the implementation of the new parking regimen in Rickmansworth. From 2019/20 the budget assumes a full year of the regime plus additional income from new parking measures at Croxley, Kings Langley, Chorleywood and the introduction of local worker parking permits. It also assumes an increase in PCN income based on this years' experience.

Below is a summary of the parking account from 2015/16. It was the intention of the Parking Services Member Working Party (set up in January 2016) to eradicate the deficit on parking account (this includes the 2 cost centres enforcement and maintenance cost centre) through various parking measures including charging for short term in Rickmansworth. As you can see it assumes a small surplus next year, with small deficits in future years. Of course this all depends on the new parking measures being implemented successfully.

Parking service	Original Budget 2015/16	Original Budget 2016/17	Original Budget 2017/18	Original Budget 2018/19	Latest Budget 2018/19	Latest Budget 2019/20	Latest Budget 2020/21	Latest Budget 2021/22
TOTAL Parking Service	186,280	145,690	70,550	9,150	209,150	-15,360	570	15,180

The parking account covers a number of cost centres which will include some indirect costs such as support service costs (internal recharges) and depreciation costs. These costs are not shown in the monthly monitoring as these costs are included in other cost centres. Because of the fluctuating nature of the costs of the car parking account there may be years where a small surplus or deficit arises but these will all be expected to be balanced out over a few years to ensure that the car parking account does not make an overall surplus.

With regard to the favourable variances for staffing in the budget a Member said it appeared to arise from having a smaller number of staff than expected. It was advised that the number of staff varied during the year. When a post became vacant it was often filled from the CSC academy with CSC staffing joining the Planning, Communications, Legal, Finance and Community Partnerships teams. There was a low number of staff leaving the Council and high satisfaction levels.

RESOLVED:

That this report be noted.

PR59/18 FINANCIAL PLANNING – CAPITAL STRATEGY AND THE TREASURY MANAGEMENT POLICY

The purpose of this report was to enable the Policy and Resources Committee to recommend to the Council its capital strategy and treasury management policy over the medium term (2018-22). This report is the second of three that is covered under the recommendations report at Item 11 on this agenda

RESOLVED:

That the report be noted.

PR60/18 FINANCIAL PLANNING – RECOMMENDATIONS

This report enabled the Committee to make its recommendations on the Council's Revenue and Capital budgets and Treasury Management Policy for the period 2019-22 (medium term) to Council on 26 February 2019.

RECOMMEND

Noted that the Administration will publish its final recommendations on Financial Planning 2019-2022 five working days prior to the Council meeting on 26 February 2019 and present them at this meeting.

PR61/18 WORK PROGRAMME

The Committee received their work programme. An amendment to the work programme was agreed with regard to the Council Calendar being for year 2021/22 and that the report to come forward in September 2019.

RESOLVED:

That the work programme be agreed subject to the amendment above.

PR62/18 EXEMPTION FROM PROCUREMENT PROCEDURE RULES – HLF RESTORATION WORKS – LEAVESDEN COUNTRY PARK

This report advised Members that an exemption to the Procurement process was approved by the Director of Community and Environmental Services under the Exceptional Circumstances exemption as permitted by the Council's Constitution.

Members noted that officers always follow the correct tender processes.

RESOLVED:

That the Policy and Resources Committee note the action taken.

CHAIRMAN