

THREE RIVERS DISTRICT COUNCIL

At a meeting of the Policy and Resources Committee held in the Penn Chamber, on Monday, 14 June 2021 from 7.30 - 9.30 pm

Present: Councillors Sarah Nelmes, Councillor Dominic Sokalski,

Matthew Bedford, Stephen Cox, Stephen Giles-Medhurst, Alex Hayward, Paula Hiscocks, Reena Ranger, Andrew Scarth, Roger Seabourne, Phil Williams, Steve Drury and David Raw

Officers in Attendance:

Joanne Wagstaffe
Alex Laurie
Geof Muggerridge
Debra Sandling
Alison Scott
Josh Sills

PR1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Chris Lloyd and Debbie Morris with the substitute Members being Councillors Steve Drury and David Raw.

PR2 MINUTES

The Minutes of the Policy and Resources Committee meeting held on 8 March 2021 were confirmed as a correct record and were signed by the Chair.

PR3 NOTICE OF OTHER BUSINESS

The Committee were advised that the report for the appointment of the sub-committees (item 5) had been updated since publication at sections 3 and 11 with regard to all Members of Council being able to be Members of the sub-committee. The report had been available for 5 clear working days before the meeting

PR4 DECLARATIONS OF INTEREST

Councillor Alex Hayward wished to declare that they would not be putting themselves forward to be a member of the Local Plan sub-committee.

PR5 SUB-COMMITTEES OF POLICY AND RESOURCES COMMITTEE

The report proposed that the Policy and Resources Committee re-establishes the following sub-committees for 2021/22: Local Plan, Constitution and Equalities but not the Covid-19 Response sub-committee. That the Members appointed to all the sub-committees have the following proportional membership: 9, 2 and 1.

The Chair advised that the update to the report related to all Members of Council being able to be Members of the sub-committees which had been discussed by the Constitution sub-committee in September 2020.

It was advised that nominations to the sub-committees could be provided to the Committee Team in the next week.

A Member questioned that there were two proportional membership details in the report of 9, 2 and 1 and 6, 2 and 1 and asked which was correct. The Principal Committee Manager confirmed the correct proportional membership was 6, 2 and 1 making the membership of the sub-committees a total of 9 Members.

On being put to the Committee the recommendations as set out in the report with the amendment to the proportional membership and that all Members of Council can be members of the sub-committee was declared CARRIED by the Chair the voting being by general assent.

RESOLVED:

That three sub-committees be re-established (Constitution, Local Plan and Equalities) and that Members be appointed with the following proportional membership: 6, 2 and 1 and the Members names to be advised to the Committee Team.

Agreed that all Members of Council can be appointed to the sub-committees subject to Political Proportionality Rules.

That the Covid-19 Response sub-committee is not re-established.

That no decision making powers be delegated to the sub-committees;

That all Members of Council to be substitute Members.

PR6 ANIMAL WELFARE ENFORCEMENT POLICY AND ANIMAL WELFARE LICENSING POLICY

The Committee were asked to agree the Animal Welfare Licensing Policy for Three Rivers and the Animal Welfare Enforcement Policy.

A Member asked about the Officers time to undertake the work. The Animal Welfare and Licensing Inspector advised the work was already being done and the reason for the report was to get policies in place as it was prudent to have them.

The Lead Member had read details on the grading of the system and the offer of re-tests for a fee. On the star ratings used by Environmental Health businesses they would have a test and if they failed they would get a list of things which they had to do to get a higher star rating and would be able to implement the changes needed rather than doing everything required before the test. The Animal Welfare and Licensing Inspector advised that the Council do not have a choice as the star ratings as they are national ratings set by DEFRA and are different to food hygiene ratings. The star rating determines the duration of the persons license which they can appeal against if they think they need to get higher stars over a longer duration of their license but they have to meet all of the higher standards. If they feel they do meet them they can appeal against their star rating and that is where their risk rating form comes in. They also have interim inspections which is all set down in the regulations.

The recommendations on being put to the Committee were declared CARRIED by the Chair of the Committee the voting being by general assent.

RECOMMEND:

Recommends to approve the Animal Welfare Licensing Policy (Appendix A) subject to any comments from the Regulatory Services Committee.

Recommends to approve the Animal Welfare Enforcement Policy (Appendix B) subject to any comments from the Regulatory Services Committee.

PR7 THREE RIVERS DISTRICT COUNCIL - TREE STRATEGY 2022-2027

The Principal Tree and Landscape Officer advised that the purpose of the report was to summarise the content and implications of the draft Tree Strategy for the District, and recommend that the draft Strategy is released for a period of public consultation (Appendix A – draft Tree Strategy). The draft strategy identified a number of actions the Council would wish to achieve over the next 5 years.

The process was started at the beginning of the year asking for ideas and views which should be included in the strategy. There had then been a period of producing the draft strategy which was now being brought to Committee for agreement for public consultation during August and September. The final strategy would come back to the Committee and the Leisure Committee in November 2021 for agreement with the new strategy in place at the beginning of next year.

Details on what the strategy would cover had been provided in the report. Some actions could lead to the need for additional funding.

A Member had asked in advance of the meeting when a tree was fallen or felled was it left in situ? Also do we ensure it was?

- 1) safe even throughout the decomposition process
- 2) that they allow other vegetation to grow around the area and not stifle new growth.
- 3) are left in a way that is tidy and suitable for the public.

The Principal Tree and Landscape Officer advised:

If any tree that was felled and left on-site, it was left in a safe condition and we instruct contractors to do this. Similarly, if a fallen tree was to be left in-situ, we ensure it was safe and cannot fall any further or present a danger in the future.

The gap left by a fallen or felled tree will allow light into the area and will help stimulate new growth. In addition, many tree species will regrow from a cut stump, or broken limb, so in many cases this will be allowed to happen.

We make an assessment on a case by case basis as to whether it is safe and/or appropriate to leave felled or fallen trees in situ. In urban situations and formal areas all brash and cordwood will normally be removed off site. In woodlands and semi-formal areas the main stem will normally be left, and in some case the brash will also be left, either stacked or chipped, depending on the situation.

The Member sought clarification on who the Council would send to inspect an area to make sure the contractors had completed what they had said they would do. The Principal Tree and Landscape Officer advised that the team do not currently inspect all the work the contractors carry out but do provide very clear instructions. For larger scale works checks were made to ensure the work was carried out to the standard we would expect. The Council was selective about the contractors used and have a number of contractors locally who have been used for a number of years. We are confident that they will do the work to a high standard.

A Member asked if checks could be done for 1 in 10 works carried out to trees. The Principal Tree and Landscape Officer advised that we could look at having something in place but currently the inspections are carried out on the complexity of the work and the location.

A Member said most of the trees in the District are in public places where Grounds Maintenance Team would be able to monitor them. The Director of Community and Environmental Services said it was no different to other aspects of the Council work where we rely on people to report things to us and we can investigate the problem and look to correct it.

A Member raised the following points on the draft strategy:

On the Appendix Point 22 it talked about best practise and having to inspect the trees based on the level of risk, was there a minimum or maximum to the checks.

Response: The Council currently have a three year inspection cycle and are currently inspecting all the tree stock. As set out in the draft strategy we are looking to change to an 18 month cycle in some areas where there is highest risk and a longer cycle in areas where there is lower risk.

On point 28 it talks about the register/database of trees – was this a public register that was available to Councillors.

Response: The register was currently only for officers however we are looking to have an add on to the current system so that the public may be able to access tree information, search for protected trees in Conservation Areas and find details on who has responsibility for a tree.

On point 31 it talks about a formal and informal system can more detail be provided?

Response: We have a system of formal inspection on a three yearly cycle. We are going to bring in an informal system as well where the Tree Officers will inspect areas of high usage in our open spaces once a year around footpaths, where people congregate and areas of greater risk. Officers were also looking to formalise how we deal with out of hour's tree issues.

At Point 62 it talks about damage, subsidence and nuisance. In many areas there had been extreme wet and extreme dry and a number of oak trees had caused subsidence and wondered if we need to look at a watering schedule in very hot weather. Also on routine inspections do Officers consider trees that they think are worthy of a TPO or in danger of being felled? Could we encourage people to replace a tree they fell although know this cannot be mandatory.

Response: With regard to TPOs it was not something officers do when they inspect trees, the inspections are often carried out as a result of a planning application where the tree maybe under threat and it may result in the tree being given a TPO. If a member of the public said they thought a tree was under threat and it met the criteria for a TPO then Officers could serve one. The drawback of planting larger trees was they do require a lot of maintenance and many years of watering to get them established which was not required with smaller trees. The Grounds Maintenance team have invested in a water system to enable the watering of trees during dry periods. The draft strategy proposes that a member of the Grounds Maintenance team would specialise in establishment work for recently planted trees. When claims are received by the Council with regard to subsidence they are assessed on the value of the tree, its prominence, quality and whether it should be felled or pruning work was required. Where a TPO tree is felled then a condition can require that the tree be replaced. We can make TPO details more widely available on the website. If it is a Conservation Area notification we are unable to condition it but could add a line in the letter encouraging them to replace it.

A Member said it would be good to put communication out about local tree diseases via the e-newsletter so that members of the public can be aware when they are out in the District.

A Member said hedgerows were mentioned in the draft strategy and asked how strict can we be about ensuring that hedgerows are protected and what measures can we take to ensure they are not undermined and do not disappear along our highways/rural roads. In relation to planning conditions, if a developer comes along with their drawings what happens if they do not adhere to them.

Response: In terms of highways, Highways have the powers to undertake works without needing to put in a tree works application for protected trees for highways safety where they have to fell or prune a tree. Hedgerows was slightly different in that the regulations were designed to prevent the removal of hedgerows by their roots. There are forms of hedgerow management which may take away top growth but that was designed to enable the hedgerow to regrow. An offense maybe committed if the hedgerow roots were taken out but the important caveat was that this does not apply when it is a residential curtilage it only applied to hedgerows in the wider countryside.

A Member said if a developer wished to remove an hedgerow to gain access to a development and are required to give notice to develop a site which they may or may not have planning permission for are they required to give notice to the Council.

Response: A hedgerow would need to meet a certain threshold in terms of diversity of species and its length which needs to be 30 metres for it to constitute a hedgerow which could be protected. If they did not submit details in advance they could be committing an offense

The Chair reminded the Committee this was a draft strategy prior to public consultation and did not need to consider every detail at this time.

The Director of Community and Environmental Services advised that in terms of planning conditions sometimes you get planting in the scheme as part of the planning proposal and other times there was a condition requiring a planting scheme to be submitted. In either case these are conditions which are enforceable and if something does die usually within 5 years it must be replaced and that was included in national legislation. If Members and members of the public advise us that something had not been implemented in line with the approved plans within the 5 year period then we can usually enforce this.

A Member raised concern about the consultation period in August and September and asked if there was any way to delay it to middle/late September. The Chair advised that if you delay starting the consultation then you delay the whole strategy being in place.

The Principal Tree and Landscape Officer advised that the consultation period was set but they could see if it could be extended to the end of September. Officers would make clear it included hedgerows and hedges in all communications.

On being put to the Committee the recommendations as set out in the report were declared CARRIED by the Chair of the Committee the voting being by general assent.

RESOLVED:

Approved the draft Tree Strategy for a period of public consultation subject to any comments from the Leisure Environment & Community Committee.

A final version to be presented to the Policy & Resources Committee on 24 November 2021, and the Leisure, Environment & Community Committee on 6 December 2021.

POST MEETING NOTE: the date of P&R Committee should be 1 November 2021

PR8 SHAREHOLDER AND COMMERCIAL VENTURES SCRUTINY PANEL

The Peer review which was undertaken in March 2019 identified two actions relating to managing the Councils growing commercial ambitions. There are listed below:

- Review governance and financial oversight in light of a growing commercial agenda
- Create a commercial strategy, directed through a member led commercial board and shareholder function

- As a result the Council has reviewed its governance arrangements for managing the commercial activities of the Council and is proposing to establish a Shareholder and Commercial Venture Scrutiny Panel (the Panel).
- The proposal is that the Panel is established to monitor the performance of, and take decisions on, the Council's existing and potential commercial ventures and other investments. This includes undertaking all functions of the Council as a shareholder under the Companies Act 2006 in relation to those companies or partnerships owned, or part owned, by the Council, except as otherwise specified.
- The Panel will meet quarterly to consider performance information and take decisions regarding commercial ventures and investments, with scope to call additional meetings on as required to deal with emerging business.
- This report sets out the proposed Terms of Reference for the Panel (Appendix 1).

A Member had asked in advance of the meeting if this was a new Committee to be formed as a result of the peer review.

The Director of Finance advised this was one of the recommendations of the peer review.

In response to a question submitted in advance of the meeting on the Property Scrutiny Panel and whether it had met and were there any minutes, the Chief Executive advised that the Property Scrutiny Panel had not met since it was set up in March 2017 as part of our Three Rivers Commercial Services Company and the Housing Joint Venture. The only transaction to go through the Commercial Company was its establishment and the ongoing running of Three Rivers Homes the Joint Venture with Watford Community Housing.

In response to a question on whether there would be full tracking documents on our investments, the Director of Finance advised that the purpose of the panel was to allow Members to go into more detail. The information would obviously require full confidentiality with minutes coming back to P&R Committee.

The recommendations as set out in the report on being put to the Committee were declared CARRIED by the Chair of the Committee the voting being by general assent.

RECOMMEND:

- The Shareholder and Commercial Panel is established and that the Terms of Reference are agreed.
- The Property Scrutiny Panel be abolished.
- To nominate 5 Councillors to the Panel the proportionality being 3, 1, 1 for the 2021/22 Municipal Year with the names to be advised to the Committee Team.

PR9 SERVICE RESTORATION REPORT - JUNE 2021

This report set out a summary of the current position of Council services at the time of writing and the plans for restoring services that are currently not operating or only part operating due to Covid restrictions.

Heads of Service and Service Managers have provided updates relating to their service area detailed in this report.

At time of writing Step 4 of the Government Roadmap is still expected to come into effect on 21 June. Any changes to the Council's services restoration as a result of changes to the Government Roadmap will be set out in a verbal update at Committee.

A Member asked when bulk waste collections would restart as they could not see it on the list. The Watersmeet Manager advised that bulky waste collections were currently on hold due to a number of staff self isolating and a shortage of agency staff but collections would resume as soon as possible but at present there is no definitive date.

A Member noted that the duty planning service would continue to be undertaken permanently virtually. It was really hard to view plans online and the service should be provided as a face to face service for our residents. The Director of Community and Environmental Services advised that it had been found that the service was more accessible by being virtual rather than insisting people come to the offices.

In response to Member question regarding livestreaming and virtual meetings the Chair advised it was not legally permitted to hold virtual or hybrid meetings as there was no primary legislation in place to allow this. The Council had responded to the recent Government hybrid/virtual meeting consultation.

A Member referred to the opening hours of the offices for the public and asked what they were pre Covid. It was advised they were 8.45am to 5.30pm. The Member was concerned with the reduced opening hours of 9am and 4pm to be able to see Customer Service staff.

The Director of Community and Environmental Services advised that the majority of our customers came in at lunch time. Face to face appointments would still be possible. This was a change in how we deliver our services which had been progressed over a number of years with more and more services accessible online so people can access our services at home far longer hours. Officers will continue to review the service but this was the first steps.

The telephone service would continue to be available at the same hours but this may be extended going forward. Officers could be available at different hours with the new ways of working.

The recommendation on being put to the Committee was declared carried by the Chair of the Committee the voting being 12 For, 0 Against and 1 Abstention.

RESOLVED:

Agreed and approved the approach set out in this report for adoption

PR10 EXEMPTION FROM PROCUREMENT PROCEDURE RULES - INCOME MANAGEMENT

To advise Members that an exemption to the Procurement process was approved by the Chief Executive under the Exceptional Circumstances exemption as permitted by the Council's Constitution.

The recommendation on being put to the Committee was declared CARRIED by the Chair of the Committee the voting being by general assent.

RESOLVED:

Noted the action taken

PR11 EXEMPTION FROM PROCUREMENT PROCEDURE RULES - DUMPER TRUCK FOR WOODCOCK HILL CEMETERY

To advise 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.

A Member asked if we were getting any insurance money for the vehicle. The Director of Community and Environmental Services confirmed an insurance claim had been submitted but we had to take the decision to purchase the vehicle as we needed the equipment immediately. If insurance money does come through it would go back into the budget in the normal way. The full circumstances of the theft would be looked into to see what measures could be put in place to try to stop this happening again.

The recommendation on being put to the Committee was declared CARRIED by the Chair of the Committee the voting being by general assent.

RESOLVED:

Noted the action taken.

PR12 SUMMARY OF THE FINANCIAL OUTTURN FOR 2020/21

This report shows the outturn position for the financial year ending on 31 March 2021 for both revenue and capital and makes the following recommendations:-

- to carry forward to 2021/22 certain unspent revenue budgets and;
- to rephrase those capital budgets that require completion in 2021/22

A key feature of reporting the outturn for the financial year is to compare it against the latest agreed budget which provides an indication of the accuracy and robustness of financial control and the achievement of the strategic objective to manage resources to deliver the Council's strategic priorities and service needs.

The Director of Finance advised on the carried forward requests there was a net underspend of £581k but after carried forward requests there was a net underspend of £133k. There was increased expenditure shown for investment properties in the revenue budget which related to acquisitions or potential acquisitions which haven't yet happened which we would be able to capitalise on this year or in following years but we need to charge them to revenue until they happen. We are carrying forward some money from the capital programme to reflect the other side of those.

A Member had submitted the following questions in advance of the meeting and answers were provided as detailed below:

What was the increased spend on investment properties of £410,000 for?

Response: These are items for which we have budget within the capital programme under the PIB heading, however due to rules around charging expenditure to capital in local government we are not allowed to charge this expenditure to the capital programme until the acquisition of the asset is completed. We, therefore, need to charge these costs to revenue in 2020/21 but can capitalise them in 2021/22, increasing our Revenue Balances by the same amount. The Director of Finance advised that there were two parts to the additional retention monies. We retained more of the total cost than we would otherwise have done. The £410k was around investment properties work which we are not able to capitalise on until they have been finalised and are going forward. It was a mixture of two things where we have made an acquisition which has not gone through to Council and one around future acquisitions.

What were the extra legal costs of £18,000 for a consultant for?

Response: £11.2k Legal Advice – Counsel Fees relating to Long Pightle Mobile Home Park with regards to the public enquiry due to the refused certificate of lawfulness. An additional £7k for the essential purchase of publications where 2 invoices were in dispute from 2018 and 2019.

Can you explain the increase of £91,825 retention monies for temp accommodation in Rickmansworth?

Response: Due to the delays in completing the Bury additional retention monies were held back from the contractor to allow discussions about the final payment to be completed.

Why has there been a reduced spend in grounds maintenance?

Reduced spend relates to less overtime and reduced repairs and maintenance on the newer vehicles recently purchased.

Could you give more details on the Wildwood Den in Rickmansworth the cost and where it will go?

Response: These were first discussed at Leisure Committee in March 2019. The Wildwood Den relates to Rickmansworth Aquadrome.

Sustainable Travel Schemes £26,160 what has been procured?

Response: The Local Walking and Cycling Strategy has been procured. This work is underway. Every Member has been consulted (March) on the Strategy and any further comments are welcomed.

What area will be looked at for the investigations of local permit workers schemes at a cost of £13,200?

Response: The monies are intended to complete the business permit review agreed by the IHED Committee in August 2019 including increase in parking spaces in Rickmansworth CPZ, work is ongoing. It would be clarified if it was with regard to Rickmansworth west or Rickmansworth town.

Post meeting note: The investigation of a local workers permits scheme in Rickmansworth was agreed for sites in Zone C and Zone A, with investigations continuing in other Zones. These are concentrated in the Rickmansworth Town Ward but extend into the Penn and Mill End Ward. The Rickmansworth West scheme is how Officers refer to another proposed parking scheme which is currently awaiting a detailed design and further consultation.

A Member said the report talked about an increase in retention monies of £91k it was not an increase it was just a re-phasing of that money.

On being put to the Committee the recommendations were declared carried by the Chair of the Committee the voting being 9 for, 0 against and 4 abstentions.

RECOMMEND:

That the favourable revenue outturn variance after carry forwards of (£133,489) to be noted.

That the capital outturn as summarised in paragraph 2.6 and Appendix 3 be noted.

Approved to carry forward: the unspent service budgets from 2020/21 to 2021/22 which total £447,830 to enable completion of projects as detailed at Appendix 2.

Approved the rephasing on capital projects from 2020/21 to 2021/22 which total £1,364,813 as detailed at Appendix 4.

PR13 WORK PROGRAMME

The Committee received their work programme.

RESOLVED

That the work programme be noted.

PR14 EXCLUSION OF PRESS AND PUBLIC

The Chair moved, duly seconded, the following motion:

“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 it involves the likely disclosure of exempt information as defined under paragraph (3) 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.”

The Committee agreed the motion by general assent.

PR15 PATHWAY FOR CARE

The Committee received a report.

RECOMMEND:

That public access to the report and decision be denied until the matter is resolved.

CHAIRMAN