

THREE RIVERS DISTRICT COUNCIL

At a meeting of the **Executive Committee** held in the Penn Chamber, Three Rivers House, Rickmansworth, on Monday 1 September 2008 from 7.30pm to 10.00pm.

Present: Councillors Ann Shaw OBE (Chairman), Matthew Bedford (Vice-Chairman), Phil Brading, Chris Hayward, David Sansom, Alison Scarth, Roger Seabourne, Martin Trevett and Chris Whately-Smith.

Also in attendance: Councillor Tony Barton.

Apologies for absence were received from Councillor Ron Spellen.

Officers: Steven Halls - Chief Executive
Elwyn Wilson - Democratic Services Manager
Peter Brooker - Director of Community and Environmental Services
David Gardner - Director of Corporate Resources and Governance

EX33/08 MINUTES

The Minutes of the meeting of the Executive Committee held on 21 July 2008 were agreed as a correct record and were signed by the Chairman.

EX34/08 NOTICE OF OTHER BUSINESS

None.

EX35/08 DECLARATION OF INTERESTS

David Gardner, Director of Corporate Resources and Governance and Councillor Roger Seabourne as Members of Chorleywood Golf Club and Councillor Martin Trevett as a Member of the Management Board of Chorleywood Youth Club declared personal and prejudicial interests in agenda item 8 National Non-Domestic Rate – Consideration of Relief and left the meeting for that item.

Steven Halls, Chief Executive declared a personal and prejudicial interest in agenda item 5 Part II – Terms and Conditions of Chief Executive and left the meeting during its consideration.

EX36/08 FINANCIAL POSITION STATEMENT & BUDGET MONITORING REPORT – JULY (MONTH 4)

This report gave an update of the three-year medium-term financial plan and the position on the current year's budget for the period ending on 27 July 2008.

The reason for the recommendation was to enable the Council to make decisions concerning the Council's budget.

The Director of Corporate Resources and Governance undertook to amend headings in future reports relating to the Capital Budget to ensure clarity.

RECOMMENDED:-

To Council:

- (1) that the following revenue variations to the General Fund be noted and incorporated into the latest estimate:-

Overspend / (Underspend)	2008/09 £	2009/10 £	2010/11 £
General Fund	122,520	4,000	4,000

- (2) that the following revised revenue balances on the HRA and General Fund be noted:-

Balance at Year End (31 March)	2008/09 £	2009/10 £	2010/11 £
General Fund	3,580,762	7,705,202	7,853,071
HRA	4,129,811	0	0

- (3) that the following variations to capital expenditure be noted and incorporated into the latest estimate.

Overspend / (Underspend)	2008/09 £	2009/10 £	2010/11 £
Additions / (Savings)	1,500	0	0
Re-phasing	(50,000)	50,000	0
Total	(48,500)	50,000	0

RESOLVED:-

To the Policy and Scrutiny Committees:

that this report be noted.

EX37/08 STRATEGIC, SERVICE AND FINANCIAL PLANNING 2009- 2012

The purpose of this report was to seek the Committee's agreement to the process whereby the Council would determine its three-year medium-term strategic plan for 2009-2012, the related service plans, and the allocation of financial resources to achieve them.

The reason for the recommendation was to enable the planning process to commence.

The Committee made minor amendments to the Strategic Plan.

RESOLVED:-

- (1) that this report be noted and forms the initial policy framework, budget framework and draft estimate required by the Council's Constitution;
- (2) that subject to the following alterations the draft Strategic Plan be agreed:

The Vision and our Priorities

Amended paragraph 2 to read:

“We also recognised that the people of Three Rivers need and expect from an excellent Council a high standard of service delivery.....”

.....As an excellent Council we are working for Safer and Sustainable Communities.”

Appendix 4

Amend 1.2.1 to read “ Promote the safety of people at work,....”

- (3) that the timetable for consideration of the strategic, service and financial plans outlined at Appendix 1 to the report be agreed;
- (4) that the twelve service heads each be requested to identify 3.5% on-going cashable efficiency gains for 2009/10; and
- (5) that subject to (a) prior circulation to Members of the Executive Committee and (b) an inclusion of an article in Three Rivers Times the format of the budget consultation be agreed by the Director of Strategic Services in consultation with the Portfolio Holder for Resources.

EX38/08 APPROPRIATION OF LAND AND PROPERTY REMAINING IN THE HOUSING REVENUE ACCOUNT (HRA) TO THE GENERAL FUND AND CLOSING THE HRA

This report sought approval to appropriate land and property remaining in the HRA to the General Fund and recommended that directions be sought from the Secretary of State to close the HRA.

The reason for the recommendation was to enable the HRA to be closed as soon as possible.

RESOLVED:-

- (1) that, subject to no objections being received from Members, the property assets detailed In the Schedule (to be supplied), be appropriated from the HRA to the General Fund, using powers granted to the Council under section 122 of the Local Government Act 1972;
- (2) that a direction be sought from the Secretary of State under section 74(3)(d) of the 1989 Local Government and Housing Act not to account for 27, 29, 31, 33, 35 and 39 Clitheroe Gardens, South Oxhey, Flats 1 to 16 Nanscott House, Clitheroe Gardens, South Oxhey, 16 Bridlington Road, 43 Bridlington Road and 23 St Andrews Road in the Housing Revenue Account;
- (3) that, subject to the Council’s agreement to recommendation 10.1 above, and the Secretary of State granting the direction sought in recommendation 10.2 above, that a further direction be sought from the Secretary of State under section 74(4) of the 1989 Local Government and Housing Act to close the HRA; and

- (4) that, with regard to the areas of open space land used as public gardens or recreation which have been retained, the Council undertakes formal consultation and any objections be determined by the Director of Corporate Resources and Governance in consultation with the Portfolio Holder for Resources.

EX39/08 NATIONAL NON-DOMESTIC RATE – CONSIDERATION OF RELIEF

The Committee considered applications for discretionary relief from payment of the National Non-Domestic Rate.

The reason for the recommendation was that the Council had to consider each application and decide the level of discretionary relief to be granted.

It was noted that the application by Mr Patel, Bedmond Stores, 61 High Street, Bedmond, had been withdrawn from the agenda pending Officers receiving further information.

An addendum in respect of an application by 1st Sarratt Scout and Guide group was circulated to the Committee.

RESOLVED:-

- (1) that the re-applications of the 72 cases shown in the appendices to the report be granted discretionary relief to levels previously awarded; and
- (2) that the relief is awarded for the current financial year only (2008/09), so that all future applications can be coordinated with the Leisure and Community Services department.

LEISURE AND COMMUNITY SAFETY

EX40/08 CONSIDERATION OF RECOMMENDATION FROM THE LEISURE AND COMMUNITY SAFETY POLICY AND SCRUTINY COMMITTEE

The Committee received the recommendation of the Leisure and Community Safety Policy and Scrutiny Committee held on 22 July 2008 in relation to the following item on the agenda for the Executive Committee on 1 September 2008:

Leisure and Community Grant Applications

The Committee was asked to consider the second round of applications from groups and organisations for grant support from the Leisure and Community Grants 2008/09 revenue position and to recommend accordingly to the Executive Committee.

The reason for the recommendation was to enable a Leisure Grant to be provided to Sarratt Festival of Music, to assist with the funding of this annual event in September 2008.

RESOLVED:-

that a one-off grant of up to £2,000 be awarded to the Sarratt Festival of Music in the form of providing a guarantee against loss, on the following conditions:-

- (a) that the Festival be staged;
- (b) that a comprehensive financial statement with copies of supporting documentation would be required as part of any claim; and
- (c) subject to an agreement being reached as to the type and style of the acknowledgement for the Council's contribution to the event.

EX41/08 NATIONAL FREE SWIM SCHEME

Members received a report on the National Free Swim Scheme and the options available for this Council to participate in the Scheme.

The reason for the recommendation was to enable the Council to participate in the National Free Swim Scheme.

The Committee also requested that an article be included in Three Rivers Times explaining the implications for this Council of this Free Swim initiative and Members agreed to express an interest in the scheme and in respect of any allocated capital resources to be provided by the Government.

RESOLVED:-

- (1) that Officers submit an expression of interest to participate in the Free Swim Scheme for the Over 60s and Under 16s, and in respect of any allocated capital resources to be provided by the Government, subject to any comments from the Leisure and Community Safety Policy and Scrutiny Committee ;
- (2) that Officers report back to Members on the outcome of the expression of interest including the financial implications for the Council with regards to the Scheme for the Under 16s;
- (3) Officers submit a revenue growth bid for 2009/10 and 2010/11 for the Free Swim Scheme for the Over 60s; and
- (4) that an article be included in Three Rivers Times explaining the implications for this Council of this Scheme.

SUSTAINABLE ENVIRONMENT

EX42/08 CONSIDERATION OF RECOMMENDATIONS FROM THE SUSTAINABLE ENVIRONMENT POLICY AND SCRUTINY COMMITTEE

Members received the recommendations of the Sustainable Environment Policy and Scrutiny Committee held on 5 August 2008 in relation to the following items on the agenda for the Executive Committee on 1 September 2008.

Proposal by British Telecom to Remove Payphones

The reason for the recommendation was that the consumers mostly affected by the proposal were the vulnerable in the community.

RESOLVED:-

that the Council objects to the removal of the 10 payphones as proposed in BT's consultation dated 12 May 2008 on the grounds that they serve vulnerable people in the community, particularly the elderly and disabled people, for whom access to a phone, particularly in an emergency, is an important facility.

Hunton Bridge Conservation Area Appraisal

The reason for the recommendation was that Hunton Bridge Conservation Area has special architectural and historical interest and character which should be protected and enhanced.

In reply to comments by Councillor Chris Whately-Smith concerning inappropriate street furniture being provided by the County Council in Conservation Areas. Councillor Martin Trevett as Chairman of the Joint Member Highways Panel undertook to raise the matter at its next meeting.

RESOLVED:-

- (1) the Hunton Bridge Conservation Area Appraisal be adopted to be used as a material consideration in the determination of planning applications; and
- (2) that the Joint Highways Member Panel be requested to consider an item on the provision of street furniture in Conservation Areas.

EX43/08 BYEWATERS ESTATE

Members considered a request for the use of the commuted sum reserve for the maintenance of communal open spaces, footways and cycle ways on the Byewaters estate.

The reason for the recommendation was to ensure long term maintenance of the communal open spaces and the development of the footways / cycleways as part of an integrated system in the system.

The Committee requested written confirmation that finance would be made available from the Byewaters Management Company to meet any shortfall in the maintenance of communal areas.

RESOLVED:-

- (1) that subject to written confirmation from the Byewaters Estate Management Company that finance would be provided. The Committee authorises use of the commuted sum reserve for the maintenance of the communal open spaces and footways/cycleways on the Byewaters Estate for the period of 20 years which, together with any shortfall being met by the Byewaters Estate Management Company Limited, is approximately when the reserve is exhausted, and makes a revenue growth bid at the appropriate time to continue the maintenance; and
- (2) that a Deed of Variation to the original Section 106 Agreement be entered into with Barratt Homes Southern Limited for the use of the

commuted sum for the maintenance of the communal open spaces as well as for the maintenance/development of the footways/cycleways.

PUBLIC SERVICES AND HEALTH

EX44/08 CONSIDERATION OF RECOMMENDATIONS FROM THE PUBLIC SERVICES AND HEALTH POLICY AND SCRUTINY COMMITTEE

Members received the recommendations of the Public Services and Health Policy and Scrutiny Committee held on 24 July 2008 in relation to the following items on the agenda for the Executive Committee on 1 September 2008:

Trial Kitchen Caddy Scheme

The reason for the recommendation was to introduce kitchen caddies across the District.

RESOLVED:-

- (1) that a trial kitchen caddy scheme be implemented within the refuse round outlined in the report; and
- (2) that a further report be brought back to this Committee on the success of the trial, prior to final budget setting for 2009/10.

Muslim Section – Woodcock Hill

The reason for the recommendation was to ensure equity in service provision.

The Portfolio Holder for Public Services and Health indicated that he opposed the recommendations of the Public Services and Health Policy and Scrutiny Committee and this Committee should implement its earlier decision to sell grave spaces to Batlers Wells Foundation and for the Council to accommodate all in the Muslim community.

He therefore proposed that the Committee should be minded to agree to sell 200 grave spaces to Batlers Wells Foundation and that a meeting to be held with the Foundation that involved himself and the Chairman of the Committee.

The Chairman also suggested that the capital receipt received from the sale of the grave spaces should be used to refurbish the waiting room at the cemetery.

RESOLVED:-

- (1) that the recommendations from the Public Services and Health Policy and Scrutiny Committee be not approved;
- (2) that the Executive Committee is minded to sell the 200 grave spaces on the former tree nursery to the Batlers Wells Foundation;
- (3) that Officers investigate the refurbishment of the existing waiting room at the cemetery, the cost of which to be met from the sale of grave spaces to the Batlers Wells Foundation; and
- (4) that the Director of Community and Environmental Services arrange a meeting between representatives of the Batlers Wells Foundation and

the Chairman of this Committee and Portfolio Holder for Public Services and Health to discuss concerns and report back to this Committee by e-mail on the outcome of those discussions

Concessions – Special Collection Charges

The reason for the recommendation was to provide a response to the question of increasing the concessions available for this service.

RESOLVED:-

- (1) that no change to the current concessions for the service be made; and
- (2) that monitoring of the service be continued in order that any inequalities were identified and reported.

Update on Trial of Commercial Waste Recycling

The reason for the recommendations was to adapt to the increasing high cost of waste disposal.

RESOLVED:-

- (1) that the trade recycling pilot be expanded district wide, to include office paper in addition to cardboard, until it eventually operates on a full time basis;
- (2) that the fees and charges detailed within the report be agreed;
- (3) that the sum of £30,000 be transferred from the capital budget for domestic waste bins to the trade recycling capital account; and
- (4) that the revenue budget for 2008/09 be increased by £25,500 in respect of commercial waste recycling.

Local Environmental Quality Report

The reason for the recommendations was that they will improve the local environmental quality for Three Rivers residents.

Members suggested that the Schedule of Street Cleaning should be included on this Council's website.

RESOLVED:-

- (1) that Officers be instructed to produce a quality audit of all street litter bins and submit an appropriate capital bid for replacing existing stock on an ongoing basis; and
- (2) that the Schedule of Street Cleaning be included on this Council's website together with information of when streets are to be cleaned.

Annual Review of the Food Law and Health and Safety Law Enforcement Service Plans

The reason for the recommendations was to comply with the Council's Constitution and Health and Safety Commission's Mandatory Section 18 guidance.

The Committee noted that the annual review of the Food Law enforcement service plans had been withdrawn from the agenda and therefore only considered the Health and Safety Law Enforcement Service Plan.

RESOLVED:-

that the Health and Safety Law Enforcement Plans be Ted Massey adopted.

EX45/08 CHRISTMAS REFUSE ARRANGEMENTS

Members considered a request for an enhancement to the current Christmas refuse collection arrangements.

The reason for the recommendations was to reduce the number of complaints received.

RESOLVED:-

- (1) that, subject to any comment received by Public Services and Health Policy and Scrutiny Committee, the existing Christmas refuse collection arrangements be altered to include the suggested service enhancement for recycling and green waste, as detailed within Section 2.3 of the report; and
- (2) that following its implementation, if the revised arrangements prove successful, it continue in future years, until any further alterations require a report to Members.

EX46/08 HERTFORDSHIRE WASTE PARTNERSHIP – REQUEST FOR DELEGATED AUTHORITY

Members considered a report seeking delegation of authority to enable the Cabinet Member for Public Services and Health to sign on behalf of the Council certain Herts Waste Partnership documents.

The reason for the recommendation was to meet the aims identified in the Herts Joint Municipal Waste Management Strategy 2007.

The Portfolio Holder for Public Services and Health endorsed the Officer's recommendation that the Council agree to sign the addendum to the Memorandum of Understanding concerning Herts Waste Partnership. The Chairman expressed concern that the Council would be committed to a course of action (such as the provision of an incinerator by Herts County Council) before knowing what was involved; there was a need to protect residents.

Councillors David Sansom and Roger Seabourne supported the proposal as they believed there was not an alternative option.

The Director of Community and Environment stated that to clarify the matter he would circulate additional information on the terms of the Memorandum of Understanding and résumé of the pathway to the present position.

On a division of the Committee –

3 voted in favour of the Officer's recommendation; and

6 voted for additional information from the Director of Community and Environment being circulated to Members of the Committee before implementing the Officer's recommendation.

RESOLVED:-

that subject to additional information being circulated by the Director of Community and Environmental Services on the terms of the existing Memorandum of Understanding and résumé of the pathway to the present position and accepted by Members of the Executive Committee;

that authority be delegated to the Director of Community and Environment in consultation with the Cabinet Member for Public Services and Health to give approval and any necessary signature on behalf of Three Rivers District Council for:

1. The Private Finance Initiative (PFI) credits bid being made by Hertfordshire County Council on behalf of the Hertfordshire Waste Partnership; and
2. The proposed Annex 1 to the existing Memorandum of Understanding.

GENERAL

EX47/08 DISTRICT CHILDREN AND YOUNG PEOPLE'S PLAN UPDATE

Members received an update on the achievement of the District Children's Trust Partnership in 2007-2008 and details of the draft action plan for 2008-2009.

The reason for the recommendations was to review achievements of the DCTP in 2007/2008 and the approved draft action plan for 2008/09.

RESOLVED:-

- (1) that the outcomes of the 2007-2008 District Children and Young People's Plan be noted; and
- (2) that the draft District Children and Young People's Plan 2008/09 be recommended for approval by the Local Strategic Partnership subject to any comments by the Leisure and Community Safety Policy and Scrutiny Committee.

EX48/08 LOCAL STRATEGIC PARTNERSHIP (LSP) PROJECTS OFFICER

Members were asked to decide on fixed term funding contribution for a proposed LSP Projects Officer to support the allocation and performance management of the Local Area Agreement Performance Reward Grant.

The reason for the recommendation was to ensure that project proposals were developed and supported for the allocation of a Performance Reward Grant.

RESOLVED:-

that the Council contributes 50% of the costs of the proposed LSP Projects Officer during 2008/09.

EX49/08 EXCLUSION OF PRESS AND PUBLIC

RESOLVED:-

that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined under paragraph 3 and 5 of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

LEISURE AND COMMUNITY SAFETY

EX50/08 CONSIDERATION OF A RECOMMENDATION FROM THE LEISURE AND COMMUNITY SAFETY POLICY AND SCRUTINY COMMITTEE

Members received the recommendation of the Leisure and Community Safety Policy and Scrutiny Committee held on 22 July 2008 in relation to the following item on the agenda for the Executive Committee on 1 September 2008:

William Penn Leisure Centre Refurbishment - Progress Report

Members received an oral update on the present position by the Director of Community and Environment.

RESOLVED:-

- (1) that Officers continue to aim to ensure that the project is completed as soon as is practicable, within the fixed project budget and the Council's quality requirements;
- (2) that Officers report to Members on any cost implications associated with delays to the project, as soon as these are available;
- (3) that a report be made to the next meeting on the establishment of a Task and Finish Member Working Group to undertake scrutiny of the project and report to this Committee;
- (3) that public access to the report be denied until the issue is resolved; and

- (4) that public access to the report's recommendations be immediate.

SUSTAINABLE ENVIRONMENT

EX51/08 GADE VIEW GARDENS PROGRESS REPORT

Members received a report which formally announced the result of the "Certificate of Immunity in all but name" application to English Heritage and an update on the current position and redevelopment issues for the Gade View Gardens site.

RESOLVED:-

- (1) that the existing buildings at Gade View Gardens be demolished by an RSL and the site is redeveloped to the plans agreed with Home Group and new capital receipt agreed. This includes an RSL proposing a revised design for the site which brings a more innovative scheme or improved layout;
- (2) that the Director of Community and Environmental Services be delegated in consultation with the Portfolio Holder for Resources to approve the appointment of Home Group or a new preferred Registered Social Landlord;
- (3) that Committee approve the land at Gade View Gardens be transferred to Home Group or other approved RSL for a consideration of not less than £500k and nomination rights in perpetuity for 100% of lettings;
- (4) that public access to the report is denied until Officers provide a further report to Committee following confirmation of the revised project plan and the preferred development partner is confirmed; and
- (5) that public access to the decision is denied until the issue is resolved.

RESOURCES

EX52/08 EXTENSION OF BANK CONTRACT

The Committee considered an extension of the Bank contract until 31 July 2010 and not to retender pursuant to rule 5 (a) (ii) under the Contracts Procedure Rules.

RESOLVED:-

- (1) that subject to agreeing terms and conditions with the Bank, the current contract with the Bank be extended until 31 July 2010 pursuant to the Contracts Procedure Rule 5 (a) (ii);
- (2) that public access to the report be denied until contract has been extended; and
- (3) that that public access to the decision be denied until publication of the Council agenda.

EX53/08 PERFORMANCE AND SCRUTINY MANAGEMENT STRUCTURE

Members considered a request for an additional post and revised reporting structure within Performance and Scrutiny, Directorate of Corporate Resources and Governance.

Additional information was circulated on the need for this post.

Members expressed concern that this additional post was not of direct benefit to the public.

RESOLVED:-

- (1) that an additional post of Scrutiny Officer be considered as a growth item during the budget setting process for next year;
- (2) that public access to the report be denied until the issue is resolved; and
- (3) that public access to the decision be immediate.

EX54/08 TERMS AND CONDITIONS OF CHIEF EXECUTIVE

The Committee considered a proposal to amend the terms and conditions of the Chief Executive.

The majority of Members supported the proposal but there was a contrary view expressed.

On being put to the meeting the proposal to amend the terms and conditions of the Chief Executive was declared CARRIED the voting being 7 in favour and 2 against.

In accordance with Council Procedural Rule 24(2) a recorded vote was requested the details of which were as follows:-

For – Councillors Matthew Bedford, Phil Brading, Alison Scarth, Roger Seabourne, Ann Shaw, Martin Trevett and Chris Whately-Smith.

Against – Councillors Chris Hayward and David Sansom.

RECOMMENDED:-

- (1) that the terms and conditions of the Chief Executive be adjusted as per the report.
- (2) that public access to the report be denied until the issue was resolved at the next full Council meeting.

CHAIRMAN