
POLICY AND RESOURCES COMMITTEE

VIRTUAL MEETING NOTICE AND AGENDA

For a virtual/remote meeting to be held on Monday, 14 June 2021 at 7.30 pm

Members of the Planning Committee:-

Councillors:

Sarah Nelmes (Chair)
Matthew Bedford
Stephen Cox
Stephen Giles-Medhurst
Alex Hayward
Paula Hiscocks
Chris Lloyd

Dominic Sokalski (Vice-Chair)
Reena Ranger
Andrew Scarth
Roger Seabourne
Phil Williams
Debbie Morris

*Joanne Wagstaffe, Chief Executive
Monday, 7 June 2021*

“The Local Authorities and Police and Crime Panels Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 made under the Coronavirus Act 2020 enable Council / Committee meetings to be held in a virtual format and enables remote attendance.

The meeting will start at 7.30pm and will be virtual / remote, in that they will be conducted at no specific location and all participants are at various locations, communicating via audio and online.

The Council welcomes contributions from Members of the public to its discussion on agenda items at Planning Committee meetings. Contributions will be limited to one person speaking for and one against each item for not more than three minutes. Please note that in the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will automatically be given the right to speak on the item at that next meeting of the Committee. Details of the procedure are provided below:

Members of the public wishing to speak will be entitled to register and identify which application(s) they wish to speak on from the published agenda for the remote meeting. Those who wish to register to speak must do so by notifying the Committee team by e-mail (CommitteeTeam@threerivers.gov.uk) 48 hours before the meeting. The first 2

people to register on any application (1 for and 1 against) will be sent a link so that they can join the meeting to exercise that right. This will also allow the Committee Team to prepare the speaker sheet in advance of the remote meeting to forward to the Chair of the meeting.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part 1 business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation.

Please note that the meeting is being held virtually. The business of the meeting will be live streamed at –

The Planning Committee virtual meeting protocol can be viewed below:

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 7
- 16)

To confirm as a correct record the Minutes of the Policy and Resources Committee meeting held on 8 March 2021.

3. NOTICE OF OTHER BUSINESS

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.

4. DECLARATIONS OF INTEREST

To receive any declarations of interest.

POLICY

5. SUB-COMMITTEES OF POLICY AND RESOURCES COMMITTEE

(Pages
17 - 20)

The report proposes that the Policy and Resources Committee re-establishes the following sub-committees for 2021/22: Local Plan, Constitution and Equalities.

The report proposes that the Covid-19 Response sub-committee is not re-established.

That the Members appointed to all the sub-committees have the following proportional membership: 9, 2 and 1.

6. ANIMAL WELFARE ENFORCEMENT POLICY AND ANIMAL WELFARE LICENSING POLICY

(Pages
21 - 64)

To agree the Animal Welfare Licensing Policy for Three Rivers.

To agree the Animal Welfare Enforcement Policy for Three Rivers.

7. THREE RIVERS DISTRICT COUNCIL - TREE STRATEGY 2022-2027 (Pages 65 - 98)

The purpose of this report is 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 public consultation (Appendix A – draft tree strategy).

8. SHAREHOLDER AND COMMERCIAL VENTURES SCRUTINY PANEL (Pages 99 - 110)

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).

9. SERVICE RESTORATION REPORT - JUNE 2021 (Pages 111 - 130)

This report sets 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.

RESOURCES

10. EXEMPTION FROM PROCUREMENT PROCEDURE RULES - INCOME (Pages

MANAGEMENT

131 -
132)

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.

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

(Pages
133 -
134)

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.

12. SUMMARY OF THE FINANCIAL OUTTURN FOR 2020/21

(Pages
135 -
156)

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.

13. WORK PROGRAMME

(Pages
157 -
162)

To receive the Committee's work programme.

14. OTHER BUSINESS - if approved under item 3 above

15. EXCLUSION OF PRESS AND PUBLIC

If the Committee wishes to consider the remaining item in private, it will be appropriate for a resolution to be passed in the following terms:-

"that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraph X 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."

(Note: If other confidential business is approved under item 3, it will also be necessary to specify the class of exempt or confidential information in the additional items.)

16. PATHWAY FOR CARE

To receive a report

1. OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

To receive any declarations of interest.

General Enquiries: Please contact the Committee Team at
committeeteam@threerivers.gov.uk

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POLICY AND RESOURCES COMMITTEE**DRAFT MINUTES**

Of a virtual/remote meeting held on 8 March 2021 at 7.30pm to 10.04pm.

Councillors present:

Sarah Nelmes (Chair) (Local Plan)
Matthew Bedford (Vice-Chair) (Resources
and Shared Services)
Stephen Cox
Steve Drury (Infrastructure & Planning
Policy)
Alex Hayward
Stephen Giles-Medhurst (Transport and
Economic Development)
Paula Hiscocks

Chris Lloyd (Leisure)
Andrew Scarth (Housing)
Reena Ranger
Roger Seabourne (Community Safety and
Partnerships)
Alison Wall
Phil Williams (Lead Member for
Environmental Services & Sustainability)

Other Councillors were in attendance Alex
Michaels, Debbie Morris and Jon Tankard

Officers Present: Joanne Wagstaffe, Chief Executive
Geof Muggeridge, Director of Community and Environmental Services
(DCES)
Alison Scott, Interim Shared Director of Finance
James Baldwin, Deputy Monitoring Officer
Claire May, Head of Planning Policy and Projects
Rebecca Young, Acting Head of Community Partnerships
Joanna Hewitson, Climate Change Officer
Marko Kalik, Senior Planning Officer
Emma Tiernan, Head of ICT
Sarah Haythorpe, Principal Committee Manager
Jamie Russell, Committee Manager

PR92/20 APOLOGIES FOR ABSENCE

No apologies for absence were received. Councillor Steve Drury was slightly late joining the meeting.

PR93/20 MINUTES

The Minutes of the Policy and Resources Committee meeting held on 7 December 2020 were confirmed as a correct record and would be signed by the Chair when it was possible to do so.

PR94/20 NOTICE OF OTHER BUSINESS

The Chair ruled that the following items of business had not been circulated the required 5 working days before the meeting but were of sufficient urgency to be taken at the meeting for the following reason:

Item 9 - Corporate Framework Action Plan and Finance Service Plan

To ensure that the Council could apply the action plan and service plan.

PR95/20 DECLARATION OF INTERESTS

Councillor Alex Hayward declared a pecuniary interest in the Part II item on the Local Plan sub-committee recommendations and would leave the virtual meeting during the consideration of this report.

PR94/20 ADOPTION OF LOCAL GOVERNMENT ASSOCIATION MODEL COUNCILLOR CODE OF CONDUCT 2020

The Deputy Monitoring Officer presented the report to the Committee. The Local Government Association (LGA) had developed a Model Councillor Code of Conduct 2020, in association with key partners and after extensive consultation with the sector. This was part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It was a template for Councils to adopt in whole and/or with local amendments. All Councils are required to have a local Councillor Code of Conduct. It was not mandatory for all Councils to have the same code.

Training had been booked for all Members, Officers and Parish Councils in respect of the Code but there had not been full take up. It was important that Members attended one of the three training sessions. The training was being presented by Paul Hoey who was the LGA chief consultant drafting the new code.

Councillor Chris Lloyd moved, seconded by Councillor Sarah Nelmes, that the code be recommended to Council and that the limit for registering gifts and hospitality remain unchanged at £25.

A Member requested that the Members that had not responded with a date to attend the training be reminded of the dates.

A Member asked if it would be good practise to include examples of bullying and harassment for both Members and Officers. The Chair advised that clarification could be given at the training.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being by general assent.

RECOMMEND:

1. That the Council adopts the Local Government Association Model Councillor Code of Conduct 2020 with effect from the Annual meeting in May 2021.
2. Recommends to Council to agree that the limit for registering gifts and hospitality remain unchanged at £25.
3. That all Members attend one of the 3 training sessions on the model LGA Councillor Code which Officers are proposing is essential training for all Members prior to adoption of the code.
4. That additional training be arranged after the 2021 elections on the model Councillor Code for any new Councillors and that they be required to attend.

PR95/20 NATIONAL PLANNING POLICY FRAMEWORK AND NATIONAL MODEL DESIGN CODE - DRAFT RESPONSE TO CONSULTATION PROPOSALS

The Senior Planning Officer said the report provided a summary of the Government's National Planning Policy Framework (NPPF) and National Model Design Code with the Council's proposed draft response.

Following the Government's Planning for the Future White Paper the Building Better Beautiful Commission was set up to champion beauty in the built environment. The Commission made a number of recommendations that had resulted in the proposed amendments to the NPPF. There was now more onus on good design and beauty. The National Planning Model Design Code was proposed to be used to guide decisions on planning applications until local codes can be prepared. The expectation was that development that was not well designed should be refused and significant weight given to local design policies and Government guidance. There was also more focus on the importance of infrastructure provision and increased support for encouraging walking and cycling and for any new streets to be tree lined.

In addition to the response to the Building Better Buildings Beautiful Commission was the proposed changes to the NPPF and to consider statements of national policy in the plan making, such as written ministerial statements. There were also some clarifications in relation to Article 4 Directions and some amendments stressing the importance of access to high quality open spaces for health and wellbeing.

There was also some changes to flood risk in response to the Government's joint review with DEFRA of planning policy for flood risk. This included clarification that the policy applies to all flood risk sources and not just fluvial flooding and that local plans should manage flood risk by using opportunities from new development to reduce the causes and impacts of flooding.

In addition, there were amendments supporting the improvements of biodiversity in and around other developments if measurable net gains can be secured. This could potentially look beyond site boundaries to try and achieve a net gain in biodiversity. The National Model Design Code would be a toolkit to provide guidance to help LAs in producing local design guides and set a baseline standard with an emphasis on the importance of identifying area type (character areas). Appearance will become a key factor in what was considered good design. The deadline for the consultation response was 27 March and Officers would be happy to receive any comments on the proposed draft response by close of business on Friday 19 March.

A Member asked if the good points raised within the consultation could be included in our local plan. The Senior Planning Officer advised that it would not be included into our local plan at this stage but potentially if the Government do update national policy following the consultation it may be possible at a later stage in the local plan process, for instance in the Regulation 19 consultation, to include these points.

The Lead Member for Infrastructure and Planning Policy had some minor points to make but would email them to the Senior Planning Officer. The Councillor felt it was a good report and the responses were good. On the questions where there was no comment it would be helpful to make some comment and would provide some words for consideration.

A Member referred to the comment that all new streets should be tree lined which was to be encouraged but advised this would require the footways to be of a sufficient width. Also on the equality impact question, where there was no comments, we often get developments that come along where there was no drop crossings for people who might require to use them and the developer should

make sure any development was accessible for everyone. The Senior Planning Officer agreed that details would be added to the consultation response.

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

RESOLVED:

1. Noted the contents of this report and the Government's consultation;
2. Provided comments as detailed in the minute above to be included in the final response and that any further comments be sent to the Senior Planning Officer by 19 March 2021; and
3. That delegated authority be granted to the Head of Planning Policy & Projects and the Director of Communities and Environmental Services in consultation with the Lead Member for the Local Plan to update the final response to the consultation.

PR96/20 CLIMATE EMERGENCY AND SUSTAINABILITY STRATEGY 2021-2026

The Acting Head of Community Partnerships presented the Climate Emergency and Sustainability Strategy 2021-2026 to the Committee. The consultation had provided a great insight into the emergency of the strategy and what we can do to achieve our objectives for Three Rivers.

A presentation was provided to the Committee which would be published as an appendix to the minutes. The presentation highlighted the suggested changes to be made to the strategy as a result of the consultation.

A Member asked questions on a procedural matter on why the policy was coming to P&R Committee first and not the Leisure Committee then to P&R Committee to adopt. The Principal Committee Manager advised that it was only the Policy and Resources Committee who could agree any new policy or strategy and the procedure was that it always had to come to this Committee first before going to the relevant Service Committee. Once the strategy was adopted all the details/action plan could then be presented to the Leisure Committee and would not need to come back to this Committee. It was only because it was a new Policy/Strategy that it was coming to this Committee.

The Lead Member for Environmental Services and Sustainability thanked Joanna Hewitson, Elen Roberts and Ellie Nathan for all their hard work on the strategy and for getting the strategy prepared so quickly which had been a very hard task and they should all be commended. This was endorsed by all the Committee Members.

A Member made the following comments:

- Could the strategy include a review to re-wild verges on Three Rivers land which could be immediately actioned and could set a tangible target to achieve?
- To introduce no idling zones outside schools as they believed the Lead Member was looking into this which could then be enforced by the parking enforcement team.
- Put in a presumption that front driveways should not be 100% hardstanding although appreciated this would not be appropriate in all circumstances.
- Proactively remedy water logging which was happening on our own land with some areas waterlogged and referred to Rickmansworth Golf Course.
- A motion was passed at full Council regarding the planting of trees but was not included in the strategy.
- Could the new tree strategy coming forward be included?
- Can we include planning conditions to ensure we have hedgehog friendly boundary treatments?
- Alternative methods of travel - we don't always have a genuine choice of transport modes in Three Rivers and we need to look at our parking standards to ensure that all dwellings have their own electric charging point.
- Look at sustainably and generating our own energy from our land.

The Councillor agreed to forward all the points to the Lead Member.

The Climate Change Officer responded:

- A review to re-wild our verges was happening at the moment with a biodiversity audit coming up in early summer, an opportunities audit and introducing pilot areas this spring.
- No idling zones – would discuss with the relevant officers.
- Front driveways not being all hardstanding – details would be provided in the action plan.

The Lead Member advised that the Youth Council were going to be discussing no idling zones outside schools. Officers would review the comments made about hedgehog friendly boundaries as part of the local plan. On Transport modes the cycling strategy had gone out for consultation and we are working on the electric charging points. The Council were one of the leading authorities on climate change in England and having this strategy would move us further up the list of green Councils.

The Acting Head of Community Partnerships advised that more detailed answers could be provided following consultation with other departments as the strategy did not just sit within Community Partnerships.

A Member raised concern that the Youth Council would lead on the no idling zones outside school. This should be a Member led piece of work.

A Member raised concern that we are asking businesses and residents to achieve the target of net-zero for the District's emissions by 2045 at the latest. This would require a lot of support, encouragement and help especially coming out of the pandemic as businesses will just be trying to survive. The Climate Change Officer advised that the Economic Development Team will work to raise awareness of the strategy and encourage businesses to be more sustainable.

Members welcomed the engagement by Officers of the Environmental Forum and Local Area Forums on the strategy and the other many different ways they had engaged with everyone on the strategy. It was noted that the strategy was not the detailed action plan, was not set in stone and would need to be changed.

Councillor Matthew Bedford said the Committee should not agree any significant changes to the strategy at this time and that it would be sensible that Officers over the next few days obtain extra information for LEC and that the recommendation to Council could be amended by LEC subject to the information provided. This would mean that any areas where we could stop cutting the grass could be considered so that we do not wait another whole year.

A Member said the Council had already re-wilded some areas across the District (Horses field being one) but the areas have to be properly managed, surveyed in advance and have a clear maintenance plan. Members need to understand what land is in our ownership and what areas are suitable. There are various different land owners across Three Rivers and Members should wait for further details from Officers and discuss at LEC on Wednesday evening. The Council not only have the best recycling rates in the country but we are the only local authority with solar powered street lights in Leavesden County Park. There are other measures which can be introduced and HCC are undertaking work on a strategy from Central Government on electrical charging points but required the infrastructure to be installed and needed to be a national planning policy. HCC are looking at active travel and having no idling zones at schools as part of the sustainability agenda as they have responsibility for the roads in Hertfordshire. We must work in tandem with them and our neighbours and not solely within Three Rivers. Members need to understand that there will be additional costs to do all this work.

A Councillor outside the Committee welcomed the work already completed by the Council but wished to focus on biodiversity. 97% of our semi natural grassland across Hertfordshire had been lost according to the Herts Wildlife Trust - State of Nature report and was Hertfordshire's most threatened habitat. Members need to consider increasing our biodiversity on our own land and to stop cutting grass before the season starts. It will allow for our wildlife/insects to come back and next year we will hopefully see an increase. We can also save money by not

cutting the grass and it would provide a substantial amount of benefits for the Council and the residents.

Another Member outside the Committee welcomed the strategy but one area of concern remained around biodiversity and to re-wild of verges and amenity spaces which had not been taken forward and did not wish to see this delayed and suggested a 30% reduction grass cutting of all amenity spaces this year.

Councillor Phi Williams moved, seconded by Chris Lloyd, that the Committee recommend the strategy to Council subject to any comments by the Leisure, Environment and Community Committee.

Councillor Matthew Bedford moved an amendment, duly seconded, that LEC address the points made around rewilding and the pieces of land which may be suitable following advice from Officers so they have a precise understanding and can then agree some wording which could be included in the recommendation on the strategy to Council. The amendment was agreed by Councillor Phil Williams the proposer of the motion.

The Lead Member for Environmental Services and Sustainability summed up by saying we already have the Millennium Woods in Chorleywood (15 hectares), the Withey Beds in Tolpits Lane (another 15 hectares), grazing on the Moor and at Chorleywood House, Horses Field in Abbots Langley/Leavesden, The Bury grounds and the Orchard. We need to take this baton and move forward and work with our partners in Hertfordshire to be carbon neutral.

On being put to the Committee the motion with the amendment was declared CARRIED by the Chair the voting being by general assent.

RECOMMEND:

The proposed Climate Emergency and Sustainability Strategy to Council for adoption subject to any comments made by the Leisure, Environment and Community Committee.

That LEC address the points made around rewilding and the pieces of land which may be suitable following advice from Officers so they have a precise understanding and can then agree some wording which could be included in the recommendation on the strategy to Council.

PR97/20

GREATER LONDON BOUNDARY CHARGE

The Chair advised that the report recommendation suggested that we consider if we wish to support the residents of the District by writing to the Mayor of London, and express it's' concern with regards to the implementation of the Greater London Boundary Charge with the drafting of the letter to be delegated to the Chief Executive, in consultation with the Leader of the Council.

The Chair proposed an amendment to the recommendation that the letter include concern regarding other transport changes suggested which would be to the detriment of many of our residents. The Chair was really concerned that every time a resident needed to cross the boundary into London they would need to pay a charge when there is no public transport to enable residents to get there.

A Member had serious concerns on how this would impact on residents and the impact of a daily charge for many residents who need to cross the border into London. It would mean gridlock and congestion in Three Rivers.

A Member said the boundary charge was not being implemented or proposed at this time it was just a suggestion. The met line extension to Croxley would have assisted our residents but was pulled by the Mayor of London. The introduction of any such charge would be to the detriment of our residents getting into and out of London. A reduction of bus services outside of greater London was also being considered which would also penalise our residents.

Both Councillors Stephen Giles-Medhurst and Alex Hayward support the Chair's motion and amendment.

A Member wished to state that the boundary charge would be required to be paid daily not every time the boundary was crossed.

A Councillor outside the Committee said residents in Moor Park and Eastbury had received a letter from the Mayor about the proposed boundary charge stating it was only being investigated. Every car owning resident in Moor Park and Eastbury had major concerns and how it would impact on their daily lives. Five roads in the District were partly located in Hillingdon and partly in Three Rivers and one road's boundary was in the middle of the road.

The motion on being put to the Committee with the amendment was declared carried the voting being by general assent.

RESOLVED:

1. Wish to support the residents of the District by writing to the Mayor of London, and express it's' concern with regards to the implementation of the Greater London Boundary Charge and to include concern regarding other transport changes suggested which would be to the detriment of many of our residents; and
2. The drafting of the letter be delegated to the Chief Executive, in consultation with the Leader of the Council

PR98/20 CORPORATE PLAN AND FINAL SERVICE PLANS 2021-2024

The Acting Head of Community Partnerships presented the Corporate Action Plan to the Committee. It was noted that the Corporate Framework for 2020-2023 had been agreed in 2020 but this report was presented every year to agree the action plan and adopt the objectives. The action plan highlights the key actions and projects over the next year to be achieved and the overarching objectives. Two small changes were proposed to the objectives to take out third objective under Housing and Thriving communities as the project was completed and on the second page key action reordering request on the priorities.

The Committee noted that all the draft service plans had been presented at the December meeting and had just been updated with all the budget details after the Council meeting on 23/2.

It was noted that Councillor Stephen Giles-Medhurst had left the meeting and was not able to vote on the recommendation.

The motion on being put to the Committee to approve the Corporate Framework action plan and the service plans with the amendments to the action plan was agreed by general assent by the Members in the virtual meeting room.

RECOMMEND:

The Committee approves the current Corporate Framework Action Plan and objectives for the next two years with the amendments, attached as Appendix 1 and recommends to Council.

Councillor Stephen Giles-Medhurst re-joined the meeting.

PR99/20 BUDGET MONITORING – MONTH 10 (January)

The budget monitoring report is a key tool in scrutinising the Council's financial performance. It is designed to provide an overview to all relevant stakeholders. It is essential that the council monitors its budgets throughout the year to ensure that it is meeting its strategic objectives and that corrective action is taken where necessary.

This report seeks approval to a change in the Committee's 2020 - 2024 medium-term revenue financial plan. The report shows the Council's overall consolidated medium term financial plan for both revenue and capital.

Councillor Matthew Bedford moved, duly seconded, the recommendation in the report.

On being put to the Committee the motion was declared carried by the chair the voting being 9 for, 0 against and 4 abstentions.

RECOMMEND:

That the revenue and capital budget variations as shown in the table at paragraph 6.1 be approved and incorporated into the three-year medium-term financial plan.

PR100/20 WORK PROGRAMME

The Committee received their work programme. A Member asked if the timeframe for the tree and landscaping strategy be included in the work programme. The Committee Team would ensure this was included.

RESOLVED

That the work programme be noted.

PR101/20 EXCLUSION OF PRESS AND PUBLIC

The Chair moved that if the Committee wishes to consider the remaining items in private, it will be appropriate for a resolution to be passed in the following terms:-

“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.

PR102/20 IT SERVICES CONTRACT AWARD

The Committee received a report.

On being put to the Committee the Chair declared the recommendation CARRIED having been agreed by general assent.

RESOLVED:

That public access to the report and decision be denied until 15 March 2021.

PR103/20 LOCAL PLAN SUB COMMITTEE RECOMMENDATIONS

Councillor Alex Hayward left the meeting.

The Committee received a report.

On being put to the Committee the Chair declared the recommendations CARRIED having been agreed unanimously by the 12 Members present at the meeting.

RECOMMEND:

That public access to the report be denied until the Council Agenda publication.

That public access to the decision be denied until the Council Agenda publication.

CHAIR

POLICY AND RESOURCES COMMITTEE – 14 JUNE 2021

PART I – DELEGATED

5. SUB-COMMITTEES OF POLICY AND RESOURCES COMMITTEE (CED)

1 Summary

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

2 Summary of Main Points

- 2.1 All the sub-committees have no decision-making powers with their remits being:

Local Plan sub-committee

- 2.1.1 To make recommendations to the Policy and Resources Committee in respect of the preparation of the Local Plan in line with the most up to date Local Development Scheme which includes preparation, consultation, publication, submission and examination stages.

Constitution sub-committee

- 2.1.2 To review the Council's Constitution and Governance arrangements and to make recommendations to the Policy and Resources Committee for Council ratification.

Equalities sub-committee

- 2.1.3 To review and consider Equalities matters and make recommendations.

Covid-19 Response sub-committee

- 2.1.4 To review service restoration priorities and updates in response to Covid 19.
- 2.2 The Covid-19 Response sub-committee has not met since November 2020. It is proposed that any reports are provided directly to P&R Committee in the future.

3 Details

- 3.1 As responsibility for the matters considered by the sub-committees is under the remit of this Committee, it is for this Committee to appoint Members to them.
- 3.2 All the sub-committees will need to be proportional to the number of seats each Political Group holds on the Council.
- 3.3 At the Constitution sub-committee held on 29 September 2020 there was a general discussion on allowing all Members of the Council to be members of the sub-committees – details of the debate from the meeting are provided below:

CSC14/20 GENERAL DISCUSSION

Sub-committees

Noted that in the past the P&R Committee as the Parent Committee sets up the sub-committees with its membership taken from the P&R Committee although any Member of the Council is able to substitute on the sub-committee. Legal advice had been checked and it would be possible to appoint other Members of the Council onto the sub-committees but it would be subject to Political Proportionality Rules. This would be for the P&R Committee to consider as the Parent Committee.

4 Options and Reasons for Recommendations

- 4.1 That the Committee re-establishes three of the existing sub-committees and appoints Members with the political proportionality being 6, 2 and 1 on each sub-committee.
 - 4.1.1 Due to the commercial confidentiality of the work on the Local Plan sub-committee, whilst the agendas for the meeting will be published on the Council's website it is highly likely that the majority of the meeting will need to be held in Part II. As such the reports will remain confidential until such time as the information can be published for the press and public.
 - 4.1.2 With regard to the Constitution sub-committee, Officers can see no reason at this time why these meetings cannot be held in public. The matters considered by the sub-committee would be amendments to the Council Constitution.
- 4.2 With regard to the Covid-19 Response sub-committee, it is proposed that this sub-committee is not re-established in 2021/22.
- 4.3 That substitute Members be allowed and all Members of Council can be substitute Members.
- 4.4 As detailed in Paragraph 3.3 above P&R Committee are asked to agree that other Members of Council can be appointed to the sub-committees subject to Political Proportionality Rules.

5 Policy/Budget Reference and Implications

- 5.1 The recommendations fall within the Council's agreed policy and budgets.

6 Financial, Equal Opportunities, Environmental, Community Safety, Public Health, Customer Services Centre, Risk Management and Health & Safety Implications

- 6.1 None specific.

7 Legal Implications

- Policy and Resources Committee have the power to set up sub-committees;
- Membership of the sub-committees derives from the membership of the Committee itself;
- The membership has to be politically proportionate;

- The sub-committee can be given delegated authority to make decisions within its remit save where reserved to Council such as constitutional changes and some aspects of the local plan framework;
- The provisions of Schedule 12A of the Local Government Act 1972 will apply to meetings of the sub-committee so they have to be held in public unless there are exceptions to the rule which allows for the meeting to move into private as Part 2 business; and
- Council has agreed that all Members can act as substitute Members. In view of the nature of the work of the Local Plan sub-committee it is of course desirable for there to be consistency within the attending membership. Substitutes should only be allowed in exceptional circumstances and not as a matter of course.

8 Equal Opportunities Implications

8.1 None specific.

9 Communications and Website Implications

9.1 Details of the meetings and agendas will be published for the sub-committees on the Council's website.

10 Risk Management and Health & Safety Implications

10.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

10.2 The subject of this report is covered by the Committee service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this service plan.

10.3 There are no risks to the Council in agreeing the recommendations.

11 Recommendation

11.5 That three sub-committees be re-established (Constitution, Local Plan and Equalities) and that Members be appointed with the following proportional membership: 9, 2 and 1 and the Members names to be advised to the Committee Team.

11.6 That the Committee be asked to agree that other Members of Council can be appointed to the sub-committees subject to Political Proportionality Rules.

- a. That the Covid-19 Response sub-committee is not re-established.
- b. That no decision making powers be delegated to the sub-committees;
- c. That all Members of Council to be substitute Members.

Report prepared by: Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources:

Extra Policy and Resources Committee – 14 May 2020 and Policy and Resources Committee 15 June 2020

Data checked by: James Baldwin, Solicitor to the Council

Data rating:

1	Poor	
2	Sufficient	√
3	High	

Background Papers

None

POLICY AND RESOURCES COMMITTEE - 14 JUNE 2021

REGULATORY SERVICES COMMITTEE – 16 JUNE 2021

PART I – NOT DELEGATED

6. ANIMAL WELFARE ENFORCEMENT POLICY AND ANIMAL WELFARE LICENSING POLICY (DCES)

1 Summary

- 1.1 To agree the Animal Welfare Licensing Policy for Three Rivers.
- 1.2 To agree the Animal Welfare Enforcement Policy for Three Rivers.

2 Details

- 2.1 The Animal Welfare and Licensing Inspector (AWLI) deals with a range of issues including anti-social behaviour involving animals, nuisance and animal cruelty. The AWLI also deals with the inspection and licensing of animal welfare establishments including dog boarding, cat boarding, home boarding, commercial dog day care, hiring of horses, selling animals as pets, keeping or training animals for exhibition, dangerous wild animals and zoos. All enforcement duties of the AWLI are covered in the proposed policies; Appendix A - Animal Welfare Licensing Policy and Appendix B - Animal Welfare Enforcement Policy which combined cover the Inspector's duties.
 - 2.1.1 The proposed **Animal Welfare Licensing Policy** (Appendix A) has been written to bring together the work involved in the licensing of animal welfare establishments throughout the District and includes the newly introduced Animal Welfare (Licensing of Activities Involving Animals)(England)Regulations 2018. It sets out the general principles that the Council will follow in relation to carrying out its functions under the animal welfare licensing legislation. The details in the policy is work already undertaken by the AWLI.
 - 2.1.2 The proposed **Animal Welfare Enforcement Policy** (Appendix B) has been written to bring together all of the other work of the AWLI and also includes how enforcement will be approached under the licensing regime. It sets out the general principles that the Council will follow in relation to the enforcement of all animal welfare legislation. The details in the policy is work already undertaken by the AWLI.

3 Options and Reasons for Recommendations

- 3.1 Currently there is no policy in place in respect of animal welfare. With more powers being designated to Local Authorities by the Government and enforcement being taken, it is considered necessary to have an approved enforcement policy in place covering all aspects of the AWLI work.
- 3.2 Animal welfare licensing received an overhaul in 2018 with DEFRA creating conditions and guidelines for certain areas of animal licensing. The purpose was to ensure national consistency in implementation and operation of the licensing system by local authorities. They broadened the scope of activities covered and clarity was given to offences which could lead to an increase in regulation and enforcement. It is considered necessary to have an approved policy in place outlining how the Council

will approach and deal with applications for all animal welfare licensing enquiries and existing licensed operators.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are not within the Council's agreed policy but are within agreed budgets.

5 Financial, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website.

5.1 None specific.

6 Legal Implications

6.1 Legal have been consulted at all stages of creating these proposed policies and their advice has been incorporated into the content of the policies.

7 Equal Opportunities Implications

7.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes
Did the relevance test conclude a full impact assessment was required? The enforcement policy will be applied in a way that takes consideration of the age of the offender, and the mental capacity of any disabled adult to understand legislation and enforcement actions.	No

8 Risk and Health & Safety Implications

8.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
The Council may receive challenges on its decisions or the way the decisions are determined	Decisions and their determination may be scrutinised	The policies will be followed to reduce the risk to the Council	Treat	1

People will operate unlicensed	Animal Welfare will be compromised in these premises	Promote the requirement to be licensed and actively seek and take enforcement	Treat	2
People will not take their duty of care towards the welfare of the animals in their care seriously	Animal welfare will be compromised in these premises and may have a reputational impact on the Council	Promote responsible animal ownership. Actively seek and take enforcement	Treat	2

8.2 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
Low	Low	Medium	High	
2	4	6	8	
Low	Low	Low	Low	
1	2	3	4	
Impact				
Low -----> Unacceptable				

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

8.3 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore

operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

9 Recommendation

- 9.1 That the Policy and Resources Committee recommends to approve the Animal Welfare Licensing Policy (Appendix A) subject to any comments from the Regulatory Services Committee.
- 9.2 That the Policy and Resources Committee recommends to approve the Animal Welfare Enforcement Policy (Appendix B) subject to any comments from the Regulatory Services Committee.

Report prepared by: Debra Sandling, Animal Welfare and Licensing Inspector

Data Quality

Data checked by: Malcolm Clarke, Waste and Environment Manager

Jennie Probert, Waste and Environment Manager

Data rating:

1	Poor	
2	Sufficient	✓
3	High	

APPENDICES:

Appendix A - Animal Welfare Licensing Policy

Appendix B - Animal Welfare Enforcement Policy

APPENDIX A



ANIMAL WELFARE LICENSING POLICY

CONTENTS

Part 1	Introduction
Part 2	Licensing Principles and Policy Objectives
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Part 8	Standards and Licence conditions
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Part 13	Inspections of a Licensed Premises
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Part 15	Licence Fees
Part 16	Enforcement
Part 17	Information Sharing
Part 18	Definitions

PART 1 - INTRODUCTION

1.1.1 The Policy

- 1.1.2 This document sets out how Three Rivers District Council (“the Council”) will exercise its functions regarding the regulation of animal establishments.
- 1.1.3 The aim of this policy is to ensure existing licence holders, applicants and the public are familiar with how the Council undertakes the regulation of animal licensing in Three Rivers.

1.2 Policy Duration and Amendments

- 1.2.1 This Policy will be kept under review and amended as and when necessary to reflect changes in legislation, case law, national guidance and best practice.
- 1.2.2 Administrative amendments to this policy, required by virtue of legislative changes, revised national guidance or a Council restructure, may be made by the Animal Welfare Licensing Inspector, following consultation with the Waste and Environment Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.
- 1.2.3 The policy will be periodically reviewed to ensure it remains fit-for-purpose and either amended where necessary or approved for continuation.
- 1.2.4 In the event of any significant amendment to the policy, a report will be presented for consideration to the Policy and Resources Committee who will make a recommendation. For the purpose of this section, a significant amendment is deemed as one that:
 - a) Will have significant financial impact on applicants, licence holders or the public
 - b) Will have a significant procedural impact on applicants, licence holders or the public, or
 - c) May not be perceived by the trade or the public to be consistent with the licensing principles set out in this policy.

1.3 Departure from Policy

- 1.3.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy and the objectives set out therein.
- 1.3.2 Notwithstanding the existence of this policy. Each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However, it is likely that departures from policy will be restricted to exceptional circumstances, not used to circumvent the reasonable requirements of the policy.
- 1.3.3 Substantial departure from Policy
Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so must be given. The Director of Community and Environmental Services, may authorise a departure from Policy in accordance with this section if he/she considers it necessary in the specific circumstances and will advise Councillors of such decisions via the Members Information Bulletin.

1.3.4 Minor departure from Policy

Where an applicant can demonstrate that a minor departure from this policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Waste and Environment Manager may authorise a licence to be issued.

1.4 **Delegations**

1.4.1 Authorised Inspector

The Animal Welfare and Licensing Inspector, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations, is responsible for the day to day operation of the Council's Animal Licensing Policy, save for any issues reserved for the Waste and Environment Manager and Director of Community and Environmental Services.

1.4.2 Waste and Environment Manager

The following powers are specifically reserved to the Waste and Environment Manager (or, in his/her absence, any officer delegated to act in the Waste and Environment Managers absence):

- a) The management of the Council's Authorised Inspector as detailed in section 1.4.1;
- b) minor departures from the policy in accordance with section 1.3.4 in consultation with the Animal Welfare and Licensing Inspector
- c) varying or excluding standard conditions, or adding special conditions in consultation with the Animal Welfare and Licensing Inspector
- d) suspension or revocation of existing licences in consultation with the Animal Welfare and Licensing Inspector;
- e) refusal to renew existing licences in consultation with the Animal Welfare and Licensing Inspector;
- f) refusal to grant new applications in consultation with the Animal Welfare and Licensing Inspector; and
- g) minor amendments to policy in accordance with section 1.2.2 in consultation with the Animal Welfare and Licensing Inspector.

1.4.3 Director of Community and Environmental Services

The following powers are specifically reserved to the Director of Community and Environmental Services (or, in his/her absence, to the Chief Executive):

- a) Substantial departures from this policy in accordance with section 1.3.3.

1.5 **Legislation and National Guidance**

1.5.1 By virtue of the Animal Welfare Act 2006, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1 October 2018. The Regulations replaced previous licensing and registration regimes under the following legislation:

- Animal Boarding Establishments Act 1963

- Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment) Act 1983
- Riding Establishments Act 1964 and 1970
- Breeding of Dogs Act 1973 and 1991
- Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulation) Act 1925

1.5.2 The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 introduced a single animal activity licence that can include one or more of the following activities:

- Selling Animals as Pets
- Providing or arranging for the provision of boarding in catteries for cats
- Providing or arranging for the provision of boarding in kennels for dogs
- Providing or arranging for the provision of home boarding for dogs
- Providing or arranging for the provision of day care for dogs
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

1.5.3 To assist local authorities with the implementation of the new regime and to promote transparency and consistency across the country, DEFRA issued Procedural Guidance Notes for Local Authorities. The Council will have due regard to this guidance when undertaking its licensing duties.

1.5.4 The new Regulations do not impact on the licensing of dangerous wild animals under the Dangerous Wild Animals Act 1976 or zoos under the Zoo Licencing Act 1981 which remain unaffected by the recent legislative changes. Both activities remain within the scope of this policy.

1.5.5 A dangerous wild animal licence is required where an individual or a business wishes to keep an animal included on the Schedule of Dangerous Wild Animals maintained and published by DEFRA. The legislation applies to business enterprises such as an ostrich farm but does not apply to dangerous wild animals kept in a zoo or a circus. The legislation applies to all individuals that wish to keep a dangerous wild animal at home, for example, a venomous snake.

1.5.6 A zoo licence is required for an establishment where wild animals are kept for exhibition to which members of the public have access to, with or without charge for admission, on more than 7 days in any period of 12 consecutive months. The wide scope of this definition means that licensed zoos can range from traditional urban zoos and safari parks to small specialist collections such as aquaria, birds of prey centres and butterfly houses. Dispensations can be granted for small zoos which reduce the number of inspections to a reasonable level for the size of the establishment, without in any way weakening the establishment's obligation to achieve acceptable standards of animal welfare. The Zoo Licensing Act 1981 does not extend to circuses or to pet shops which are covered by separate legislation.

1.5.7 Under Section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions on, and do all that they can to prevent, crime and disorder in their area. This Policy has regard to the likely impact of such licenses on related crime and disorder in the District.

PART 2 – LICENSING PRINCIPLES AND POLICY OBJECTIVES

2.1 Policy Objectives

2.1.1 This policy is intended to achieve the following objectives:

- Ensuring that any person who carries on, attempts to carry on, or knowingly allows a licensable activity to be carried on, holds a licence in accordance with the legislative requirements detailed in section 1.5.2 and/or section 1.5.4 of this policy
- Ensuring the licence holder is not disqualified from holding a licence in accordance with legislative requirements
- Ensuring that the five overarching principles of animal welfare (known as “the five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision
- Ensuring the safeguarding of any children or vulnerable persons in contact with a licensable activity
- Ensuring that each application is considered on its own merits
- Ensuring that decisions are made in a transparent, fair and consistent way
- Ensuring, where possible, that the priorities of the Council Plan are supported
- Ensuring that the obligations of the Council’s Public Sector Equality Duty under section 149 of the equality Act 2010 are fulfilled by eliminating discrimination, harassment, victimisation and any other conduct prohibited by the Act, advancing equal opportunity, and promoting good relations between persons who share and those who do not share protected characteristics.

2.2 Animal Welfare Act 2006

2.2.1 This is now the primary piece of legislation controlling the welfare of animals in England and Wales. It has established that reasonable welfare standards must be maintained whilst unifying all animal welfare legislation, including responsibilities falling to other enforcement agencies.

2.2.2 The Animal Welfare Act 2006 introduces five overarching principles of animal welfare known as “the five needs”.

2.2.3 The “five needs” referred to in the Animal Welfare Act 2006 are:

1. the need for a suitable environment; by providing an appropriate environment including shelter and a warm, dry and comfortable resting area

2. the need for a suitable diet; a diet to maintain full health **and** by ready access where appropriate, to fresh water.

3. the need to be able to exhibit normal behaviour patterns; by providing sufficient space, proper facilities where an animal can exercise and explore

4. the need to be housed with, or apart from, other animals; by providing the company of an animal of its own kind, where appropriate

5. the need to be protected from pain, suffering, injury and disease; by prevention of, or rapid diagnosis and treatment of, injury and illness and ensuring conditions and treatment which avoid physical and/or mental suffering.

2.3 Licensing Principles

- 2.3.1 The Council will base its licensing regime on the following four principles:
- a) Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”.
 - b) Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice
 - c) Ensuring that, as far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced.
 - d) Responsibility to protect the welfare of all fellow creatures.

PART 3 – SUITABILITY OF APPLICANTS

3.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 3.1.1 In accordance with the Regulations, any individual who carries on a licensable activity will be designated as the **operator** of the business and can apply for an animal activity licence for one or more of the licensable activities, providing they are not disqualified from holding a licence in accordance with Regulation 11 and Schedule 8.
- 3.1.2 In order to ensure compliance with its duty to ensure that an applicant has not been disqualified from holding a licence, the Council may require an applicant, or any person who will have control or management of the establishment, to provide a Basic Disclosure Certificate (issued within 3 months of the date of application) from the Disclosure & Barring Service.
- 3.1.3 An applicant will be granted a licence if the Council is satisfied that:
- a) the applicant, or any person who will have control or management of the establishment has not ever been disqualified from holding a licence
 - b) the applicant is a ‘fit and proper’ person to hold a licence
 - c) the applicant, or any person who will have control or management of the establishment, has never been convicted of any offences under the Animal Welfare Act 2006
 - d) the applicant, or any person who will have control or management of the establishment has never had a licence refused, revoked or cancelled.
- 3.1.4 The term ‘fit and proper’ person is not defined in the Regulations or Guidance however, for the purposes of this policy the Council will consider a ‘fit and proper’ person to be an individual who can demonstrate upon application that they have:
- a) the right to work in the UK
 - b) no relevant convictions that impact on their suitability to hold a licence

- c) the knowledge, experience, compliance history (where applicable) and ability to comply with the licence conditions and safeguard the welfare of animals in their care
- d) made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licensable activities.

3.2 Dangerous Wild Animals Act 1976 and Zoo Licensing Act 1981

3.2.1 In order to ensure compliance with its duty to ensure that an applicant has not been disqualified from holding a licence, the Council may require an applicant, or any person who will have control or management of the establishment, to provide a Basic Disclosure Certificate (issued within 3 months of the date of application) from the Disclosure & Barring Service.

3.2.2 An applicant will be granted a licence if the Council is satisfied that:

- a) the applicant, or any person who will have control or management of the establishment has not ever been disqualified from holding a licence
- b) the applicant is a 'fit and proper' person to hold a licence
- c) the applicant, or any person who will have control or management of the establishment, has never been convicted of any offences under the Animal Welfare Act 2006; and
- d) the applicant, or any person who will have control or management of the establishment has never had a licence refused, revoked or cancelled.

3.2.3 The term 'fit and proper' person is not defined in the Regulations or Guidance however, for the purposes of this policy the Council will consider a 'fit and proper' person to be an individual who can demonstrate upon application that they have:

- a) the right to work in the UK
- b) no relevant convictions that impact on their suitability to hold a licence
- c) the knowledge, experience, compliance history (where applicable) and ability to comply with the licence conditions and safeguard the welfare of animals in their care, in particular a high degree of competency in understanding the specific requirements and risks associated with the individual *species* of animals to be kept; and
- d) made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licensable activities.

3.3 All Applications

3.3.1 To assist in assessing the suitability of an applicant, the Council may request information from:

- Hertfordshire Constabulary in respect of any relevant convictions, cautions, conduct or behaviour or any ongoing investigations relating to applicant that may impact on the applicant's suitability to hold a licence
- Any other local authority that holds information about the applicant's suitability to hold a licence

3.3.2 This information sharing is possible under the provisions of section 17 of the Crime and Disorder Act 1998 which places a duty on local authorities to have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their district.

3.4 Renewals

3.4.1 In the case of all renewals, the Council will consider any information received about the licence holder and/or business during the period of the existing licence. The Council will expect licence holders to demonstrate appropriate professional conduct at all times and behave in a manner befitting the trust placed in them to undertake the care of animals, protect staff working at the premises and safeguard the public visiting or in the vicinity of the premises.

3.4.2 Where appropriate, the Council may require an applicant, or any person who will have control or management of the establishment, to provide a Basic Disclosure Certificate (issued within 3 months of the date of application) from the Disclosure & Barring Service.

3.5 Relevance of Convictions

3.5.1 The purpose of this section is to offer guidance on how the Council will determine whether an applicant/licence holder is suitable to either be granted a licence in the first place or retain such a licence. In all cases, the Council will consider the conviction or behaviour in question, what weight should be attached to it and with every case being determined on its own merits with regard to these guidelines.

3.5.2 It is expected that most applicants or licence holders will have no convictions. In relation to other people, it is accepted that people do make mistakes and it is further accepted that many learn from those mistakes and do not continue to commit further offences. Accordingly, an isolated conviction, especially if committed some time ago, will not automatically prevent the grant or renewal of a licence.

3.5.3 The Council will not ordinarily grant a licence to a person with one or more convictions for any of the following offences:

- Offences involving animals including, but not limited to, offences involving suffering or danger caused to animals
- Licensing offences
- Offences involving violence
- Offences involving a minor
- Possession of a weapon
- Offences involving drugs
- Offences involving dishonesty
- Sex and indecency offences

3.5.4 The offences detailed in 3.5.3 are indicative and any offence or behaviour not expressly covered herein may still be considered.

PART 4 - SAFEGUARDING

- 4.1.1 Whilst the legislation has the aim of improving and maintaining standards of welfare for animals, the Council has a statutory duty to consider safeguarding associated with all licensable activities.
- 4.1.2 Specifically the Council has a duty to protect children and vulnerable persons and it is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons. Examples include, but are not limited to, horse riding tuition of a young person or an exhibition of animals at a children's party.
- 4.1.3 The Council expects all applicants and licence holders whose licensable activities may involve contact with children or vulnerable persons to:
- Have a written safeguarding policy
 - Undertake appropriate safeguarding for all staff
 - Keep a log of staff training records
 - Have a procedure for vetting staff who have unsupervised contact with children and/or vulnerable persons.

PART 5 – WHO NEEDS A LICENCE

5.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 5.1.1 Schedule 1 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“the Regulations”) defines the licensable activities for each sector (as summarised in section 1.5.2 of this policy).
- 5.1.2 In all cases, except dog breeding, the licensable activity is solely restricted to businesses or those operating on a commercial basis. For dog breeders a limit on the number of litters is also in place unless it can be proved that none of the puppies from these litters are sold.

Dog Breeding

- 5.1.3 A licence is required for breeding of dogs if **either** or both of the following apply:
- a) breeding 3 or more litters of puppies in any 12 month period; or
 - b) breeding dogs and advertising a business of selling dogs
- 5.1.4 In the case of breeding 3 or more litters of puppies in any 12 month period, if the person carrying on the activity provides documentary evidence that none of them have been sold, then a licence would not be required.

Commercial Activity

- 5.1.5 In order to assess whether an activity is being carried on as a commercial activity, DEFRA have given examples of ‘in scope’ and ‘out of scope’ for each licensable activity.
- 5.1.6 The Council will also have regard to the HMRC guidelines whereby anyone falling under a threshold of £1000 trading income in a year would not be considered a business for tax purposes.

- 5.1.7 The Regulations which the Council must consider is assessing whether commercial activity is being carried on are whether the operator:
- a) makes any sale by, or otherwise carries on, the activity with a view to making a profit, or
 - b) earns any commission or fee from the activity.
- 5.1.8 Each individual case will be assessed on its own merits considering the criteria in sections 5.1.5 – 5.1.7 above. The Council will also have regard to the 9 Badges of Trade. The most predominate consideration will be section 5.1.7 whereby an activity that attracts an income is likely to be considered commercial activity.
- 5.2 Dangerous Wild Animals Act 1976 and Zoo Licensing Act 1981**
- 5.2.1 There is no assessment of whether the activity is being carried on for commercial purposes for either of the above Acts. In simple terms, if an activity as detailed in sections 1.5.5 and 1.5.6 of this policy is being carried on, a licence will be required.
- 5.2.2 The only exception to this is that the Secretary of State may issue an exemption for a small zoo that would otherwise require a licence.

PART 6 – APPLICATION PROCESS

6.1 Advice for New Applicants

- 6.1.1 New applicants are encouraged to contact the Council's Animal Welfare and Licensing Inspector at their earliest opportunity, preferably before an application is made. This allows the officer to provide advice, as well as clarifying any areas of uncertainty.
- 6.1.2 The Council can also provide guidance in relation to other legal requirements of a new licence holder, for example, planning permission or building control approval. Such guidance should be sought from the appropriate Council department.

6.2 Submission of Applications

- 6.2.1 All licence applications must be submitted on the prescribed application form accompanied by:
- All supporting information required by this policy and the legislation
 - The appropriate application fee
 - Proof of planning permission (where necessary)
- 6.2.2 Applications can be made electronically or in hard copy.

6.3 Veterinary Surgeon or other Expert inspections

- 6.3.1 Where a veterinary surgeon or other animal expert inspection is required either by legislation or by the Council in order to determine an application, the cost of the inspection is the responsibility of the applicant and must be paid prior to the issue of a licence.
- 6.3.2 In the event that an application is unsuccessful, the veterinary surgeon/expert fee will still be the responsibility of the applicant.

6.4 Renewals

- 6.4.1 **Animal Activities:** The Council will notify licence holders of the need to renew their licence no later than 3 calendar months prior to the expiry of the existing licence. However, it is the licence holder's responsibility to ensure that their renewal application is submitted in a timely manner.
- 6.4.2 In order to ensure continuity of licence, renewal applications should be made no later than 10 weeks prior to the expiry of the existing licence. The Council accepts no responsibility for a break in trading if a complete renewal application is submitted with less than 10 weeks' notice prior to the expiry of the existing licence.
- 6.4.3 **Dangerous Wild Animals:** The Council will notify licence holder of the need to renew their licence no later than 3 calendar months prior to the expiry of the existing licence. The licence holder must submit a renewal application no later than 2 months prior to the expiry of the existing licence.
- 6.4.4 **Zoo:** The Council will notify licence holder of the need to renew their licence no later than 8 calendar months prior to the expiry of the existing licence. The licence holder must submit a renewal application no later than 6 months prior to the expiry of the existing licence.
- 6.4.5 For the avoidance of doubt, if a renewal application:
- has not been submitted prior to expiry of the existing licence, or
 - has been submitted but has not been determined prior to expiry of the existing licence

Licensable activities **must cease** until such time as the renewal application has been granted.

6.5 Determination of Applications

- 6.5.1 Once a completed application has been received and validated, the Council must inspect the site of the proposed licensable activities to assess if it is likely to meet the licence conditions.
- 6.5.2 The inspection must be carried out by a suitably qualified inspector, accompanied by a veterinary surgeon or other expert where either required by legislation or where the Council deem it necessary to determine the application.
- 6.5.3 DEFRA have defined a suitably qualified inspector as:
- a) Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity;
 - b) Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons ("RCVS"), together with a relevant RCVS continuing professional development record; or
 - c) Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.

- 6.5.4 The inspector (and where appropriate, accompanying veterinary surgeon or other expert) must produce a report in accordance with the requirements of the legislation in a timely manner.
- 6.5.5 The inspector's report(s) will contain information about the applicant, the premises, any relevant records inspected, the condition of the animals and any other relevant matter. The report must state whether the inspector(s) is satisfied that the licence conditions will be met.
- 6.5.6 Before a licence can be issued, the balance of the application fee relating to ongoing compliance and administration must be paid. Where a veterinary surgeon or other expert has attended and inspected the premises and provided a report, this fee must also have been paid prior to the issue of a licence.

6.6 Schedules of Animals

6.6.1 Licences issued for:

- Hiring of Horses
- Selling Animals as Pets
- Keeping or Training Animals for Exhibition
- Dangerous Wild Animals
- Zoos

Will have a Schedule of permitted animals attached to the licence.

- 6.6.2 If a licence holder wishes to amend this list during the term of the licence they will need to apply in writing (electronic submission included) to the Council to vary the schedule and pay the appropriate variation fee. Until such time as the Council confirm in writing that the schedule has been amended, the additional animals should not be used for licensable activities.
- 6.6.3 Should it be necessary for the additional animals to be inspected by a vet or other expert, the cost of the inspection is the responsibility of the applicant and must be paid prior to the issue of the varied licence. Where a veterinary surgeon or other expert has attended and inspected the premises for the purpose of a variation to an existing licence, this fee must also have been paid prior to the issue of the varied licence. Until such time as the Council confirm in writing that the schedule has been amended, the additional animals should not be used for licensable activities.
- 6.6.4 With regard to hiring of horses, the Regulations do not impose any specific conditions or requirements for inspection of new horses between licences.
- 6.6.5 Where individual horses are concerned, the Council will ask for a certificate from the riding establishment's own veterinary surgeon indicating that a new horse is fit to join the school (for example, that the horse is not lame, does not have heart or eye problems and is suitable for use). While this approach is not specifically provided for in the Regulations, it is fairly common practice and is a pragmatic and useful compromise.
- 6.6.6 Although not specifically covered in the Regulations, where there is a major change in horses, for example, where a new riding establishment is established and most of the horses arrive after the initial inspection, a re-inspection will be necessary. The veterinary surgeon fee will be the responsibility of the applicant. Until such time as the

Council confirm in writing that the schedule has been amended, the additional animals should not be used for licensable activities.

6.7 Additional licensable activity

- 6.7.1 If a licence holder wishes to add an additional licensable activity during the term of a licence, they will need to apply to the Council in writing including the appropriate fee.

PART 7 – LICENCE DURATION AND STAR RATING

7.1 Extent of a Licence

- 7.1.1 The granting of a licence pursuant to this policy shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Act under which the licence is issued.

7.2 Licence Duration

- 7.2.1 Licenses for the keeping or training of animals for exhibition are issued for a period of 3 years.
- 7.2.2 Licenses for the keeping of dangerous wild animals are issued for a period of 2 years.
- 7.2.3 Licenses for zoos are issued for a period of 4 years.
- 7.2.4 Animal Activities licenses are issued for either 1, 2 or 3 years dependent upon the perceived risk and welfare standards. The licence duration is linked to the mandatory star rating scheme (see below).

7.3 Star Rating Scheme (Animal Activity Licences only)

- 7.3.1 All animal activity licenses must be issued a star rating in accordance with prescribed national standards based on the inspector's report.
- 7.3.2 The Council will display a list of animal establishments and their star rating on its website.
- 7.3.3 Where a licence authorises more than one licensable activity and the activities meet different star rating criteria, the licence will be issued with a premises star rating the lowest rating awarded. For example, a premises with a 5 star kennel and a 3 star cattery would be awarded a 3 star animal activity licence.
- 7.3.4 The star rating awarded will be based on the scoring matrix below:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

7.3.5 For the avoidance of doubt, the national star rating scheme does not apply to the keeping and training of animals for exhibition, dangerous wild animals and zoos.

PART 8 – STANDARDS AND LICENCE CONDITIONS

8.1 Animal Activity Licences

- 8.1.1 Licenses issued under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 are subject to mandatory conditions for each licensable activity.
- 8.1.2 To assist local authorities DEFRA has issued national guidance on the interpretation of these conditions to promote consistency across the country.
- 8.1.3 The licence conditions are split into 2 categories: “Part A General Conditions” detailed in Schedule 2 of the Regulations, and “Part B Specific Conditions” detailed in the appropriate Schedule of the Regulations depending on the licensable activity. Details of the full conditions for each licensable activity can be found on the Council’s website under ‘Animal Activities Licensing’.
- 8.1.4 Applicants will need to demonstrate that they can meet all generic and specific conditions appropriate to the activities provided in order to be granted a licence, however minor failings may not preclude a licence being issued if they are predominantly administrative in nature and do not impact on animal welfare. This will impact on the star rating awarded and all administrative failings would be expected to be resolved prior to renewal.
- 8.1.5 With the exception of Keeping or Training Animals for Exhibition, for each activity a number of **higher standards** have been included in the guidance. Meeting the higher standards is optional, but is the only way to gain a higher star rating.

Higher Standards

- 8.1.6 In order to achieve the higher star ratings, applicants will need to meet higher standards. These standards are optional but are the only way to achieve a 4 or 5 star rating.
- 8.1.7 The higher standards are divided into 2 categories: **required** (coloured in blue type) and **optional** (coloured in red type). To qualify as meeting the higher standards, an applicant must meet **all** of the required (blue) higher standards and at least 50% of the optional (red) higher standards.

Samples

- 8.1.8 The Regulations allow for officers to take samples for laboratory testing from any animals on a premises to ensure that licence conditions are being complied with. A licence holder must make all reasonable efforts to comply with a request for samples including, but not limited to:
- Facilitating the identification of the animal(s)
 - Facilitating the examination of the animal and the taking of the sample
 - Assisting with suitable restraint of the animal(s)
- 8.1.9 The number of samples taken should be the minimum number to address the animal welfare concerns to avoid undue stress to the animals and adversely impact on the business.
- 8.1.10 In normal circumstances, veterinary surgeons would be expected to undertake sampling, however any person with appropriate training can do so.

8.2 Dangerous Wild Animals

- 8.2.1 In order to determine the application an annual independent veterinary inspection of the animals and premises is required prior to the issuing of a licence. The veterinary surgeon or expert must have suitable experience of dangerous wild animals and the species he/she is inspecting.
- 8.2.2 The Council will impose DEFRA's standard conditions, in addition to any premises/animal specific conditions and recommendations deemed to be required by the inspecting vet/officer
- 8.2.3 The Council will nominate a veterinary surgeon or expert for each inspection and make the appropriate arrangements. However the cost of any veterinary inspection will be the responsibility of the applicant.
- 8.2.4 Licence conditions will predominately be concerned with suitable accommodation and care for the specific animal(s) to ensure the welfare needs of the animal(s) are being fully met and that the keeping of the animal(s) would not endanger public safety or create a public nuisance.
- 8.2.5 A licence will not be issued where the veterinary surgeon or expert recommends refusal.

8.3 Zoos

- 8.3.1 An independent veterinary inspection of the animals and premises is required prior to the issuing of a licence. The veterinary surgeon must be a specialist in the field of zoo licensing.
- 8.3.2 In determining conditions the Council will have regard to The Secretary of State's Standards of Modern Zoo Practice, specified under section 9 of the Zoo Licensing Act 1981. All veterinary surgeons inspecting a zoo must have regard to these standards but may amend the conditions to suit the individual establishment.
- 8.3.3 Licence conditions will be concerned with a broad range of issues, including but not limited to, feeding, environment, conservation/education and public safety.
- 8.3.4 The veterinary surgeon for each inspection is nominated by DEFRA and the Council will make the appropriate arrangements; however the cost of any veterinary inspection will be the responsibility of the applicant/licence holder.
- 8.3.5 A licence will not be issued where the veterinary surgeon recommends refusal.

PART 9 – REFUSING AN APPLICATION and APPEAL

- 9.1 The Council will have regard to all available information when determining an application including, but not limited to:
- The Council's Authorised Inspector's report
 - The veterinary surgeon's report (if applicable)
 - Comments and documentation supplied by the applicant
- 9.1.2 The Council will refuse to issue or renew a licence if it considers that the applicant cannot meet the licence conditions, for example if the granting of a licence will have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of the animals.
- 9.1.3 The Council will also refuse to issue or renew a licence if:
- a) the applicant has a history of non-compliance with licence conditions or Council requirements;
 - b) the applicant is obstructive towards officers, inspectors or veterinary surgeons;
 - c) there are safeguarding concerns relating to licensable activities at the premises;
 - d) the applicant fails to meet the 'fit and proper' person test detailed in section 3.1.4 of this policy; or
 - e) the applicant has been disqualified from holding a licence.
- This list is not exhaustive but indicative of the circumstances where the Council may refuse to issue or renew a licence.
- 9.1.4 Prior to the refusal of an application, the reasons why the application is likely to be refused will be advised to the applicant. The applicant may then submit written representations stating any mitigating circumstances and/or reasoning why the

application should be granted. Any representation submitted by the applicant will be considered as part of the determination.

9.1.5 Where an application is unsuccessful, all application fees and veterinary surgeon inspection fees are non-refundable.

9.1.6 If a licence is refused, the applicant will have the following rights of appeal:

- a) **Animal Activity Licences** - First-Tier Tribunal within twenty-eight days of receiving the Council's written decision notice.
- b) **Dangerous Wild Animals** - Local Magistrates Court within twenty-eight days of receiving the Council's written decision notice.
- c) **Zoos** - Local Magistrates Court within twenty-eight days of receiving the Council's written decision notice.

PART 10 – STAR RATING APPEALS (ANIMAL ACTIVITY LICENCES ONLY)

10.1 Whilst there is no formal appeal process against a star rating issued by the Council, an internal appeals process has been designed to ensure fairness to applicants and licence holders.

10.1.2 The applicant/licence holder will be provided with a copy of the Animal Welfare and Licensing Inspector's inspection report, risk rating and any other supporting documentation upon request. This information will explain how the risk rating and star rating has been determined. The applicant/licence holder will be encouraged to initially discuss their concerns with the Animal Welfare and Licensing Inspector.

10.1.3 Upon payment of the appeal fee, the applicant/licence holder can appeal the star rating if they believe it does not accurately reflect the standards found at the time of inspection. The appeal and payment must be received in writing, including electronic submission, by the Council within 21 days of the star rating being advised to the applicant/licence holder.

10.1.4 An appeal will be assessed and determined by the Waste and Environment Manager, who will ordinarily conduct a desk-based appraisal of the rating given. It will then be escalated to the Director of Community and Environmental Services who will make the final decision. Where necessary, the Waste and Environment Manager or the Director of Community and Environmental Services may decide to visit the premises. The applicant will receive a decision on their star rating appeal within 21 days of the Council receiving it.

10.1.5 If the applicant/licence holder disagrees with the outcome of the appeal the only further recourse available is to challenge the decision by way of a judicial review.

10.1.6 Alternatively, an applicant/licence holder may wish to be re-inspected or re-graded following completion of works to rectify any non-compliance found at the time of inspection or to demonstrate works undertaken to achieve the higher standards. These re-inspection/re-grading visits can be requested by payment of the appropriate fee.

- 10.1.7 A re-inspection or re-grading visit will be carried out by the Animal Welfare and Licensing Inspector in the normal manner and the premises will be assessed against the scoring matrix in section 7.3.4 of this policy.
- 10.1.8 Following a re-inspection or re-grading visit, if the applicant/licence holder disagrees with the star rating given, the internal appeal process detailed above will apply.

PART 11 – LICENCE VARIATIONS, SUSPENSIONS AND REVOCATIONS

11.1 Animal Activity Licences

11.1.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 allow for a local authority to vary a licence at any time either:

- a) on written application (including electronic submission) by the licence holder; or
- b) on the instigation of the Council with the written consent of the licence holder.

This can be a proportionate response to addressing issues where there is agreement between the licence holder and the Council that a resolution can be obtained without the need for formal action.

11.1.2 Additionally, the Council may suspend, vary or revoke a licence **without** the consent of the licence holder where:

- a) licence conditions are not being complied with;
- b) there has been a breach of the Regulations;
- c) the licence holder has supplied false or misleading information; or
- d) it is necessary to protect the welfare of an animal(s).

11.1.3 A suspension or variation of a licence will ordinarily take effect 7 working days after the written decision notice has been issued to the licence holder. If the reason for the decision is to protect the welfare of an animal(s), the Council must specify in the decision notice that the decision will take immediate effect.

11.1.4 A decision notice varying or suspending a licence must be given in writing (including electronic submission) and contain:

- The rationale for the decision
- The date the decision takes effect
- The rights of the licence holder to make written representations
- A summary of the matters to be addressed to resolve the concerns

11.1.5 The decision to vary, suspend or revoke a licence will be proportionate based on the specific nature of the concern. Some examples of proportionality include, but are not limited to:

- **SUSPENSION:** Failure to meet administrative conditions or supply information when requested
- **REVOCATION:** Repeated failure to meet administrative conditions or supply information when requested

- IMMEDIATE REVOCATION: Poor welfare conditions or where it would be beneficial to remove the animals for welfare reasons
- VARIATION: Minor adjustments to the licence that will resolve concerns informally.

11.1.6 Ordinarily following the issuing of a notice of suspension or variation, the licence holder will have 7 working days to make written representations. Having considered any written representations, the Council can either continue with the suspension or variation or cancel its original decision. If the licence has been suspended, varied or revoked with immediate effect to protect the welfare of an animal(s) the 7 working day period does not apply.

11.1.7 Once the suspension of a licence takes effect the business will no longer be able to provide licensable activities until such time as the suspension is subsequently removed by the Council once it is satisfied that its concerns have been addressed.

11.1.8 There is no right of appeal against the suspension of a licence, however, after 28 days of suspension, the licence must either be revoked or reinstated by the Council.

11.1.9 If a licence is varied or revoked by the Council, the licence holder has a right of appeal within 28 days of receiving written notice (including electronic submission) of the decision to the First Tier Tribunal (General Regulatory Chamber).

11.2 Dangerous Wild Animals

11.2.1 At any time during the period of a licence, the Council may vary the licence by:

- Specifying a new condition
- Varying an existing condition
- Removing an existing condition

11.2.2 If the variation was requested by the licence holder it will take immediate effect.

11.2.3 If the variation was instigated by the Council, it will not take effect until such time as the licence holder has been made aware of the condition and has had reasonable time to comply with it.

11.2.4 There is a right of appeal to the local Magistrates Court against a decision to add, amend or revoke licence conditions. An appeal must be lodged with the court within 28 days of receiving the Council's written decision notice.

11.2.5 Where an animal(s) is being kept without an appropriate licence or where a licence condition is not being complied with, the Council may seize the animal(s) and either retain it, destroy it, or otherwise dispose of it with no liability to pay compensation for the exercise of this power.

11.2.6 Where the Council incurs any expenditure exercising the power detailed in section 11.2.5 it shall be entitled to recover the full cost as a civil debt against the person from who the animal(s) was seized.

11.3 Zoos

11.3.1 At any time during the period of a licence, the Council may alter the licence if they are satisfied that it is necessary or appropriate to do so for ensuring the proper conduct of the zoo.

11.3.2 Before amending a licence the Council shall give the licence holder the opportunity to make written representations.

11.3.3 If the proposed amendment is a significant change, the Council shall:

- Consult the licence holder about the proposed alteration
- Arrange an inspection by the Animal Welfare and Licensing Inspector and veterinary surgeon(s)
- Consider the inspection report,

prior to making its final decision.

11.3.4 The Secretary of State is empowered to direct the Council to amend a licence where appropriate. If the proposed amendment is significant, the process in section 11.3.3 will apply.

11.3.5 The Council may, after giving the licence holder an opportunity to submit written representations, revoke a licence if:

a) any reasonable requirements relating to the premises or conduct of the zoo notified to the licence holder following an inspection are not complied with in a reasonable time;

b) it is satisfied that the zoo has been conducted in a disorderly manner or so as to cause a nuisance, or is in breach of licence conditions;

c) the licence holder (or in the case of a corporate body a director, manager or similar official) is convicted of a relevant offence; or

d) any person employed as a keeper in the zoo who, to the knowledge of the licence holder, has been convicted of a relevant offence.

11.3.6 There is a right of appeal within 28 days of receiving the Council's written decision notice to the local Magistrates Court against a decision to refuse a licence, amend a licence, attach conditions to a licence or revoke a licence.

PART 12 – DEATH OF A LICENCE HOLDER

12.1 Animal Activity Licences

12.1.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 allow for the personal representative of a deceased licence holder to take over the licence if they inform the Council within 28 days of the death that they are now the licence holder.

12.1.2 The licence will then remain in force in the name of the new licence holder for a period of 3 months from the death of the previous licence holder or for the remainder of the licence period if that time is shorter. The new licence holder must then apply for a new licence no later than 1 month prior to the expiry of this new period.

12.1.2 The Council can extend the 3 month period by a maximum of another 3 months upon the request of the personal representative if it is satisfied that this additional time is necessary to wind up the estate of the deceased licence holder.

12.1.4 If the personal representative does not notify the Council within 28 days of the death of the licence holder, the licence will automatically cease to have effect.

12.2 Dangerous Wild Animals

12.2.1 On the death of the licence holder, the licence shall continue in force for a period of 28 days as if it had been granted to the personal representatives of the deceased. If an application is made for a new licence within the 28 days, the licence shall be deemed to be still in force pending the grant or refusal of the new application.

12.3 Zoos

12.3.1 On the death of the licence holder, the personal representatives of the deceased are deemed to be the holders of the licence during the period of 3 months immediately following the death, or such longer period as the Council may approve, to allow for the lawful transfer of the licence.

PART 13 – INSPECTIONS OF LICENSED PREMISES

13.1 There will be occasions where inspections must be carried out during the term of a licence as follows:

- a) **Animal Activity Licences (other than hiring out horses)** - a minimum of 1 unannounced inspection must take place during the term of the licence irrespective of whether it is a 1,2 or 3 year licence.
- b) **Hiring out Horses** – an annual inspection by a veterinary surgeon of each horse used for the activity must be undertaken irrespective of the length of the licence; this inspection is in addition to a minimum of 1 unannounced inspection by the Animal Welfare and Licensing Inspector during the term of the licence.
- c) **Dangerous Wild Animals** – an annual inspection by a veterinary surgeon must be undertaken. The Animal Welfare and Licensing Inspector will usually accompany the veterinary surgeon on these inspections.
- d) **Zoos** – An independent veterinary inspection of the animals and premises is required prior to the issuing of a licence. The veterinary surgeon must be a specialist in the field of zoo licensing.

There are 4 types of inspections for zoos; licence, periodical, special and informal; these must be undertaken in accordance with prescribed requirements.

- Periodical inspections and certain licence inspections must be undertaken in accordance with prescribed requirements and involve Secretary of State Inspectors. Local authorities must consult the Secretary of State for the names of inspectors to carry out the periodical inspections and licence inspections before the grant or refusal or renewal of a licence. The Council must have regard that, except where a direction under section 14(1) of the Act has been issued, a midterm periodical inspection must be arranged in the third year of the renewed or fresh licence.
- Special, informal and certain licence inspections are conducted by the Council's Authorised Inspector accompanied by persons whom the Council consider competent for the purpose of the inspection.

The veterinary surgeons and practitioners shall have experience of animals of the kinds which are kept in zoos or which in the Secretary of State's opinion might be so kept and shall be competent to advise about the implementation in zoos of the required conservation measures.

PART 14 - INSPECTORS

14.1 Animal Activity Licences

14.1.1 The Animal Welfare (Licencing of Activities Involving Animals) (England) Regulations 2018 require all inspectors to be suitably qualified. This is defined in the national guidance as:

- Any person holding a Level 3 certificate granted by a body recognised and regulated by the Office of Qualifications and Examinations Regulation, which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity.
- Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons ("RCVS"), together with a relevant RCVS continuing professional development record.
- Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.

14.1.2 All inspections required as part of an application for grant or renewal of a licence will be undertaken by a suitably qualified inspector, as will any inspection required to vary, suspend or revoke a licence.

14.1.3 Any unannounced informal inspection during the term of the licence or as a result of a complaint may be undertaken by the Council's Authorised Inspector where appropriate.

14.1.4 For the purposes of inspecting in accordance with section 14.1.3, the Council will use:

- The Council's Authorised Inspector
- A veterinary surgeon with experience of the particular type of animal; or
- Any other person deemed competent by the Council to undertake the inspection.

14.2 Dangerous Wild Animals

14.2.1 All inspections required as part of an application for grant or renewal of a licence will be undertaken by a suitably qualified inspector, as will any inspection required to vary, suspend or revoke a licence.

14.2.2 For the purposes of inspecting in accordance with sections 14.2.1, the Council will use:

- The Council's Authorised Inspector;
- A veterinary surgeon with experience of the particular type of animal; or

- Any other person deemed competent by the Council to undertake the inspection

14.3 Zoos

14.3.1 An inspection is carried out by a Secretary of State appointed inspector who will produce a report of his findings. They are responsible (as part of a team) for inspecting zoos and making recommendations to local authorities on the granting of licences. The Secretary of State has 2 lists:

- List 1 – Veterinary Surgeons
- List 2 - those who can advise on the management of zoos

14.3.2 All inspections required as part of an application for the grant or renewal of a licence will be undertaken by a suitably qualified inspector, as will any inspection required to vary, suspend or revoke a licence.

14.3.3 For the purposes of inspecting in accordance with sections 14.3.1, the Council will use:

- Secretary of State Veterinary Surgeon(s) from the published list will undertake all new applications, renewals and periodic inspections
- The Council's Authorised Inspector accompanied, if necessary, by other officers the Council consider competent for the purpose of the inspection

14.3.4 The Council's inspecting team will consist of no more than 3 persons appointed by the Council and 2 inspectors from the list published by the Secretary of State (one from each part of the list).

14.3.5 The Council's inspecting team may be accompanied by no more than 2 representatives of the licence holder plus any veterinary surgeon employed by the premises.

PART 15 – LICENCE FEES

15.1.1 Current fee levels are published on the Council's website.

15.1.2 Fees have been set in accordance with the principles of and with regard to 'Open for business: LGA guidance on locally set licence fees and 'Animal Welfare Licence fees – A Practical Guide to Fee Setting', aiding the Council to recover its reasonable costs in processing and determining applications and ensuring compliance with the conditions of a licence.

15.1.3 **Animal Activity Licences** - The total fee has been split into an application fee and a grant of licence fee. The application fee (Part A) must be submitted with an application and is non-refundable as it covers the cost of administering and determining the application including the inspection. The licence grant fee (Part B) must be paid once a licence has been granted and covers ongoing maintenance of the licence, including inspections and enforcement.

PART 16 - ENFORCEMENT

- 16.1.1 It is recognised that well directed enforcement by the Council benefits not only the public but also the responsible members of the trade.
- 16.1.2 In pursuing its licensing principles detailed in this policy, the Council will operate a proportionate enforcement regime as set out within the Animal Welfare Enforcement Policy.
- 16.1.3 Where necessary to ensure the 'five needs' of the 2006 Act, the Council may utilise its enforcement powers under the 2006 Act to ensure the welfare of the animals is addressed at the earliest opportunity to avoid any distress or suffering. Section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute any offences under the Act.
- 16.1.4 The main enforcement and compliance role for the Council is to:
- Ensure compliance with the conditions placed on a licence
 - Investigate complaints relating to a licensed premises
 - Investigate and take appropriate action against unlicensed businesses and premises.

In reaching decisions the Council will consider:

- The seriousness of any offence or breach of conditions
- Previous history of the operator
- The consequences of any non-compliance
- Risk to the welfare of animals and/or the public
- The likely effectiveness of the various enforcement options.

PART 17 – INFORMATION SHARING

- 17.1.1 The Council will share information with other enforcement agencies including, but not limited to, the police, DEFRA and RSPCA for the purpose of:
- Protecting public safety
 - The safety and wellbeing of animals
 - Assessing the fitness and propriety of applicants and licence holders.
- 17.1.2 The Council may also share information with other local authorities or internal Council departments where appropriate and lawful to do so.
- 17.1.3 The Animal Welfare and Licensing Inspector (Council's Authorised Inspector), is represented on the Anti-Social Behaviour Action Group as part of the Three Rivers Community Safety Partnership and information is shared with Community Safety, Hertfordshire Constabulary, Hertfordshire Fire and Rescue Service, Local Housing Providers and Health and Protection services.
- 17.1.4 All information shared will be compliant with relevant data protection legislation.

PART 18 - DEFINITIONS

TERM	DEFINITION
Authorised Inspector	The officer of the Council authorised under the Scheme of Delegation as contained within the Council's Constitution
The Council	Three Rivers District Council
This Policy	Three Rivers District Council's Animal Licensing Policy
Waste and Environment Manager	The current post holder authorised by the Council's Scheme of Delegation
DEFRA	Department of Environment, Food and Rural Affairs
HMRC	Her Majesty's Revenue and Customs
RSPCA	Royal Society for the Prevention of Cruelty to Animals
The Regulations	Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
National Guidance or the Guidance	Procedural Guidance Notes for Local Authorities (issued by DEFRA)

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ENVIRONMENTAL PROTECTION

ANIMAL WELFARE ENFORCEMENT POLICY



Three Rivers District Council

ENVIRONMENTAL PROTECTION ENFORCEMENT POLICY – ANIMAL WELFARE & LICENSING

TITLE: ANIMAL WELFARE ENFORCEMENT POLICY

INTRODUCTION

1. Scope and explanation of the policy

1.1 The aim of this policy is to determine good practice and to demonstrate clarity and consistency in the delivery of enforcement duties and powers relevant to the Council's Animal Welfare Enforcement Functions. The policy is available to interested parties in order to help ensure that the Council's approach to enforcement is as open and fair as possible. It will be published on the Council's website.

1.2 The Environmental Protection Department undertakes animal welfare enforcement work in the following service areas:

- I. Control of stray dogs, including dangerous dogs, dogs out of control in a public place.
- II. Complaints and enforcement of anti-social behaviour involving animals.
- III. Complaints and enforcement of animal welfare issues for all animals.
- IV. Noise nuisance caused by animals.
- V. Complaints and enforcement concerning horses unlawfully present in a public place or grazed on land without consent.
- VI. Complaints concerning dog fouling in public places.
- VII. Complaints concerning dogs causing a nuisance in public places.
- VIII. Complaints concerning accumulations of animal deposits likely to cause nuisance or be prejudicial to health.
- IX. Complaints concerning animal related nuisance.
- X. Enforce conditions and requirements necessary for the licensing of animal welfare establishments (selling animals as pets, dog boarding in kennels, dog day care, dog home boarding, boarding of cats, hiring of horses, breeding of dogs, keeping or training animals for exhibition, dangerous wild animals, zoos). **(See separate licensing enforcement policy)**
- XI. Enforce conditions and requirements necessary for the micro-chipping and collar and tag identification of dogs.
- XII. Enforce requirements of the Public Spaces Protection Order with restrictions relating to dog control.

XIII. Duties in the event of a rabies outbreak.

1.3 Authorised officers in accordance with this policy will carry out all enforcement action.

1.4 Associated documents to be considered

Other associated documents that should be read in conjunction with this policy are:

- Lone Working Procedure
- Rabies Contingency Plan
- Regulation of Investigatory Powers Act
- Animal Welfare Licensing Policy
- Written departmental animal welfare procedures

1.5 Statement of objectives

1.5.1 Three Rivers District Council has a number of unique demographic, geographic and social attributes that impact upon the way that the animal welfare service is delivered locally. This policy is designed to ensure that the broad objectives of the service underpin the detailed workings of the animal welfare service in its day to day contact with all service users.

1.5.2 This policy is implicit in the day to day work of many council departments. All of the service areas mentioned at 1.2 above contribute directly to its achievement, through the enforcement of statutory provisions.

1.5.3 All enforcement action taken will be primarily based upon an assessment of:

- The effect of the legislative breach upon the persons affected, and/or the damage being caused or likely to be caused to land.
- The risk to the health, safety and welfare of the animal(s) that may be affected.
- The future consequences of failing to address the breach at the present time.
- Any concurrent or potential action by other services and agencies and the suitability and effect of our action, as opposed to, or combined with theirs in addressing the issues.

1.6 Shared Enforcement

1.6.1 Many aspects of the Animal Welfare and Licensing Inspector's work interacts with other council services and outside agencies that carry out enforcement work. The work also interacts with non-enforcement council services and outside agencies that provide services that can provide an alternative form of resolution, or can complement or support our enforcement action. These include, but are not exhaustive:

- Hertfordshire Police Constabulary

- Other departments within Three Rivers District Council (e.g. Community Safety, Environmental Health, Planning, Housing)
- DEFRA
- Hertfordshire County Council Trading Standards Department
- Neighbouring Local Authorities
- Social Housing Providers
- Watford and Three Rivers Mediation Service (WA³RMS)
- R.S.P.C.A
- World Horse Welfare
- British Horse Society
- Redwings Horse Sanctuary
- All other Animal Charities/Organisations

1.6.2 The Animal Welfare and Licensing Inspector ('the Officer') attends the Anti-Social Behaviour Action Group (ASBAG) and information is shared with Community Safety, Police, Hertfordshire Fire and Rescue Service, Local Housing Providers and Health and Protection services.

1.6.3 Information of allegations outside the remit of this service may be referred to other Local Authorities or Enforcement Agencies which will include written statements, evidence, background information and witness contact details (if witness agrees), to enable that agency to investigate the allegation.

1.6.4 In determining the most appropriate form of enforcement action the Officer must have regard to any on-going or potential action of other council services and agencies and the suitability and effect of our action, as opposed to, or combined with their action in addressing the issues.

1.6.5 Where issues are identified by the Officer that are the enforcement responsibility of another council service or other agency the person reporting the matter(s) will be referred to the relevant agency or service. The Officer should then refer the matter to the relevant agency or service.

1.6.6 Where enforcement action is being taken by another council service or outside agency, the Officer will provide all assistance that is reasonably requested, including the production of witness statements, collection and sharing of evidence etc.

1.6.7 Where there is a shared enforcement role with another council service or outside agency, the Officer will carry out joint visits where it is appropriate and beneficial to those involved.

1.7 Commitment to the Policy

1.7.1 The Council is committed to ensuring that all authorised officers carrying out animal control / welfare enforcement work are trained and fully acquainted with the requirements of this policy. All authorised officers must abide by this policy when making decisions on enforcement. Any departure from this policy will be exceptional, documented, justified and approved by the line manager unless the delay in decision making would result in a significant risk to the public and/or unnecessary animal suffering.

1.7.2 Enforcement is any formal or informal action to prevent or rectify infringements of legislation. The enforcement options may differ where different areas of legislation are used, but the principles of application should remain constant and consistent.

1.7.3 Enforcement includes visits, inspections, verbal and written advice on legal requirements and good practice, assistance and compliance, written warnings, the issue of statutory notices, fixed penalty notices, simple cautions and formal notices such as Community Protection Notices, prosecution, seizure and detention, works in default, injunctions and liaison and co-operation with other enforcement authorities and organisations where appropriate (see point 1.6).

2. Authorisation

2.1 Authorisation of officers is of paramount importance in confirming the effectiveness of animal welfare/control functions of Three Rivers District Council. The 'proper officer' who has the delegated responsibility for authorising enforcement officers is the Director of Community and Environment.

2.2 No officer will carry out enforcement duties unless suitably trained, experienced and authorised. This will be by relevant qualification and/or experience and necessary delegated authority. Training will be provided for all enforcement officers, as required, to meet changes in legislation and enforcement procedures.

2.3 The designation of person(s) who may authorise a prosecution or a simple caution is the Solicitor to the Council.

3. Enforcement Approach

3.1 This Council recognises and affirms the importance of achieving and maintaining consistency in their approach to making all decisions which concern enforcement action, including prosecution.

3.2 The Council aims to carry out its animal welfare enforcement policy in a fair, equitable and consistent manner.

3.3 The Officer will, subject to their statutory duties, act in accordance with the Council's procedures when approaching individual cases or complaints and will initiate the type of enforcement action warranted by the nature and severity of the offence.

3.4 The officer will seek to help all members of the public and business community to understand their rights and obligations to comply with relevant legislation.

3.5 Whenever an enforcement decision needs to be made fair regard shall be made to the normal hours of trading of any business premises under investigation.

3.6 Whenever enforcement investigations require the attendance of a translator, interpreter, signer or other person to assist with written or verbal communications with the person(s) under investigation, such reasonable provision will be made.

3.7 In making an enforcement decision, we will consider a number of factors. These include seriousness of offence; the perpetrator's past history, where a business is involved - confidence in management; the consequences of non-compliance; effect of the defect on the person(s) / animal(s) affected and the likely effectiveness and consequences of the various enforcement options.

- 3.8 Where there are failures to comply with the law, the Council has a number of informal and formal approaches to secure compliance: -
- to take no action (possibly refer the matter to another service or agency)
 - to take informal action
 - to issue Fixed Penalty Notices (FPN's)
 - to use statutory notices (such as Abatement Notices)
 - to use formal notices (such as Community Protection Warning/Notices, Microchip Notices)
 - to use simple cautions
 - to prosecute
 - to carry out work in default
- 3.9 Any of the above options can also be undertaken alongside appropriate action – enforcement or otherwise – by other Council Services or outside agencies (see shared enforcement section 1.6).

4. Informal Approach

- 4.1 Many persons, having had an issue for which they are responsible drawn to their attention, will be anxious to comply with their statutory obligations. In such cases the Animal Welfare and Licensing Inspector's role will be to guide and support. In most cases the first contact with a person reported to the council or believed to be causing or permitting an offence, will be by advisory letter or verbal communication.
- 4.2 Informal action to secure compliance with legislation can be by a variety of means including giving advice, verbal warnings, sending informal letters, issuing inspection reports, etc. This advice will be put clearly and simply. If written observations, suggestions or requirements are appropriate such written guidance will clearly identify the nature of the complaint or problem and any remedial works that are required.
- 4.3 Any requirement made verbally or in writing will clearly identify whether they are mandatory or advisory in nature. If the requirements are mandatory, a timescale for compliance will be specified.
- 4.4 Informal written warnings may be issued to make clear that any further breaches of legislation will be treated seriously and that these may be subject to enforcement action. Written advice on good practice, statutory compliance and information may be provided where there is a need to assist the person/ company in meeting requirements.
- 4.5 These methods of informal action will continue to be used by the authorised officers as long as they believe that these methods will result in compliance within reasonable timescales. These methods can be used alongside other council services or outside agencies action where appropriate.
- 4.6 Informal action may be used in the following circumstances: -
- The breach is not serious enough to warrant formal action.

- The keeper's / owners / managers / responsible person's past history shows that it can be reasonably expected that informal action will achieve compliance.
- Confidence in the keeper's / owner's / manager's / responsible person's management is high.
- In the first instance when dealing with vulnerable persons, the elderly and youth's (14 – 18 years of age), voluntary and charitable organisations.
- Where formal action may result in unproductive consequences.

4.7 When an informal approach is adopted to secure compliance with any animal welfare, nuisance or other relevant legislation, it is important that any letter issued explains: -

- The remedial action needed to achieve compliance, why it is necessary and within what timescale.
- Offers the opportunity for discussion or for the owner to make representations, including contact point(s) and name(s).
- Provides the details of any other council services or outside agencies that may be able to provide assistance or related services to the keeper / owner / responsible person / manager / occupier.

5. Formal Approach

5.1 Enforcement may be used where the Council has exhausted all informal enforcement provisions or in circumstances where any breach is considered so serious the Council goes directly to formal action. This may include the issue of a statutory enforcement warning/notice of some description which may oblige the recipient to undertake a certain course of remedial action in order to avoid legal proceedings.

5.2 The Council would consider formal action where:

- An informal approach has already failed.
- A statutory or formal notice (such as an Abatement Notice, Community Protection Notice, Microchipping of Dogs (England) Regulations 2015 Notice), section 10 Animal Welfare Improvement Notice) has not been complied with.
- The legislation specifies that the Council must serve a notice and the offence is of a serious nature.

5.3 Where there are rights of appeal against the issue of a notice, the service will, at the time the Council takes action, issue clear written advice on how to appeal. Whenever possible, the advice or information will be issued with the enforcement notice

5.4 The Animal Welfare and Licensing Inspector is trained to carry out recorded interviews under Caution in accordance with PACE (Police and Criminal Evidence Act 1984). Where possible interviews are conducted in an interview room at Three Rivers House but can also be conducted in an interview room at a police station or other suitable venue.

6. Notices

- 6.1 The use of a formal notice must be considered when there are significant contraventions of the legislation and the action is proportionate to:
- The effect of the legislative breach upon the animals, persons affected, and/or the damage being caused or likely to be caused.
 - The risk to the health of persons that may be affected.
 - The risk to the welfare of all animals that may be affected.
 - The future consequences of failing to address the breach at the present time.
- 6.2 We may serve statutory notices and orders under various Acts that:
- Require a person or business to take specific actions to remedy an identified problem.
 - Require a person or business to desist from particular activities that may not comply with legal requirements.
 - Require a person or business to take action to improve or stop nuisances being caused by their actions.
- 6.3 Notices may require immediate action where, for example, there is an immediate risk to animal welfare and safety, to public safety or environmental damage. In other circumstances, a reasonable amount of time, depending on the circumstances, will be given to rectify the problem.
- 6.4 A formal notice will be served when:
- An informal approach has been tried but has not been successful or the officer believes an informal approach would not succeed.
 - In the case of a new business or new requirement, the officer assesses that the owner/occupier/manager is unwilling or unlikely to comply.
- 6.5 Only an authorised officer may sign the Notice if satisfied on reasonable grounds that there has been a breach of the relevant legislation.
- 6.6 Any Notice that is served will contain all the content requirements detailed in the legislation and in any case will state:-
- The legislation, including regulation, section, subsection or paragraph that has been contravened.
 - In the opinion of the officer, the reason there has been a contravention and what the person responsible needs to do.
 - The timescale and the mechanisms for appeal.
- 6.7 A revisit will be made to a premise as soon as practicable after expiry of a Notice.

- 6.8 Where appropriate, the officer will inform all interested bodies or agencies, including residents; managers; freeholders; leaseholders of the action taken and its outcomes.

7. Follow Up Visits

- 7.1 Officers of the Council will undertake follow up visits to ensure that progress has been made to rectify contraventions of legislation. The criteria to decide whether a follow up visit is necessary will be the seriousness of the offence and the likelihood that further formal action will be taken as a direct result of the visit. Where practicable, the officer who undertook the original visit or inspection should carry out the revisit if there are significant breaches of legislation.

8. Powers of Entry Seizure/Confiscation

- 8.1 Officers are given various powers of entry, for the inspection of animals, and to seize animals, equipment or documents.
- 8.2 Enforcement investigations may involve obtaining a Warrant of Entry from the Court in accordance with provisions contained in relevant legislation.
- 8.3 Powers of entry, search and seizure will be fully and clearly justified before use, and officers will consider if the necessary objectives can be met by less intrusive means. In all cases authorised officers will:
- exercise their powers courteously and with respect for persons and property; and
 - in circumstances where a warrant has been obtained and is appropriate, only use reasonable force when this is considered necessary and proportionate to the circumstances.
- 8.4 Prior notification of an impending enforcement inspection will not be made where such notification would defeat the purpose for which the inspection is to be undertaken.

9. Works in Default

- 9.1 A number of statutory enforcement procedures enable the council to carry out 'works in default', if necessary, following the expiry of the term stated in a Notice. The purpose of the works in default process is to enable the council to effect an early remedy to the particular situation that has given rise to service of a Statutory Notice (generally prior to prosecution). Work may generally be carried out by the council, or at the council's instruction – the cost of such works (plus administrative charges) being recovered either as a civil debt or by virtue of a 'charge' being placed on a subject property. The council will effect works in default where there is a significant risk to public health and following consideration of there being a reasonable chance of recovering the costs of the works. The council will make best attempts in each circumstance to advise the recipients of Notices before works in default are carried out.

10. Simple Cautions

- 10.1 In certain circumstances, officers of the Council will issue a simple caution.
- 10.2 The matters which will be taken into account when deciding whether a simple caution is appropriate, include:-

- The seriousness of the offence, as a caution is not suitable for serious offences.
- There must be sufficient evidence to obtain a realistic prospect of conviction if the offender were to be prosecuted.
- The offender must admit the offence AND agree to accept the caution as an alternative to prosecution
- The offender's attitude to the offence, in particular the wilfulness in which it was committed and their subsequent attitude, including willingness to rectify the matters constituting the offence.
- The previous history of the party concerned.

10.3 The Officer shall ensure that decisions to issue a simple caution are notified to all interested bodies.

11. Fixed Penalty Notices

11.1 In certain circumstances it may be appropriate to issue a fixed penalty notice for the relevant offence. The fixed penalty will allow the offender to discharge responsibility for the offence and avoid action through the Magistrates Court. These should be issued in accordance with relevant legislation

11.2 In the case of youths aged between the ages of 10 and 15 they will in the first instance be issued with a written warning which will be kept on file or 6 months. A copy of the warning will be sent to the parents or guardian of the youth.

11.3 A person issued with an FPN has 14 days from the date of issue to pay the fixed penalty notice. However if they pay within 7 days they may pay a reduced rate. Fixed Penalty Notices can be paid by calling 01923 776611 or online payment at: <https://www.threerivers.gov.uk/page/pay-for-it> .

11.4 There is no right of appeal against the issue of a Fixed Penalty Notice, however, the Council will consider written representations on an informal basis in the interest of fairness. All representations must be made by the company or person that was issued the FPN in writing to Three Rivers District Council, Three Rivers House, Northway, Rickmansworth, Herts, WD3 1RL or email enquiries@threerivers.gov.uk

11.5 Failure to pay a fixed penalty notice issued by the council may result in prosecution.

11.6 Where there are cases of persistent or serious offences including multiple Fixed Penalty Notices (paid or unpaid) the Council may take legal action in the form of a prosecution.

11.7 The income from the Animal Welfare FPN's is used to fund promotions, education and equipment to reduce animal welfare crime.

12. Prosecution

12.1 The Council will exercise discretion in deciding whether to initiate a prosecution. Other approaches to enforcement may promote compliance with legislation more effectively (as previously detailed).

- 12.2 However, where the particular circumstances warrant it, prosecution without prior warning and recourse to alternative sanctions may be appropriate.
- 12.3 Consideration will be given to Best Practice guidance and advice offered by the Council's Legal Department, Government Departments and Agencies and other Local Authorities.
- 12.4 The following circumstances are likely to warrant prosecution: -
- The alleged offence involves a flagrant breach of the law such that public health, safety or animal welfare is or has been put at risk.
 - The alleged offence involves a failure by the suspected offender to correct potential risk to public health, safety or animal welfare; the offender having been given a reasonable opportunity to comply with the requirements of an officer.
 - The offence involves a failure to comply in full or in part with the requirements of a statutory notice.
 - There is a history of similar offences.
- 12.5 Regard will be had to the Code for Crown Prosecutors issued by the Crown Prosecution Service.
- 12.6 When considering whether or not to bring a prosecution, the Council will apply a two stage test: the 'evidential stage' and the 'public interest stage'. The Council will only start or continue a prosecution if a case has passed both stages.

12.7 The Evidential Stage

- 12.7.1 This is the first stage in the decision to prosecute. The Council's Legal Department must be satisfied that there is enough evidence to provide a "realistic prospect of conviction" against each defendant on each charge. They must consider whether the evidence can be used and is reliable. They must also consider what the defence case may be and how that is likely to affect the prosecution case.
- 12.7.2 A "realistic prospect of conviction" is an objective test. It means that a jury or a bench of magistrates, properly directed in accordance with the law, will be more likely than not to convict the defendant of the charge alleged. If the case does not pass the evidential stage, it must not go ahead, no matter how important or serious it may be.

12.8 The Public Interest Stage

- 12.8.1 If the case does pass the evidential stage, the Council must then decide whether a prosecution is needed in the public interest. The Council will balance factors for and against prosecution carefully and fairly. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.
- 12.8.2 A prosecution will usually take place however, unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour.

13. Publicity

- 13.1 We will draw media attention to factual information about convictions, simple cautions and FPN's that could serve to draw attention to the need to comply with animal welfare and environmental law.

14. Targeting

- 14.1 The Council's animal welfare enforcement resources are limited and where appropriate should be focused on those persons premises, companies or locations whose activities give rise to the greater risks, which are most serious or least well controlled.
- 14.2 Enforcement is informed through intelligence gathered or arising from investigation of complaints and planned projects, special surveys, training and enforcement initiatives – some may result in departures from the programme of inspections.

15. Equal and Fair Treatment

- 15.1 Enforcement practices will be continually monitored and reviewed to ensure that they are fair and equitable.

16. Review

- 16.1 This policy will be regularly monitored and reviewed as necessary and in light of any changes in legislation, Codes of Practice or centrally issued guidance which may introduce new types of powers and possible actions which enforcement officers may be able to take.
- 16.2 Any cases where decisions are made on the merits of the case, but which may fall outside of the current policy, will be recorded and taken account of in subsequent reviews of this document.

Health and Safety Implications:

1. Reference should be made to the Lone Working Procedure. It is imperative when undertaking enforcement action to follow these procedures due to the higher risk nature of this aspect. Where an officer anticipates problems, then additional measures should be undertaken e.g. visit with another officer.

Human Rights Implications:

1. Individuals have the right to their possessions or property (which includes a business) unless interference is justified except in accordance with the law, and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. This will include any surveillance activity which will comply with the Regulation of Investigatory Powers Act 2000, Data Protection Act 2018, Information Commissioner's Office and the Surveillance Camera Commissioner.
2. Consideration will be given to ensure that any actions do not contravene rights conferred by the Human Rights Act or any other legislation.

Data Protection implications:

1. Only publicly available information is within the notice register.
2. Information may be disclosed to Police, Customs and Excise, other Council Services etc. about an individual if they are investigating a specific offence in which that individual may be involved.

Review date	Reviewed by	Reason for Review e.g. annual/change in legislation etc

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POLICY AND RESOURCES COMMITTEE - 14 JUNE 2021

LEISURE, ENVIRONMENT AND COMMUNITY COMMITTEE - 7 JULY 2021

PART I – DELEGATED

7. THREE RIVERS DISTRICT COUNCIL - TREE STRATEGY 2022 -2027

1. Detail

- 1.1 The purpose of this report is 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).

2. Summary

- 2.1 The draft Tree Strategy is a new document for the Council, which will address the authority's approach to a range of tree issues within the District.
- 2.2 The strategy sets out the current approach the Council takes to tree issues; it summarises the Council's responsibilities as an LPA (Local Planning Authority); and it identifies areas where change may be required.
- 2.3 It also identifies a number of actions for the Council to achieve over the next five years to ensure it continues to fulfil its duties and responsibilities as a tree owner and LPA.
- 2.4 The strategy will be reviewed and updated in five years' time and any new actions identified.

3. Draft Strategy

- 3.1 The draft strategy covers four main areas, as follows;
- the approach TRDC will take to the management of trees it owns;
 - TRDC's responsibilities regarding Protected Trees;
 - the role of TRDC in regards to trees and the planning process;
 - TRDC's involvement regarding third party owned trees in the district.
- 3.2 *TRDC owned trees*
- 3.2.1 The draft strategy sets out TRDC's approach to tree safety, regarding the frequency of inspection, prioritising of safety works, and reactive works.
- 3.2.2 The strategy outlines how TRDC will approach planned management of its trees and woodlands for recreation and biodiversity, including management planning according to best practice and achieving the best value for money for works.
- 3.2.3 It identifies key pests and diseases that are impacting TRDC trees, and describes how TRDC will deal with situations where its trees are implicated in damage, subsidence or nuisance issues.
- 3.2.4 The strategy also describes its approach to new tree planting, including the selection of species and identifying locations for new planting.

3.3 *Protected trees*

3.3.1 The draft strategy outlines TRDC's role as a Local Planning Authority (LPA) in respect to statutory protections of trees.

3.3.2 The strategy describes the circumstances in which TRDC will consider making and serving a Tree Preservation Order (TPO) and how TRDC will manage applications to carry out works to trees protected by a TPO or Conservation Area status.

3.3.3 It also sets out the process by which TRDC will investigate alleged breaches of tree protection legislation and take enforcement action where trees have been destroyed or damaged without permission.

3.4 *Trees and Planning*

3.4.1 The Tree Strategy outlines how TRDC, as the LPA, will consider trees and landscape issues as part of the planning process.

3.4.2 The strategy describes how the impact on trees resulting from development proposals will be assessed against national and local policy and guidance.

3.4.3 It outlines the advisory role of tree officers in the process and how guidance and support is provided to the Development Management.

3.5 *Trees and the District*

3.5.1 The Tree Strategy acknowledges that the majority of trees and woodlands in the District are owned by others. Notably Hertfordshire Highways, farmers and within the gardens of private dwellings.

3.5.2 The strategy outlines the rights and responsibilities of tree owners and their neighbours, and describes the rights under Common Law that apply in relation to disputes relating to trees.

3.5.3 It outlines TRDC's role in respect to the High Hedges Act and the means by which this issue is addressed by both Environmental Health and Trees & Landscapes.

3.5.4 It also highlights other issues related to tree work, such as bird nesting, protected species (principally bats) and felling licences (in relation to woodland management) and the authorities who are responsible for these matters.

4. Consultation

4.1 Following approval from the Policy & Resources Committee and Leisure, Environment & Community Committee, a period of public consultation would be carried out between 2 August and 20 September 2021.

4.2 *Post consultation* further edits would be made to the strategy, where appropriate, before the final version is presented to the Policy & Resources Committee on 24 November and the Leisure, Environment & Community Committee on the 6 December.

5. Outcomes/Recommendations

5.1 That the Policy & Resources Committee and the Leisure, Environment & Community Committee approve the draft Tree Strategy for a period of public consultation for eight weeks between 2 August and 20 September 2021.

5.2 The full proposed Strategy can be viewed in Appendix A.

6. Options and Reasons for Recommendations

6.1 To enable a wide range of stakeholders to consider the content and implications of the Tree Strategy it is advised that a draft version be issued for public consultation.

6.2 The results of the consultation will be used to inform any amendments or additions to be made prior to formal adoption by the Council of the final tree strategy.

7. Policy/Budget Reference and Implications

7.1 The purpose of this strategy is to clearly set out the Council's approach to a wide range of tree issues, and identify areas for change and improvement according to best practice.

7.2 The proposed policy will impact on the following performance indicators:
EP16 - Satisfaction with quality/provision of parks and open spaces;
LL34 - To maintain accreditation for Green Flag;
LL32 - To manage TRDC woodland estate to an assured standard (Year 1 to achieve UKFS Management Plans for woodland estate);
LL35 - To ensure all of our key open spaces have a current management plan in place;
and
CO02 – Public perception of how well informed they feel about public services.

7.3 The impact of the recommendations on these performance indicator(s) is:

- To provide more information to the public on management of the Council's trees and woodlands, including new tree planting;
- To ensure all the Council's trees and woodlands are safe and managed in accordance with best practice;
- Sustainably managed woodland in accordance with the UK Forestry Standard;
- Support the production of new management plans for TRDC open space;
- An improved ability for the public to gain an understanding of the Council's approach to a wide range of tree issues in the district.

8. Financial Implications

8.1 The cost of implementing the actions within the strategy will be dependent on development work and review of a number of areas of the Trees & Landscape work.

8.2 The majority of the development work and review would be carried out by existing Trees & Landscape staff and any additional resources required to implement the findings of this work would be costed and submitted as part of a growth bid or external funding opportunities for consideration.

8.3 The decision on whether to take these projects forward and allocate additional funding would be made at future Committees.

9. Legal Implications

9.1 The strategy will help ensure that the Council is complying with its duties under the Town and Country Planning Act 1990, as amended, and the Town and Country Planning (Tree Preservation) (England) Regulations 2021, in respect of protected trees and planning.

9.2 It will also ensure it is meeting best practice in respect of Health and Safety legislation and its duty of care as a land (and tree) owner.

10. Equal Opportunities Implications

10.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes
Did the relevance test conclude a full impact assessment was required?	No

11. Staffing Implications

11.1 There are no staff resource implications at present. The strategy will help guide the work of the Trees & Landscape department.

11.2 As mentioned in section 7, the findings of the development work and reviews may indicate that additional staff resource is required to implement changes.

12. Environmental Implications

12.1 The adoption and implementation of the strategy will help ensure the Council's trees and woodlands are managed to the highest environmental standards.

12.2 The strategy will ensure that tree protection in the District is maintained and enhanced and that trees are fully considered in the planning process.

13. Community Safety Implications

13.1 The modified tree safety processes outlined in the strategy will ensure that the Council has a robust and defensible tree safety strategy to minimise risk to its open space users, neighbours and the general public.

14. Public Health implications

14.1 Trees improve the air quality, give us heat-stroke protection, better breathing, stress relief, disease prevention and defence from depression. Trees and greenery may boost lifespan, this has been studied for 8 years by Harvard researchers and published in April Environmental Health Perspectives.

<https://health.usnews.com/wellness/articles/2016-12-09/the-many-health-benefits-of-trees>

15. Customer Services Centre (CSC) Implications

15.1 The strategy will assist CSC, providing call centre staff with clear guidance on the Council's policies regarding trees.

15.2 Information contained with the strategy will also be placed on the Council's website to enable residents to self-serve, rather than rely on CSC staff to answer queries.

16. Communications and Website Implications

16.1 See paragraph 15.2 above.

17. Risk and Health & Safety Implications

17.1 As described in section 12. The strategy sets out clear processes for tree safety.

17.2 It also sets out clear processes for dealing with subsidence and damage issues caused by Council-owned trees, so that the financial risk of trees is effectively managed.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Council trees causing harm to people	Death or serious injury	Robust tree safety processes, based on industry best practice	Tolerate	6
Council trees causing subsidence or damage	Insurance claims and legal / financial cost to the Council	Clear process of timely inspection and remedial action to prevent damage	Tolerate	6

17.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4



Impact Score

Likelihood Score

4 (Catastrophic)

4 (Very Likely (≥80%))

3 (Critical)

3 (Likely (21-79%))

2 (Significant)

2 (Unlikely (6-20%))

1 (Marginal)

1 (Remote (≤5%))

17.4 In the officers’ opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

18. Recommendation

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

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

Report prepared by: Alex Laurie, Principal Tree & Landscape Officer

Data checked by: Ray Figg, Head of Community Services

Charlotte Gomes, Leisure and Landscapes Manager

Data rating:

1	Poor	
2	Sufficient	✓
3	High	

Appendix A – Draft Tree Strategy

Draft TRDC Tree Strategy

2022 – 2027

DRAFT

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Introduction

1. Trees and woodlands are an integral part of our countryside and urban landscapes. They support a wide variety of wildlife and provide many benefits to people's local environment and wellbeing. At global, national and local scale, trees play a key role in combating climate change and air pollution, and can make positive contributions to local economies through sustainable forestry and woodland products.
2. As a landowner, Three Rivers District Council (TRDC) values its remarkable tree heritage and is committed to the management of its tree and woodlands according to current best practice. As a Local Planning Authority (LPA), the Council recognises the importance of its role as a regulator, ensuring that trees of significant public amenity value are protected, and that trees are fully considered during the planning process.
3. The Council is also keen to support other tree owners in the district to plant and care for trees that will benefit local communities, and visitors to the district, over the long term.
4. To ensure that the most pressing issues concerning trees and woodlands in Three Rivers are being addressed, it is important that the Council's resources and actions are focused effectively. The production of a tree strategy is the process by which the Council will assess its roles and responsibilities in relation to trees in the district.
5. The Council's previous Tree Management Strategy (2015-2020) was primarily focused on tree safety. This new strategy is intended to assess TRDC's wider roles and responsibilities; as a landowner; regulator; and advocate for trees.
6. The new tree strategy sets out the Council's approach to a whole range of tree issues, and identifies a number specific and deliverable actions for the Council to achieve over the next five year period (2022-2027). These actions are intended to address many of the aims of the Council's Climate Change Emergency & Sustainability Strategy and serve as a 'road map' towards the sustainability goals of the Council.

Trees and Why They Matter

Climate Change & Pollution

7. With predictions of increasing global temperatures of 4C° by the 2080s, trees provide a significant means of combating climate change. Trees and woodlands represent a substantial 'Carbon Sink' removing and storing CO². Local air quality can be improved by trees, which take up polluting gases and capture microscopic particles, known as particulates from traffic and industry.
8. Wood products harvested from sustainably managed woodlands are renewable, carbon neutral energy sources, which can also reduce carbon emissions by reducing fossil fuel use. Noise nuisance and pollution can be reduced by shelterbelts of trees, particularly low shrubby growth that can be maintained and enhanced by active woodland management.
9. It is possible to calculate the benefits and ecosystem services that trees provide, and value them in monetary terms. This can assist in an evidence based approach to developing urban forestry programs, management plans and projects. However it requires substantial data on the structure and composition of trees and woodlands to be able to accurately measure these benefits.

Action – Commission woodland inventory work to obtain data to feed into a district tree ecosystem services survey.

Biodiversity

10. Trees and woodlands act as 'corridors' allowing wildlife to move between urban green spaces and the wider countryside and they support some of our most distinctive native wildlife, such as Bluebells, Badgers and Stag Beetles.
11. An individual Oak tree can support hundreds of different insects and provide shelter and a source of food for birds such as Tree Creeper; butterflies such as Purple Emperors and legally protected species such as bats. Management of trees collectively as woodland creates a variety of habitats, which can support an even wider range of wildlife.

Recreation & Health

12. Trees are an integral part of our open spaces creating a pleasant environment for walking and cycling, which can benefit people's physical health. Woodlands are a 'natural' play area for our children and can act as an outdoor classroom for school students to learn about the world around them. High quality trails through wooded areas provide attractive routes, encouraging commuting on foot and by bicycle.
13. An attractive wooded landscape can be a calming environment providing a space for stress relieving activities, such as dog walking and horse riding. Involving communities in woodlands and greens spaces, through Friends groups and volunteer activities, can bring local people together; reduce social isolation and improve people's well-being.
14. In urban areas a lack of evapotranspiration and the retention of heat in built structures means temperatures can remain up to 10C° higher overnight. This can have serious implications for human health and has been linked with higher death rates in urban

areas. Tree cover helps reflect heat and provide shade making the urban environment a more pleasant place for residents, particularly in the summer months

Landscape

15. The landscape can be significantly enhanced by the well-planned planting of appropriate species of trees, and with good design pleasant views can be created and enhanced. Screening urban areas with new trees provides attractive landscapes and creates 'Green Infrastructure' for people and wildlife. Trees can also benefit water quality by filtering pollutants and can help reduce surface water flooding by slowing the runoff of rainwater.

Economic

16. Mature trees have long been known to increase the value of property, with housing in wooded environments attracting greater interest from buyers. Urban areas with extensive treescapes have been found to attract more inward investment than those without.
17. Trees can shelter buildings from cold winds and severe weather, helping to reduce heating costs and exterior maintenance. The cost of managing wooded public open space is less than maintaining large expanses of short grass, particularly when wooded areas are managed to produce saleable woodland products.

TRDC owned Trees

Safety

18. The District Council is a significant landowner and is responsible for a large number of parks, woodlands, nature reserves and play areas. These open spaces all contain large numbers of trees, in a variety of forms, including veteran specimens, conifers, woodland, orchard and formal avenues.
19. The vast majority of these open spaces are publically accessible and many sites receive large numbers of visitors every year. Much of the Council's land is also bordered by residential property, roads and footpaths.
20. The Council has a responsibility to ensure that its trees do not pose an undue risk to people and property. The Health and Safety Executive and The National Tree Safety Group advise that tree owners should have some form of risk-based tree safety strategy in place.
21. Based on historical guidance, the Council has undertaken formal inspections of its tree stock at approximately three year intervals, with reactive inspections when issues with trees have arisen.
22. However, national good practice guidance has changed and now advises that tree safety inspection should be risk-based, with the rigour and interval of inspections based on level of risk trees may pose.
23. Larger sites may also be zoned, with areas of particular risk being inspected more frequently, and any potential risks identified being abated with higher priority.
24. These formal tree safety inspections will be recorded using a computerised database known as Ezytrees. This system will also be used to record tree works required and produce works orders for contractors.

Action - Set up tree database (Ezytrees) training for key users within the Council

Work priority

25. High priority safety works will either be rectified the day they are observed, or the immediate drop zone cordoned off until the tree can be made safe.
26. Medium priority works will be undertaken within 1 month of a defect being observed.
27. Low priority, or routine works will be undertaken within 6 months. In this instance competitive quotes for work will be sought from tree work contractors.
28. In future, the key elements of the Council's tree safety strategy will be as follows:
 - To maintain an asset register in the form of a computerised database of the Council's trees & woodlands, with records of inspections; defects observed and works carried out.

Action - Review the Council's tree asset register and add any additional sites

- At an 18 month interval, trees and zones of sites identified as being of greatest risk will be formally inspected by tree safety consultants, and any actionable defects recorded;

Action - Revise the current zoning system prior to the start of a new 18 month inspection cycle

- On an annual basis, the main visitor routes and public areas of the Council's open spaces will be formally inspected by a trained Tree Officer and any actionable defects recorded;

Action - Set up annual inspection and recording process for tree officers

- Any trees in high risk areas with suspected defects will be inspected more thoroughly for signs of internal decay or hidden weaknesses;
- Following inspections, any actionable defects will be rectified in the timescale relevant to the level of risk identified.

29. Allied to these key elements, other elements that will support the strategy include:

- Staff who work on Council-owned open space will receive basic tree inspection training, to increase the likelihood that any issues will be detected at an early stage;

Action - Organise basic tree safety training for relevant TRDC staff

- Planned tree and woodland management works for public access and biodiversity will also seek to deal with potential safety issues at an early stage.

Reactive works

30. In the event that a tree fails, the Council will always have a member of the trees and landscape team available during normal office hours (Mon-Fri, 9am to 5pm) to coordinate reactive tree works.

31. Outside of these hours, the Council has an informal process of dealing with trees on Council owned land through the Grounds Maintenance team. However, a more formal system for dealing with issues will be developed as part of the new Tree Strategy.

Action - Establish a formal system of dealing with Council owned trees outside of normal office hours

32. Where deemed by a Tree Officer that work is high or medium priority a call out to one of several vetted tree works contractors will be made. Quotes for work will not be sought, and this work will be spread across contractors as necessary.

33. Three Rivers grounds maintenance team will continue to provide support for dealing with minor tree works, for example where footpaths are blocked by small fallen trees.

34. In the event that a District Council tree blocks, or endangers the highway, Hertfordshire Highways (part of Hertfordshire County Council) will normally undertake the minimum works required to make the tree safe and remove the obstruction. The District Council will then complete the works and removal of any debris.

Management

35. Alongside maintaining a safe tree stock, the Council will undertake management of its trees and woodlands to maintain them in a healthy, biodiverse and resilient condition.
36. However, the Council also recognises that its trees have the potential to cause damage and serious nuisance to its own, and neighbouring property and may, on occasion need to undertake works to trees to abate issues.
37. Following enquiries from residents and the local community regarding Council-owned trees, the Council will inspect and take action where appropriate.

Planned tree works

38. As part of its commitment to maintaining its land for the benefit of biodiversity and public recreation, the Council will continue to develop and maintain detailed management plans for its major woodlands and open spaces.
39. For many years the Council has maintained Forestry Commission format management plans for its major woodland sites. These plans accord with the UK Woodland Assurance Standard and ensure that the Council's woodlands are managed sustainably.
40. These plans are also in line with two of the leading global forest certification schemes; Forest Stewardship Council (FSC) and Programme for the Endorsement of Forest Certification (PEFC).
41. Alongside these plans, the Council also produces GAPs (Green Space Action Plans) for its major open spaces. These plans are designed to; identify a range of biodiversity, access and interpret improvements; consult users and local residents on actions identified; and plan the delivery of identified actions over a five year period.
42. The Council will continue to work in partnership with Hertfordshire County Council's Countryside & Rights of Way Service to develop and deliver the actions identified in these GAPs.
43. The Council's minor open spaces and woodlands do not currently have management plans in place. Planned management of trees in these open spaces will be addressed through development of a basic, generic plan and actions identified in a Biodiversity Opportunities Audit of minor open spaces, currently being undertaken.

Action – Prepare generic management plans for minor open spaces and woodlands

Routine tree works

44. Where tree works are deemed low priority, or routine, contractors who qualify will be required to provide written quotes. The Council currently contracts its tree work out to several local tree surgery firms.
45. To ensure a high standard of work, and safe working practices, the Council will require all contractors undertaking work for TRDC to meet a number of standards, as follow.
 - All staff and operatives should be fully trained and experienced to undertake the works they are involved in.

- Contractors should ensure that an appropriate level of first aid training is maintained on site.
 - Contractors should have a health and safety policy in place.
 - Contractors should have risk assessments in place for the work being undertaken and which are regularly reviewed. Method statements may also be required for major works.
 - Contractors should have suitable levels of insurance for public liability; personal accident; and employer liability.
46. These details will be held on file by the Council, and contractors will be required to provide updated details on an annual basis. Contractors will also be visited, once a year, whilst working on site to ensure they are working in a safe and appropriate way.

Action – Establish process of annual checks of tree contractor’s health, safety and insurance details

Pests & Diseases

47. Trees can be subject to a range of pests & diseases that are detrimental to tree health, and in a small number of cases, can have an impact on human health.
48. The number and range of pests and diseases is thought to have increased in recent decades, due primarily to an increase in the global trade of live plants and wood products. It is also evident that Climate Change is leading to some of these pests and diseases becoming more prevalent.
49. Two pests and diseases currently having most impact on trees in Three Rivers District are Ash Die Back (ADB) and Oak Processionary Moth (OPM).

Ash Die Back (ADB)

50. ADB is caused by an airborne fungus, and affects a range of Ash species (*Fraxinus Sp.*). But notably Common Ash (*Fraxinus excelsior*) our native species, which is widespread across the district.
51. The disease has a high mortality rate (60-70%) rapidly killing saplings and young Ash. In mature specimens, it may re-infect trees in successive years, leading to a gradual decline in health. Eventually trees may succumb to ADB; become infected by other tree pathogens, and/or reach an unsafe condition and have to be felled.
52. Current advice on management of ADB recommends a risk-based approach, only felling trees where their condition poses a safety risk. This approach is also designed to avoid pre-emptive felling which may lead to the removal of Ash trees that may recover from the disease; be unaffected by it; or provide significant biodiversity benefits by being retained as standing deadwood.
53. The Council will manage ADB within the framework of its tree safety strategy, felling and pruning infected trees where they pose an unacceptable safety risk.

Oak Processionary Moth (OPM)

54. OPM is a moth species specific to Oak trees (*Quercus sp.*) thought to have been imported into Britain via infected trees or timber from mainland Europe where it is native. Whilst in some years large infestation can substantially defoliate trees, the moth is primarily an issue for human health.
55. Fine hairs produced by the moth caterpillars as a defence mechanism for their nests can be a serious irritant to human skin and respiratory system, although it is unlikely to result in serious illness in most cases. Animals, in particular people's pets, may also suffer from contact with the hairs.
56. The first reported cases of OPM were in south-west London, from which the Moth has spread across London and the south east. The moth has been present in Three Rivers for several years, and is present on several sites owned and managed by the District Council.
57. OPM is currently a notifiable pest, meaning that landowners are required to report sightings to the Forestry commission (FC). The FC are also currently conducting surveillance of OPM across the region. When detected, the FC will normally issue a plant health notice to the tree owner, which requires them to undertake control of the infestation.
58. Presently the FC are providing financial support to undertake spraying treatment of trees with OPM. However, this treatment can be detrimental to a wide range of Lepidoptera species, and may not be appropriate for use in ecologically sensitive areas, such as nature reserves.
59. OPM nests can be mechanically removed from trees, although this is a more costly form of treatment, which is not financially supported by the FC. In addition, ongoing annual visits are normally required to remove nests from infested trees.
60. The removal, or pruning of infested Oak trees can provide a more permanent control method. In certain situations, such as ecologically sensitive areas with high public use where spraying is not appropriate, tree removal may be the most effective option.
61. It is anticipated that OPM will become more widespread, due to warmer and dryer summers resulting from Climate Change. In future it is likely that control of OPM will be managed via a risk-based strategy, with control limited to areas of highest public use.

Damage, Subsidence & Nuisance

Damage to property

62. The Council recognises that its trees have the potential to cause damage to its own and neighbouring property.
63. Following inspection by a tree officer, where it is clear a Council-owned tree has failed, or a tree's growth is a cause of damage to property, works to trees will be undertaken to remove the failed tree and / or prevent further damage.
64. Where a tree, or tree limb has caused damage, an assessment will be made as to whether the failure was foreseeable, had the tree been inspected prior to the failure.

65. The Council and its insurers will only settle claims for damage where it judges that the likelihood of failure could have reasonably been foreseen due to the poor condition of the tree.
66. Where an apparently healthy tree fails, which could not have been reasonably foreseen, the Council will expect a complainant to make a claim on their insurance, as appropriate.

Subsidence

67. Damage to property can also result from the growth of tree roots drawing moisture from the surrounding soil. This drying can cause a change in soil volume that may cause structures to move, or subside, resulting cracks and other damage visible above ground.
68. However, this type of damage can also be caused by other issues, such as damaged water pipes and drying of soils during the summer months. As a result, any requests for mitigation will need to provide evidence that clearly implicates trees owned by the Council. This could include:
 - A structural engineers report;
 - Seasonal levels monitoring;
 - A heave risk assessment;
 - DNA evidence linking implicated roots to specific trees.

Nuisance issues

69. The Council, as the owner of large numbers of trees receives substantial numbers of requests to prune or fell trees due to nuisance issues. This can include, the shading of gardens; dropping of leaves/twigs/seeds; branches over hanging boundaries; bird mess on cars and patios; and interference of TV or radio reception.
70. The Council will inspect trees on request and assess each case on its own merits. However, the Council will not normally undertake works, unless there is a clear safety issue or high likelihood of damage to property. If residents are unhappy with the outcome of an inspection, they can appeal the decision through the Council's complaints procedure.
71. Under Common Law, landowners have the right to prune branches or encroaching roots that overhang their boundary line. They do not require the tree owner's permission to do this, unless the trees are protected by Conservation Area status or a Tree Preservation Order. The Council can provide this information on request.
72. In some cases the Council may give permission for neighbouring landowners or residents to prune its trees. However, the works must be agreed in advance with the Council, who will issue written permission. Permission will not be given to heavily lop or top trees that will be disfiguring. The Council will also require the works to be carried out by a reputable tree surgeon to British Standard (BS3998) 2010 Tree works – recommendations.

New Planting

73. The Council recently passed a motion on new tree planting, as follows:

'This Council agrees in conjunction with planning permissions granted, to direct our own efforts along with those of our partners including parish and county councils, to do as much possible to plant at least one tree for every new dwelling built and where appropriate replace one tree for every one removed in the District due to poor health or planning needs. Trees to be of native British stock, and full sized not miniature trees.'

74. The Council undertakes a range of new tree planting, including replacements when existing trees are felled; planned woodland and hedge planting identified in Green Space Action Plans; and occasional memorial trees in its open spaces.
75. The majority of the Council's major open spaces already have significant tree cover and high levels of naturally regenerating trees. However, in tandem with the Council's Climate Change Emergency & Sustainability Strategy, new plans are being developed to significantly increase tree cover on its minor open spaces.
76. This could include allowing some areas to regenerate naturally into woodland, alongside the planting of small copses, hedgerows and individual standard trees. These initiatives will aim to involve local communities in realising this increase in tree cover across the district.

Action - Consult on the findings of the Biodiversity Opportunities Audit and develop a five year plan for new tree planting and establishment on minor open spaces

Action – Consider recruiting a community / education officer to work with local communities on new tree planting schemes on TRDC owned land

Species selection

77. Trees currently face a number of threats to their health and longevity, principally from a wide range of pests and diseases; and a changing climate. One of the major aims of increasing tree cover in the district will be to create a resilient tree stock & urban forest, and mitigate against a changing climate.
78. A key means of ensuring that new tree planting is resilient to future threats is through the careful selection of tree species. A widely used adage in arboriculture and forestry for new planting is the 'right tree in the right place'. The choice of trees for new planting will be subject to a number of considerations, such as, landscape character, soil type, growth form and size, and drought tolerance.

Sourcing of tree stock

79. A key means of controlling the spread of tree pests and diseases, is to prevent the import of new pathogens through the movement of tree and plant material. To minimise the risk, the Council will ensure all its tree planting stock is propagated and grown in Britain.

80. Only approved suppliers of plant material that accords with the Forest Reproductive Material Regulations FRM (2002) will be used, and tree stock will be required to have the necessary Plant Passport.
81. In the case of native species, the Council will also ensure that trees are grown from seed collected in Britain. The Forestry Commission recognises a number of Regions of Provenance and Native Seed Zones for native species. Three Rivers district is in Region 40 (south central) and Seed Zone 5.

Species diversity

82. Utilising a wide variety of tree species and minimising single species plantings, reduces the risk of an entire planting scheme succumbing to a species specific pathogen.
83. An approach encouraged by the Forestry Commission for new tree planting is the '10/20/30 rule'. Where no more than; 10% of a particular species; 20% of a particular genus; and 30% of a particular family; should be used in a single planting scheme.

Native species

84. Approximately 10,000 years ago towards the end of the last Ice Age, the land bridge with mainland Europe was eventually extinguished. Plant and animal species thought to have been present in the British Isles at that time are generally considered to be native species. In contrast to non-native species that have been brought to Britain by human activity.
85. Our native trees are generally thought to support the widest range of native animals, as they are adapted to, and have co-existed with each other over thousands of years. In the context of tree planting, our native species are often best suited to the climate and growing conditions found in Britain.
86. However, not all native species are native to all parts of the British Isles, for example, Beech and Hornbeam occur only naturally in the south-east of England, and Scots Pine is thought native to only parts of Scotland.
87. In addition, in the past two thousand years, many tree species have been introduced from around the world, for example the Romans are thought to have brought Sweet Chestnut and English Elm to Britain.
88. Some of these species, such as Sycamore have become naturalised, i.e. they grow, produce seed and spread in a similar way to native species. Whereas, other introduced species may not produce viable seed and be reliant on propagation and subsequent planting.
89. In the majority of situations the use of native tree species will be the most suitable choice as they are most suited to the soil conditions, and fit with the local landscape character.
90. However, there are circumstances when non-native species will be more appropriate. A number of the Council's open spaces have historical arboricultural features, such as the Pinetum at Leavesden Country Park, which is maintained through the planting of replacement Conifers.

91. In addition, in heavily urbanised settings, drought and the 'heat island' effect caused by built structures retaining then emitting heat, may mean that non-native species, more able to cope with warmer, dryer conditions, will provide more resilient tree cover.
92. The long term nature of tree planting and our changing climate will also mean that the climate conditions trees face in the future will be substantially different. As a result, the planting of non-native tree species that grow well in warmer, dryer conditions will be important. This may include species such as Sweet Chestnut, Walnut and False Acacia, which are already widely planted and grow well in Three Rivers.

Establishment

93. A critical aspect of new tree planting is early years' maintenance to ensure that trees establish quickly and thrive. As a general principle, the larger and more mature a tree is at time of planting, the longer it will need to be maintained until fully established.
94. Small bare root whips, typically trees of one to two years of age (approx. 30cm height at time of planting) establish quickly and require relatively little maintenance, other than to ensure they are not swamped by weed growth. Mulching at time of planting can help prevent this and retain moisture in the soil. Fencing or tree tubes to protect trees from browsing animals is also necessary for the first few years, but again this will be installed when the trees are planted.
95. More mature standard trees, typically container grown (approx. 2 metres height at time of planting) require several years' maintenance to fully establish. Most critical to their establishment is regular watering during periods of drought. However also important is the checking and adjustment of supporting stakes to ensure they do not damage the tree as it starts to grow. The subsequent removal of the stakes once the tree is established is also important.

Action – Investigate arboricultural training and development for a member of the grounds maintenance team to specialise in tree establishment and early years' maintenance

Memorial trees

96. The Council currently has a memorial tree scheme which enables local people to remember loved ones by supporting tree planting on TRDC sites. At present people can request a planting from a selection of species on a range of TRDC open spaces.
97. To encourage increased support for tree planting on TRDC open spaces, specific locations for planting will be identified. A range of tree species for these locations will also be selected, enabling people to choose a planting from a pre-determined list.
98. Locations will include a number of TRDC's most popular sites, which have the greatest potential for new planting, including Leavesden Country Park, Chorleywood House Estate, and The Aquadrome.

Action - Develop plans for specific locations and tree varieties for new memorial tree planting and publicise opportunities to encourage support

Protected Trees

99. As a Local Planning Authority (LPA) Three Rivers District Council (TRDC) has statutory powers under the Town and Country Planning Act 1990 to legally protect trees by Tree Preservation Orders (TPOs). The Council is responsible for the making, serving, confirming and revoking of TPOs, and determining and administering applications to carry out works to protected trees.
100. Three Rivers district contains a number of Conservation Areas, which provide protection on all trees within their boundary, other than the smallest of saplings. Tree owners are required by law to notify the Council in writing if they intend to fell or prune trees, giving the Council an opportunity to consider whether the trees should be protected permanently by TPO.
101. Under the Hedgerow Regulations, TRDC also has powers to protect hedgerows in the wider countryside and landowners are required to notify the Council, if they intend to remove a hedge.

Tree Preservation Orders

102. The Town and Country Planning Act 1990, gives LPAs the power to permanently protect trees by the making of a TPO. The Council can protect any species of tree, hedge or shrub with a TPO, but should consider whether these have sufficient public amenity value, and whether it would be expedient to serve a TPO to protect them. In other words, are the trees visible from a publically accessible location, and is there, or could there be, a substantial threat of them being removed.
103. In addition to the landscape value of trees, the Council will also consider whether trees have a biodiversity or heritage value that might warrant their protection by a TPO. Conversely, consideration will also be given as to whether trees are in poor health or condition, or are likely to out-grow their location, which might mean protection is not appropriate.
104. There are four different categorisations that can be used in a TPO document; Individual; Group; Woodland; and Area. Individual category protects single trees whose canopy does not adjoin any others. Group category protects multiple trees which form a single canopy, but where each tree is identifiable. Woodland category protects all named tree species in a woodland setting, including those that may grow up in the future.
105. Area category protects all trees present in a defined area at the time the TPO is served, but not those that may subsequently grow up or are planted within the area. Area TPOs are intended for use on potential development sites for a limited period. TPO guidance recommends that they are replaced with a more specific TPO based on the other three categories.
106. The location of TPOs in Three Rivers district are held on the Council's GIS system and copies of the documents are stored electronically as pdfs. Currently anyone requiring information about a TPO is required to submit a request to the Council for a copy. In the near future the aim is to enable the public, and anyone with an interest in TPO information to access it online via the Council's Ezytree database.

Action - Migrate TPO data to Ezytrees portal to enable public access to TPO information

Making & Confirming TPOs

107. A TPO may be made and served by the Council in a range of circumstances. The Council may seek to protect trees where it becomes aware of a threat to remove important trees; or where it objects to proposed removal, or pruning of trees in a Conservation Area; or in response to a planning application. TPO guidance also encourages LPAs to actively identify important trees for protection within its area of responsibility.
108. Members of the public can also make a request to the Council that a tree is protected by a TPO. The request should be made in writing and include the location of the tree(s) and the nature of any threat to them. Where possible, the species / variety of tree, and the landowner details should also be provided.
109. Having taken the decision to make and serve a TPO, Council officers will draw up a TPO document, which will then be served, on a provisional basis, on the tree owner and any neighbouring landowners who may be impacted by the TPO. To make the TPO permanent the Council must then confirm the TPO within six months of the date it was served.
110. By law the Council is required to allow at least 28 days for any objections to the provisional TPO to be received in writing. If an objection is received within this timescale, the decision to confirm the TPO will be referred to the Council's Planning Committee. The objector, and anyone with an interest in the TPO will have the opportunity to speak in favour, or against confirmation of the TPO at the Committee. If no objections are received the provisional TPO will be confirmed under delegated powers by Council Officers.
111. In the period between serving and confirming the TPO, the Council can also decide to modify the TPO, either adding or removing trees to be protected. However by law, once the TPO has been confirmed no further modifications can be made.
112. Currently the making of a TPO is undertaken by the Tree & Landscape department with support from the Customer Services Centre and Legal departments. The provisional TPO is sealed with the Council's seal at the point it is made. When a TPO is confirmed it is signed by a member of the Legal department. The process will be reviewed as necessary to ensure it is as swift as possible whilst fully complying with TPO legislation.

Action – Review the Council's TPO making process and make changes and improvements, if necessary.

Revoking TPOs

113. The Council also has the powers to revoke (cancel) a TPO where it is determined that the trees in question no longer warrant protection. This may be in instances where trees have died and / or become unsafe and have been removed.

114. As living organisms, trees decline in health, and die over time. As a result TPOs become out of date, as the trees they once protected are removed or fail.
115. The Council will endeavour to carry out periodic reviews of its TPOs to ensure that they are up to date and valid. Where necessary old TPOs will be revoked and, if appropriate new TPOs served which reflect the current state of the trees.

Action - Undertake desk top review of existing TPOs and identify those that require up dating

Action - Develop a capital bid to fund resurveying and serving of replacement TPOs where necessary

Conservation Areas

116. There are currently 22 designated Conservation Areas in Three Rivers District. In Conservation Area all trees with a stem diameter greater than 7.5cm, when measured at 1.5 metres from ground level, are protected. Tree owners are required to provide the Council with six weeks notification in writing, if they intend to prune or fell a protected tree. The Council will assess the tree(s) within this time period and decide whether or not it objects to the proposed works.
117. If the Council does object it may serve a Tree Preservation Order to protect the tree permanently. Alternatively it may, at its own discretion provide the tree owner with the opportunity to withdraw their Notification, and not carry out the works, with the tree continuing to be protected by Conservation Area status.

Carrying out works to protected trees

118. Owners of protected trees must apply to, or notify the Council prior to undertaking any works to trees or works in close proximity to one, regardless of whether a tree is protected by TPO or Conservation Area status. Whilst much of the process is the same, there are important differences.
119. For both TPO trees and CA Notifications, applications can be made either via the 1App form, available to download from the Council's website, or the Planning Portal, an external website which will submit an application to the Council.
120. An applicant does not need to be the owner of a tree, and neighbours and agents can submit an application and notifications to carry out works. However the council will require the owners contact details and will notify them that an application or notification has been submitted.
121. The Council issues a weekly Tree Bulletin to council members and interested parties, listing all the applications and notifications it has received. Each one includes a recommendation from Tree Officers as to whether it should be approved; not objected to; or refused.
122. Once applications and notifications have been determined, a decision letter will be issued to the applicant or their agent. If permission to carry out works is granted or not objected to, the applicant has up to two years from the date of the decision in which to carry out the works.

Determining applications for works to TPO trees

123. The Council has up to eight weeks to determine an application for works to a tree protected by a TPO. If the Council refuses permission the applicant has the right to appeal the decision to the Planning Inspectorate. If the Council does not determine the application within eight weeks, there is no automatic right for an owner to carry out the works. However, the applicant can appeal against the Council for non-determination.
124. The Council can also approve a lesser form of works to that which was applied for, for example to reduce the crown of a tree by up to one metre rather than three.

Determining notifications to undertake works to trees in Conservation Area

125. For Conservation Area protected trees, the Council has up to six weeks to determine notifications. However, unlike TPO trees, the Council simply needs to confirm that it does not object to the proposed works. As previously stated, if the Council does object to the proposals it must either serve a TPO to protect the tree or request that the applicant withdraws the notification. If the Council does not respond to a notification within six weeks, the applicant has the right to proceed with the works.

Replacement Planting

126. If the Council gives permission to fell a tree protected by a TPO it will, in most circumstances place a condition on the approval, which requires the applicant to plant a new tree. The Council will specify the size of tree to be planted, and will normally require the same or a similar species to be planted. If the applicant wishes to plant a different size or species of tree, this must be agreed in writing with the Council. The replacement tree is not automatically protected by the existing TPO, and a new TPO would need to be made.
127. Unlike applications for TPO protected trees, the Council cannot place a condition on a Conservation Area Notification that requires tree owners to plant replacement trees.

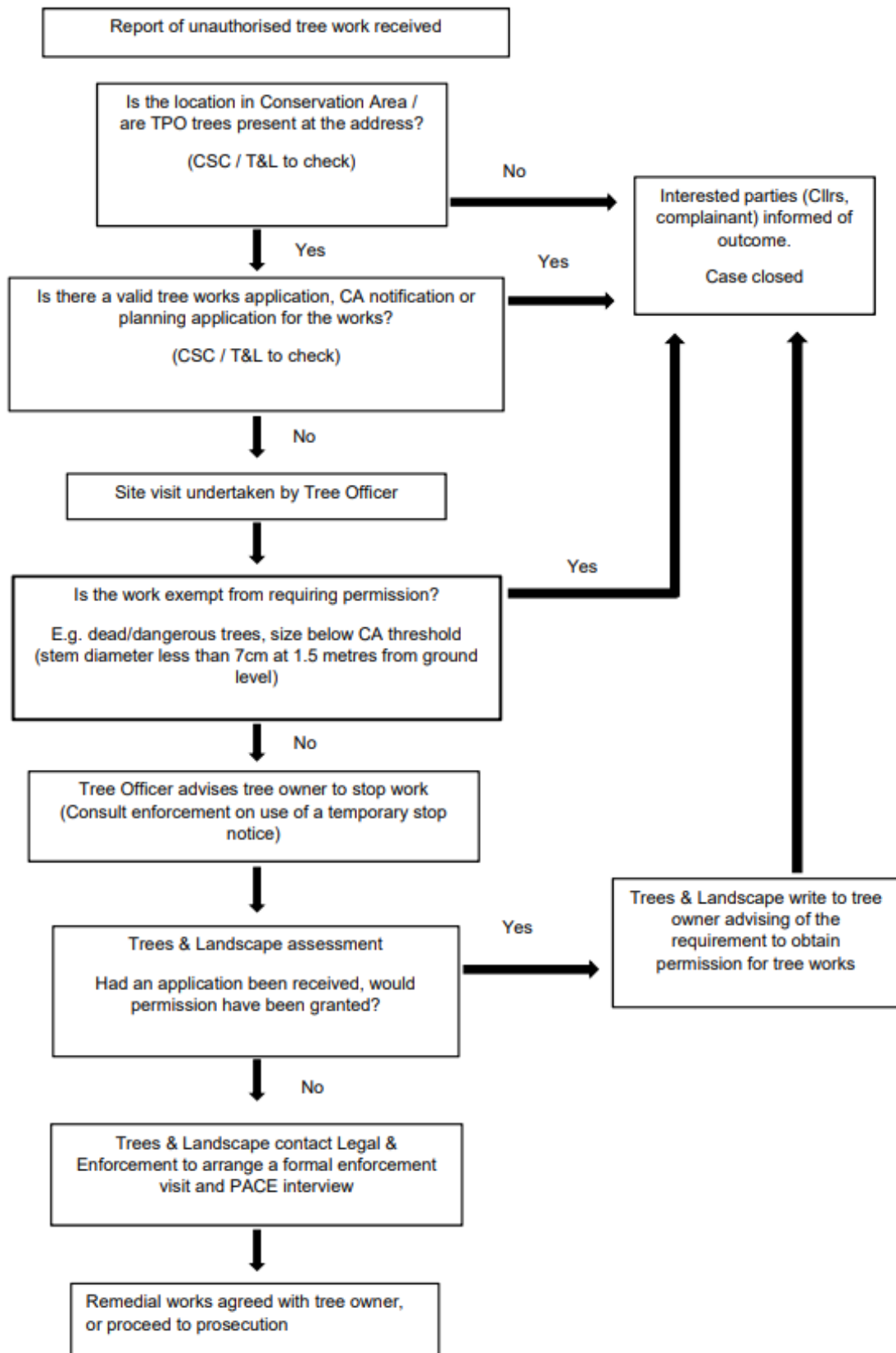
Enforcement

128. The Town and Country Planning Act 1990 gives the Council the powers to prosecute tree owners or persons who undertake unauthorised works to protected trees or cause damage to them. These may be trees protected by a TPO, or trees in a Conservation Area which the Council judges would have warranted protection by a TPO.
129. The Council will investigate any reports received of unauthorised tree work carried out. Figure 1 outlines the Council's process for investigating alleged breaches. In the Magistrates' Court, the maximum penalty is a fine of up to £20,000 per tree for destruction and £2,500 per tree for damage. In the Crown Court, the amount of the fine is unlimited.

Hedgerows

130. The Hedgerow Regulations 1997 give the Council powers to prevent the removal of important hedgerows in the wider countryside. Hedgerows are protected under the Regulations if they are at least 30 years old and either; more than 20 metres long with gaps of 20 metres or less in its length; or less than 20 metres long, but meets another hedge at each end. However, hedgerows are not protected if they border a private residential garden.
131. Hedge owners should make a request in writing to the Council if they wish to remove a hedgerow. The Council has up to 42 days to consider a request to remove a hedgerow, during which time they will consult the relevant Parish Council. If the Council does not respond to a request within 42 days, the hedge owner has the right to go ahead with the removal.
132. If the Council objects to the removal, it will serve a Hedgerow Retention Notice. If a hedge owner disagrees with the decision they have the right to appeal to the Planning Inspectorate within 28 days of receiving a Retention Notice.
133. If a hedge owner removes, or partially removes a hedgerow without permission, the Council may serve a Replacement Notice, if it determines it would have objected to the removal. If the Council does not object, it will issue written permission to remove the hedgerow. Hedge owners have up to 2 years from the date of the written notice to remove the hedgerow.

Figure 1. Enforcement process



Trees and Planning

134. As a Local Planning Authority, the Council is responsible for the assessment and determination of planning applications for new development in the district. Whilst the majority of trees have no specific protection within the planning system, the Council is required to consider the impact on trees and landscape as part of the planning application process.
135. One of the roles of Tree and Landscape Officers employed by the Council is to provide professional advice to the Planning department on tree and landscape matters. In this role, Officers will assess applications against a range of planning policy and guidance and make a recommendation as to whether an application should be approved or refused from a tree perspective.

Planning Policy & Guidance

National Guidance

136. The key piece of national planning policy is the NPPF (National Planning Policy Framework) which sets out the approach LPAs should take to planning matters. The NPPF contains broad statements about the sustainability and good design of new developments. It also seeks to ensure approved developments provide adequate compensation, mitigation and remedial landscaping in respect to trees and landscape.
137. However, with the exception of veteran trees, NPPF has little detailed guidance on planning policy in relation to trees, but puts the emphasis on LPAs to produce and work to their own plans and policies for forward planning and development management.

Three Rivers Statutory Development Plan

138. Three Rivers statutory development plan currently consists of the Core Strategy (2011 – 2026) and Development Management Policies. The Core Strategy sets out the approach to future development. This includes a spatial plan which identifies types of development, e.g. residential, industrial, commercial, etc. that will be allowed in specific areas of the district, and the allocation of areas of open land for new development.
139. The more detailed Development Management Policies (July 2013) contain specific policies that relate to trees and landscaping. New development proposals should comply with these policies, the most relevant of which is DM6 Biodiversity, Trees, Woodland and Landscaping. The Council is currently preparing a new Local Plan which will contain updated policies in relation to trees and landscaping.

BS5837

140. In addition to the policies of the Council, specific guidance in relation to trees and development is provided by the British Standard Institute's BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.
141. This standard provides a framework for the assessment of trees on potential development sites, and a range of detailed guidance on how trees should be protected

from damage during construction. It is the key guidance that planning applications will be assessed against by tree & landscape officers.

142. Where applied correctly, the guidance within BS5837, should ensure that new development results in a positive outcome for trees. The assessment process should identify good quality trees to be retained and protected, and poor quality trees that could be removed. Where trees are scheduled for removal, plans should identify space for new planting.

Application assessment

143. Following the assessment of an application against the relevant policies and guidance, tree & landscape officers are encouraged to make a recommendation to planning officers as to whether a planning application should be approved, or refused from a tree and landscape perspective.
144. On occasion negotiation may be advised, where there is the prospect of making changes to an application that would reduce tree and landscape impacts to an acceptable level, and result in environmental enhancements.

Conditions

145. The Council has the power to attach conditions to approved planning applications. These may be used for a number of purposes, for example, to require the implementation of tree protection measures during construction; to retain existing trees for a time period post-development; and to undertake new tree planting and landscaping as part of the development.
146. Tree & Landscape officers are encouraged to advise on conditions that could be applied to protect trees and ensure development makes a positive contribution to the landscape of the district. The Council currently has a number of standard tree and landscape conditions, which it can apply to developments. In consultation with the planning department, these will be reviewed, and revised if necessary.

Action - Review existing standard tree & landscape conditions and make revisions where necessary

147. Tree & Landscape officers also assess discharge of condition applications in relation to tree protection and remedial landscaping. These will also be assessed against national guidance, local planning policy and comments made at application stage. A recommendation will then be made to planning officers as to whether an application should be approved or refused.

New planting

148. Where approval is given for trees to be removed to facilitate development, the Council will require equitable tree planting in compensation. For example where a large growing species such as Oak is removed, an equally large growing species should be planted. In most circumstances, the number of new trees planted will need to be at least equal to the number removed. Any condition imposed on the planning consent will be detailed regarding any replanting requirements.

Enforcement

149. Where the Council becomes aware of potential breaches of planning conditions in relation to trees, the Tree and Landscape Officer will work closely with Planning Enforcement to investigate and provide technical advice in relation to tree and landscape issues.
150. Where the breach involves protected trees, the process outlined in Figure 1 will be followed.

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Trees in Three Rivers District

151. Despite the ownership of a substantial number of trees and woodlands by the District Council, the majority of trees in Three Rivers are owned and maintained by other organisations and individuals.
152. With the exception of legally protected trees, the Council has limited powers to influence the management of third party owned trees. However, the Council will always advise tree owners to have their trees inspected for safety on a regular basis by a qualified and reputable Tree Surgeon or Arboriculturalist.
153. The Council will continue to encourage householders to plant new trees, particularly following the removal of existing trees, and will provide advice where possible. The Council will also continue to work in partnership with the Countryside and Rights of Way Service, who can provide advice and support to landowners on the planting and management of trees and woodlands.

Highways trees

154. The majority of trees growing on the roadside verge of public highways, and along many Rights of Way, are maintained by Hertfordshire County Council (HCC). As the highways authority, Hertfordshire Highways has a range of powers under the Highways Act to maintain a safe and accessible road and Rights of Way network.
155. This includes the felling and pruning of dangerous and overhanging trees, or requiring neighbouring tree owners to, and the planting of new trees on the verge. Trees growing alongside the motorway verges of the M25 are maintained by Highways England.
156. Under TPO legislation, highways authorities are exempt from the requirement to submit tree works applications and Conservation Area Notifications to undertake works to protected trees. However, TRDC and HCC tree officers will continue to work closely together on tree management issues, and share information on protected trees in relation to future management works.

Privately owned trees

157. Under Common Law (previous legal cases) it has been established that householders and landowners are responsible for all trees that are rooted on land in their ownership. Trees on boundaries normally have one owner, and in only rare cases is there dual ownership. Where land is leased from a landowner, the lease agreement should make it clear which party is responsible for management of the trees.
158. Tree owners are responsible for the safety of their trees. The Council is not insured to inspect third party owned trees, and does not have the resources to provide safety advice to tree owners. The Council does have powers under the Local Government (Miscellaneous Provisions) Act 1976 to undertake works to trees not in its ownership. However, these powers are very seldom required, and would only be used in exceptional circumstances, such as where a dangerous tree has no known owner. However, tree officers will continue to provide advice in response to tree related queries from the public.

Action – Update the Tree & Landscape section of the TRDC website to provide more information and guidance on third party owned trees

159. Other principals that have been established by Common Law relate to trees overhanging ownership boundaries. Tree owners are not required to cut back their trees which overhang neighbouring boundaries, but they may be liable if their trees cause damage.
160. Neighbouring householders and landowners have the legal right to prune back overhanging trees to their boundary line and return the cuttings to the tree owner. But if the trees are legally protected, they must first seek permission from the Council via a tree works application or Conservation Area Notification.
161. Tree owners are also not required to clear leaves, branches or detritus that fall into neighbouring properties. Although in respect to overhanging fruit, such as apples neighbouring owners do not have the automatic right to keep them, but should offer it back to the owner in the first instance.

High Hedges

162. The High Hedges Act 2003 provides a mechanism to resolve disputes between neighbours pertaining to the height and imposition of hedges. The Act is only relevant in cases where there are two or more evergreen trees or shrubs present.
163. The Council has powers under the Act to require hedges to be reduced in height and spread. However it will only step in once evidence has been provided demonstrating that attempts have been made to resolve the dispute amicably.
164. There is no set height and spread to which a hedge must be reduced, each case will be considered independently, and any reduction work calculated via a number of factors, such as hedge height, distance from properties, and aspect.
165. As the matter of high hedges relates in the main to the impact on people's health and wellbeing, high hedge complaints are dealt with by the Council's Environmental Health department. Although the Trees & Landscape department may provide technical advice and support on hedge management and species identification, where necessary.

Nesting birds & bat roosts

166. It is an offence under the Wildlife and Countryside Act 1981 to disturb birds during the nesting season, normally between March and August. Under the same Act all bat species, their breeding sites and resting places are also fully protected. Tree owners intending to carry out any felling or pruning work should consider the potential impact on protected wildlife, and seek advice from a qualified ecologist, where necessary.
167. However, the District Council does not have the powers to enforce the Act, and any suspected offences should be reported to Hertfordshire Police's Rural Operational Support Team. Further information on what constitutes an offence can also be sought from Natural England, the Government's advisor on wildlife.

Felling licences

168. Where the felling of large numbers of trees is planned, normally as part of woodland management operations, a Felling Licence should be sought from the Forestry Commission (FC). As part of the process the FC will alert tree owners of the need to check with the Council whether trees scheduled for felling are protected by TPO or Conservation Area status. The FC are also responsible for investigating any felling work that may have required approval via a felling licence.

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Draft Action Plan

Section	Actions	Timescale	Resource	Cost estimate
TRDC Trees	Commission woodland inventory work to obtain data to feed into a district tree ecosystem services survey.	March 2022	Additional resource required	
	Review the Councils tree asset register and add any additional sites	December 2021	Existing Staff resource	
	Revise the current tree inspection zoning system prior to the start of a new 18 month inspection cycle	June 2023	Existing Staff resource	
	Set up annual safety inspection and recording process for Tree Officers	December 2021	Existing Staff resource	
	Set up tree database (Ezytrees) training for key users within the Council	June 2021	Funding for training	
	Organise basic tree safety training for relevant TRDC staff	June 2022	Funding for training	
	Establish a formal system of dealing with TRDC owned trees outside of normal office hours	December 2021	Existing staff resource	
	Establish process of annual checks of tree contractors health, safety and insurance details	March 2022	Existing staff resource	
	Prepare generic management plans for minor open spaces and woodlands	March 2025	Existing staff resource	
	Consult on the findings of the Biodiversity Opportunities Audit and develop a five year plan for new tree planting on minor open spaces	March 2022	New staff resource required	
	Consider recruiting a community / education officer to work with local communities on biodiversity and tree planting schemes on TRDC owned land	March 2022	New staff resource required	
	Investigate arboricultural training and development for a member of the ground maintenance team to specialize in tree establishment and early year's maintenance	May 2022	Funding for training	
	Develop plans for specific locations and tree varieties for new memorial / sponsored tree planting and publicise opportunities to encourage support	December 2022	Existing staff resource	
Protected Trees	Undertake desk top review of existing TPOs and identify those that may require up dating	March 2022	Existing staff resource	
	Develop a capital bid to fund resurveying and serving of replacement TPOs where necessary	June 2023	Additional resource required	
	Migrate TPO data to Ezytrees portal to enable public access to TPO information	December 2021	Existing staff time	
	Review the council's TPO making process and make changes and improvements, if necessary.	March 2022	Existing staff time	
Planning	Review existing standard tree & landscape conditions and make revisions if necessary	March 2022	Existing staff time	
Trees in the District	Update the Tree & Landscape section of the TRDC website to provide more	March 2022	Existing staff time	

	information and guidance on third party owned trees			
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POLICY AND RESOURCES COMMITTEE – 14 JUNE 2021

PART I – NOT DELEGATED

8. SHAREHOLDER AND COMMERCIAL VENTURES SCRUTINY PANEL (DoF)

1 Summary

- 1.1 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
- 1.2 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).
- 1.3 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.
- 1.4 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.
- 1.5 This report sets out the proposed Terms of Reference for the Panel (Appendix 1).

2 Details

The Council's Commercialisation Agenda

- 2.1 The Council has three key strands to its commercialisation agenda.

Maximising Value from our Assets

- Maximising the long term income we receive from our commercial property portfolio in line with the Council's risk appetite.
- Maximising the service potential/income from council occupied assets.

Income Generation

- Ensuring that we charge for services where statute allows at a level to recover our full costs, except where a decision has been taken either not to charge for services or at lower level.
- Identify and develop opportunities to generate additional income from new and existing services to support the provision of services within Three Rivers.

Being More Business-like

- Derive maximum value from procurement, processes, partnerships and joint-ventures.
- Ensure contract management is effective.
- Actively manage risk.

2.1 Whilst many of these are embedded in our business as usual it is recognised that investment in commercial property and identifying and generating additional income opportunities require additional scrutiny.

Shareholder and Commercial Ventures Scrutiny Panel

2.2 At its meeting on 20 March 2017 Council set out the governance arrangements for managing its property investment activities. The report proposed a Property Scrutiny Panel. Following the Peer Review it is proposed that the Property Scrutiny Panel's remit is widened to include all the commercial ventures of the Council and that it is renamed to reflect this change.

- Scrutiny – The PSP would be made up of five Councillors, on a non-proportionate basis, upon nomination from each political party. It would have no decision-making powers, right of “call-in” or veto.
- Scrutiny – The PSP will not have any direct delegated powers to approve expenditure, so if a proposal exceeds the delegations under Approval, the matter has to be referred to the Committee (called exceptionally if necessary for urgency reasons) for approval. This would include a case where for instance a proposal was for an initial below-target yield, but was forecast to exceed the required levels at a later date.

2.3 The proposed remit for the Shareholder and Commercial Ventures Scrutiny Panel is to:

- Consider and take decisions with regard to the potential establishment of commercial ventures and the undertaking of other investment activities by the Council.
- Exercise the function of the Council as a shareholder or partner, in relation to companies, partnerships or other commercial entities owned or part owned by the Council.
- Monitor and review the performance of commercial ventures undertaken by the Council, and to take decisions on the management of those commercial ventures.
- Monitor and review the performance of investment activities undertaken by the Council, and to take decisions on the management of those investments.

Commercial Governance Framework

2.4 It is important that, whilst additional scrutiny is applied to the Council's commercial activity, the Council's commercial investments and approach to commercial sits firmly within the overall corporate governance framework. Appendix 2 contains a mapping of the governance arrangements for commercial activity against the principles of good governance.

3 Options and Reasons for Recommendations

3.1 It is necessary that P&R Committee agrees to the recommendations for a Shareholder and Commercial Ventures Scrutiny Panel in order to update the governance of the Council's commercial activities.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are within the Council's agreed policy and budgets.

5 Financial, Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website

5.1 None specific.

6 Risk and Health & Safety Implications

6.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Commercial activity does not have sufficient member oversight	Failure in governance. Economic Loss	Ensuring commercial activity is adequately covered by governance frameworks.	Treat	4
Detailed understanding of commercial activity is to tightly focus on a small number of personnel.	Knowledge is lost if people leave. The council loses income as a result of failing to take pro-active action.	Regular monitoring of commercial income. Property Strategy	Treat	6
The Council does not have the skills to manage commercial activity.	Poor decision making and economic loss.	When recruiting seek necessary skills. Use of professional advisers.	Treat	4

		Training		
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7 Recommendation

7.1 That the Committee recommends to Council that:

- 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.

Data Quality

1	Poor	
2	Sufficient	X
3	High	

Background Papers

Property Investment – Governance Policy and Resources Committee Report 20 March 2017.

APPENDICES / ATTACHMENTS

Appendix 1 – Proposed Terms of Reference
Appendix 2 – Commercial Governance Framework

**Three Rivers Shareholder and Commercial Scrutiny Panel
Terms of Reference**

1. General

- 1.1 The Shareholder and Commercial Scrutiny Panel will exercise the Council’s role as shareholder in relation to Three Rivers companies and joint ventures for the purposes of governance as well as to ensure that the Council’s financial and reputational investment is protected. The Panel will act to protect the Council’s interest as a shareholder and review the delivery by the entities of their business plan objectives in an efficient, effective and ethical manner. The scope of the Panel’s work in relation to its shareholder function will initially include Hertfordshire Building Control, Three Rivers Homes Ltd, Three Rivers Homes LLP and Three Rivers Commercial Services. Any new ventures will be included as they arise.
- 1.2 In addition the Panel will also provide an oversight of the Councils commercial activities which are undertaken directly by the Council. These activities will include property investments and loans provided to other third parties on a commercial basis.
- 1.3 The Panel may make recommendations to the Policy and Resources Committee in relation to any matter falling within these Terms of Reference.
- 1.4 The Panel will be constituted as follows:

Number of Members	Five Members
Substitute Members Permitted	No
Political Balance Rules Apply	No
Appointments/Removals from the Panel	By the decision of the Council.
Restrictions on Membership	Reserved to serving elected members of Three Rivers District Council.
Duration of Membership	Unless removed earlier by Council decision, membership will lapse at the end of the municipal year in which the member has been appointed. However, all members will be eligible for re-appointment to the Panel by the Council.

Chair	TBC
Quorum	Three Members
Voting	Each Member has one vote.
Decisions/ Recommendations	The Panel will aim to make decisions by consensus. Where consensus cannot be achieved a vote will be taken and a decision will be treated as being made if it is carried by a simple majority.
Chair to have a Casting Vote?	In the event of an equality of votes and whether or not the Chair voted on the proposition that resulted in an equality of votes, the Chair will have a casting vote.
Declarations of Interest	Members are required to declare pecuniary and non-pecuniary interest and act in accordance with the requirements of the Members Code of Conduct
Confidential/Commercially Sensitive Information	Member are required to act in accordance with the requirements of the Members Code of Conduct
Meetings in Public or Private?	Panel meetings will be held in private.
Number of meetings	Panel Meetings will normally be held on a quarterly basis at a date suitable to consider the performance information of the Companies in the previous quarter Further ad hoc meetings may be called by the Chair as necessary
Officer/ Advisor Attendance	The Director of Finance as the Council's duly appointed Section 151 Officer and Shareholder Representatives will normally attend meetings of the Panel as a non-voting advisor. Additional advisors may be invited to attend Panel meetings as required.

2. Purpose and Objectives

- 2.1 To consider and make recommendations to Policy and Resources with regard to the potential establishment of commercial ventures and the undertaking of other investment activities by the Council.
- 2.2 To exercise the function of the Council as a shareholder or partner, in relation to companies, partnerships or other commercial entities owned or part owned by the Council.
- 2.3 To monitor and review the performance of commercial ventures undertaken by the Council, and to make recommendations on the management of those commercial ventures.
- 2.4 To monitor and review the performance of investment activities undertaken by the Council, and to make recommendations on the management of those investments.

Areas of Responsibility

- 2.5 To make recommendations in relation to the following, in line with the priorities in the Council's Capital Investment Strategy and approved budgets:
 - 2.5.1 Loan, Grant, and Draw Down agreements with regard to commercial ventures established by, and being established by, the Council.
 - 2.5.2 Investment in properties.
 - 2.5.3 Other capital investments.
 - 2.5.4 Performance of investments
- 2.6 To monitor and review the performance of commercial ventures and other investments undertaken by the Council.
- 2.7 To make recommendations on the incorporation and the proposal of winding up of companies, subject to relevant shareholder agreements, by the Council.
- 2.8 To recommend write-off of debts owed by Companies established by the Council to the Council, in consultation with the Leader of the Council and the Lead Member for Resources.

Shareholder Function

- 2.9 To review the governance arrangements of the Boards within the context of public sector wholly owned companies. To review and report upon the Company's compliance with such practices.
- 2.10 To consider and recommend to the Council any proposed or amended Company documentation including Memorandum and Articles of Association and Shareholder and Member Agreements.
- 2.11 To undertake the actions, activities and responsibilities provided for and required by the Shareholder and Member Agreements.
- 2.12 To recommend to the Council, Policy and Resources Committee or Shareholder Representative (as the case may be) on whether to grant or withhold consent on those matters requiring the consent of the shareholder/member (LLP) in accordance with the terms of any Shareholders or Members Agreement entered into by the Council and the Company .

- 2.13 To recommend to Council, for its approval, directors for the Boards. Where appropriate to recommend to Council, for its approval, the removal of Directors from Boards.
- 2.14 To review and consider recommending the annual Business Plan prepared by the companies to the Policy and Resources Committee for its approval. The Business Plans to include:
 - 2.14.1 An updated programme of activity for the forthcoming year
 - 2.14.2 An updated financial plan for the forthcoming year including cashflow, identifying income and expenditure and forecast for drawdown of finance provided by the Council
 - 2.14.3 Details of proposed future development and investment pipeline

Notes

1. Since the Panel is not a Council Committee the meetings are not subject to the provisions of the Local Government (Access to Information) Act 1985, which legally bind the Local Authority regarding public access to reports and meetings. This means the Panel meetings are not open for public attendance and neither will the minutes have to be published. However, minutes will be taken and maintained as a record of the Panel meetings.
2. Members are encouraged to contribute to developing agendas where appropriate and should submit agenda items to the Panel's Chair two weeks in advance of meetings to enable them to be considered and incorporated in the agenda wherever possible.

COMMERCIAL GOVERNANCE FRAMEWORK

Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	
Behaving with Integrity	<ul style="list-style-type: none"> • Directors are required by law to act in the interests of the company, in carrying out this function, officers of the Council will be expected to act with the same level of integrity that would be required in their council role. • In reporting on the activities of companies, conflicts of interest will be managed by ensuring that legal and financial advice is independent of the company's directors. • All service heads will continually appraise services to seek opportunities for improving value for money.
Demonstrating strong commitment to ethical values.	<ul style="list-style-type: none"> • In making investment the Council aims to exclude profiting from activities that are considered harmful to society and the environment and to invest in organisations, companies and projects that are committed to operating in a way that is sustainable for the future.
Respecting the rule of law.	<ul style="list-style-type: none"> • All investments will be vires and operate within all applicable laws. • External legal advice will be sought where appropriate.
Principle B - Ensuring openness and comprehensive stakeholder engagement	
Openness	<ul style="list-style-type: none"> • A Shareholder and Commercial Ventures Scrutiny Panel will review all commercial activity of the Council to provide oversight. • All investment decisions will be made in line with the Council's Constitution. • Investment decisions will be clearly evidenced with comprehensive options analysis and risk assessments.
Comprehensive Stakeholder Engagement	<ul style="list-style-type: none"> • • The Council will work collaboratively with its investment partners to maximise the benefits to the Council of joint working. • The Council will regularly engage with other local authorities and umbrella bodies to identify evolving best practice. • The council will be open to commercial proposals from outside organisations.
Principle C - Defining outcomes in terms of sustainable economic, social, and environmental benefits.	
Defining Outcomes	<ul style="list-style-type: none"> • The Council will focus on outcomes and be open to alternative ways of achieving the same outcomes through alternative service delivery models. • In the decision to invest a clear target for return on investment will be set and this will be regularly monitored. • Where outcomes other than financial return, such as sustainable housing numbers, are envisaged as part of an investment these will be clearly articulated as part of the

	<p>decision making process. Monitoring will review progress against these outcomes.</p>
<p>Sustainable economic, social and environmental benefits.</p>	<ul style="list-style-type: none"> • When making commercial investment and service change decisions the Council will clearly set out the economic, social and environmental impact assessments. • Financial appraisals will take account of the longer term costs and benefits.
<p>Principle D - Determining the interventions necessary to optimise the achievement of the intended outcomes.</p>	
<p>Determining Interventions</p>	<ul style="list-style-type: none"> • Outline business cases will include a rigorous and objective review of all relevant options, including the do nothing option, and a full assessment of risk. • Alternative interventions, including early intervention, will be considered when looking at service changes to ensure value for money and improved outcomes. • Investment return targets will be set within a clear requirement for support for service provision. • The Council's Property Investment Board will consider all investment opportunities and make recommendations for investment through the Council's democratic decision making processes..
<p>Optimise the achievement of outcomes.</p>	<ul style="list-style-type: none"> • Clear outcomes will be identified for all key decisions to ensure that the Council is outcome rather than output focussed. • Investment opportunities will be prioritised in order to maximise return and minimise risk, taking into account organisational capacity to deliver. • All investments will be subject to regular review to ensure that the Council's portfolio of investments continues to achieve the planned outcomes. • Post investment reviews will be carried out to ensure lessons are learned for future investments. • We will work collaboratively with partners to understand the drivers for investment/service delivery of all parties to optimise the overall benefit.
<p>Principle E - Developing the entity's capacity, including the capability of its leadership and the individuals within it</p>	
<p>Developing the entity's capacity.</p>	<ul style="list-style-type: none"> • We will set out a clear commercial strategy that ensures that the organisation becomes more commercial in its approach across the board. • We will establish a Shareholder and Commercial Ventures Scrutiny Panel to develop a deeper understanding and knowledge of the Council's commercial portfolio and the skills to scrutinise investment. • The Property Investment Board brings together key officers across the Council to consider investment opportunities and monitor performance. • We will use professional advisers on all schemes involving significant investment and/or risk to ensure the Council is protected.

	<ul style="list-style-type: none"> • Where we work with advisers we will look to work within frameworks wherever possible so that we develop long term relationships to the benefit of the Council.
Developing the capability of the entity's leadership and other individuals.	<ul style="list-style-type: none"> • In recruiting key individuals we will be looking for demonstrable commercial skills alongside sound knowledge of local authority regulatory frameworks in relation to commercial investment. • We will provide whatever training is required to develop commercial skills within the organisation and work alongside our advisors to improve commercial skills.
Principle F - Managing risks and performance through robust internal control and strong public financial management	
Managing risk and performance.	<ul style="list-style-type: none"> • Whenever we propose service changes we will set out a full risk analysis and clear performance outcomes that we can measure implementation against. • Risks will be clearly identified and quantified for all potential investments. All investments will also be considered in terms of their impact on the balance of risk across the commercial portfolio. • Performance will be reported regularly as part of overall budget monitoring and more detailed reporting will be to the Council's Property Investment board and Shareholder and Commercial Ventures Scrutiny Panel
Robust internal controls and strong public financial management.	<ul style="list-style-type: none"> • All income and expenditure will be allocated to specific budget managers who have responsibility for monitoring income, reviewing risks and managing resources. • All income and investments will be managed through the Council's core finance and asset systems in order to ensure robust internal controls are complied with. • Commercial income will be reported monthly to CMT and through the Council's budget monitoring reports to Committees, allowing prompt action to be taken if necessary. • The Council's s.151 officer (or nominated deputy) and monitoring officer are required to comment explicitly in reports to Policy and Resources and/or Council on all key decisions.
Principle G - Implementing good practices in transparency, reporting, and audit to deliver effective accountability.	
Implementing good practice in transparency	<ul style="list-style-type: none"> • Options appraisals will be included in reports to show that alternative methods of achieving outcomes have been considered and the reasons for the proposed course of action. • Where the Council is considering major investment opportunities, briefings will be arranged, prior to Policy and Resources/Council to ensure that all councillors involved in decision making have the opportunity to understand the project in some detail. • Where advisors are used to advise on investments, Council will have access to their reports in making their decision.

	<ul style="list-style-type: none"> • Careful consideration will be given to ensure investment decisions are not being made unnecessarily in Part B (confidential) agendas.
Implementing good practice in reporting	<ul style="list-style-type: none"> • Reports on proposed decisions will be drafted with the audience in mind to highlight all the key facts and risks in plain language with detail provided in appendices. • The performance of commercial investments will be set out within regular budget monitoring reports which are in the public domain.
Audit and Accountability	<ul style="list-style-type: none"> • Accounting policies will be set to ensure that Commercial Investments are properly reflected within the Council's published accounts. • Internal audit will have rights of access to joint venture companies to ensure internal controls are maintained within subsidiary companies. • The implementation of medium and high priority internal audit recommendations will be monitored by the Audit Committee.

POLICY AND RESOURCES COMMITTEE – 14 JUNE 2021

PART I - DELEGATED

9. SERVICE RESTORATION REPORT - JUNE 2021 (DCES)

1 Summary

- 1.1 This report sets 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.
- 1.2 Heads of Service and Service Managers have provided updates relating to their service area detailed in this report.
- 1.3 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.

2 Detail

- 2.1 Since the start of the pandemic several update reports detailing the Council's service position have been taken to the Covid-19 Response sub-committee, with the latest update taken to 25 January Policy and Resources Committee.
- 2.2 Some services have been able to continue to operate business as usual (BAU) throughout the pandemic, some have had minor or significant impacts and some have had to cease altogether. Since the Government Roadmap was announced in February a number of services have been restored. This report focuses on those services (or aspects of services) that continue to be affected by Covid restrictions. Appendix 1 provides detail on the services currently impacted by Covid restrictions.
- 2.3 Three Rivers House remains closed and the majority of staff continue to work from home where possible in line with Government guidance. Where officers are working remotely but continuing to offer a full service, these services have been classed as operating as business as usual.
- 2.4 Three Rivers House will reopen to the public as soon as practicable following Step 4 of the Government Roadmap, moving eventually to the revised opening hours of Monday-Friday 9am-4pm.
- 2.5 There are a number of service aspects that have moved to online or remote services that are intending to continue this channel shift in the long term where it is able to provide a more effective or efficient service.
- 2.6 The long term corporate approach to agile working is being explored through a separate project under the New Ways of Working.

3 Services currently operating with significant restrictions:

3.1 Fraud

- 3.1.1 The Fraud service continues to be restricted by limitations on face to face meetings, and a number of the team continue to be redeployed to Revenue and Benefits to support the processing of Covid support grants. It is intended that face to face meetings (including Police and Criminal Evidence Act (PACE) interviews or

'interviews under caution') will resume from Step 4 in the Government Roadmap, currently from 21 June.

3.2 Leisure Development

- 3.2.1 Leisure activities will be restarting gradually over the coming months. This includes Play Rangers, skate camps, Active Parks, Leavesden Country Park activities and Friends of sessions.
- 3.2.2 Some specific leisure development activities are not currently running, which are delivered within care homes e.g. Sheltered Housing Scheme and Play with Care, and some activities which are delivered in schools, e.g. Play Rangers. There are a few leisure activities that although they can commence from the 17 May, won't commence until September.
- 3.2.3 The team are currently exploring how we would deliver a physical activity programme or other leisure activities, that would be run face to face but giving people the option to join remotely if they cannot physically attend e.g. due to childcare.
- 3.2.4 Although not directly delivered by Leisure, adult parkrun will commence at the earliest from Step 4 in the Government Roadmap, currently 21 June, at Rickmansworth Aquadrome and South Oxhey Playing Fields.

3.3 Leisure Management Contract (SLM)

- 3.3.1 All Leisure centres have now re-opened and their programme will be delivered following the Government's Roadmap. The leisure website will continue to be updated to reflect this and include details for individual activities and how they are Covid secure.

3.4 Regulatory Services

- 3.4.1 The majority of the services are running business as usual and are operating effectively remotely with few exceptions. Services remain busy with significant work volumes specifically Development Management (DM) where planning application volumes are high (in excess of 250 more applications than the last financial year) and officers are prioritising recovery work following the pandemic in other areas (i.e. highways/business support).
- 3.4.2 External site visits and internal visits (going through properties) were reintroduced from 17 May.
- 3.4.3 Collection of taxi licensing plates and badges is still being facilitated at Watersmeet until 14 June. This is expected to move to Three Rivers House from Step 4 of the Government's Roadmap, currently 21 June.
- 3.4.4 Taxi driver knowledge tests for new driver applications have been reintroduced as of 17 May due to an increase in demand.
- 3.4.5 PACE interviews for licensing/enforcement are still not being conducted as there is no requirement at the moment to hold any, but this may change as we feel the impact of the night time economy reopening.
- 3.4.6 Development Management pre application meetings are currently being held virtually and will only be held face to face if requested and considered appropriate going forward.

- 3.4.7 It is intended that the Duty Planner service will continue virtually on a permanent basis.
- 3.4.8 Hertsmere Borough Council were holding face to face parking surgeries in TRH reception (by appointment) for those needing assistance with parking permits. This has not been happening but we intend to reintroduce this service again when the offices reopen.
- 3.4.9 Herts County Council have gone out to procurement to extend Covid marshals until December 2021, 4 of these would remain covering TRDC with a specific focus on businesses.
- 3.4.10 Following the change in Covid restrictions at Step 3 of the Government Roadmap, Parkguard marshals who were patrolling the Aquadrome and Leavesden Country Park at weekends ceased on 16 May. The situation and infection rates will be monitored and consideration given to reemployment if necessary.

3.5 *Watersmeet*

- 3.5.1 Watersmeet reopened on Tuesday 18 May with the first scheduled event on 29 May. The theatre is currently operating with Covid secure measures including a reduced auditorium capacity. It is expected that capacity limits will be relaxed from the next step in the Government Roadmap currently 21 June.
- 3.5.2 Watersmeet continues to be supported by the Culture Recovery Fund grant through to the end of June, with a full programme of live theatre and events in the second half of the year. Audience demand and any potential future Covid restrictions are the two biggest factors in Watersmeet recovery and financial position.
- 3.5.3 Going forward Watersmeet's face to face and telephone box office will be open Tuesdays-Fridays 10am-4pm, with online bookings available 24/7.

4 Services currently operating with some restrictions:

4.1 *Community Partnerships*

- 4.1.1 Community Partnerships are currently operating a number of new services as a result of the pandemic including tackling vaccine inequality and increasing uptake as well as increased support and projects with the voluntary sector both for response and recovery. The service is also experiencing increased anti-social behaviour cases as more services are now operational in the community, more is being reported and increased strategic work and partnership projects are being developed to tackle serious violence and exploitation as we are experiencing more incidences locally. Corporate support services, consultations and climate change services continue to be fully operational.
- 4.1.2 Healthy hubs are reopening in line with guidance and increased activities are expected as restrictions ease.
- 4.1.3 The Community Support Service, Domestic Abuse Service are all running face to face including home visits. The Independent Domestic Violence Adviser is currently based at home but is now visiting clients at hospital. Family Worker face to face and home visits are taking place. High risk Anti-social behaviour internal visits are taking place.

- 4.1.4 The 'No More' Project for serious violence is up and running, and visits will recommence in houses soon with full PPE and no more than one house visit per day.
- 4.1.5 Visits out in the community are being increased as well as door step visits, but we will only restart home visits once restrictions allow which is expected to be from Step 4 of the Government's Roadmap, currently 21 June.
- 4.1.6 Consultation with members of the LSP/CSB and sub-groups is currently taking place but it is likely there will be a mixture of virtual and face to face partnership meetings going forward.
- 4.1.7 ASBAG will continue to run virtually and run an annual conference.

4.2 Customer Services Centre

- 4.2.1 The Customer Services Centre (CSC) has continued to provide telephone access to support residents, and completed service administration throughout the pandemic. We await corporate decisions regarding opening of TRH to review/resume face to face service delivery.

4.3 Environmental Protection

- 4.3.1 The waste, recycling, street cleansing, district inspections, grounds maintenance and animal welfare services continue to operate business as usual. Community outreach has been running virtually, but no 'in person' events have taken place. PACE interviews for our environmental enforcement team are expected to recommence from Step 4 in the Government's Roadmap, currently 21 June.
- 4.3.2 In the long term some community outreach may continue to operate virtually alongside and in support of face to face events.

4.4 Facilities

- 4.4.1 The facilities team have continued to operate business as usual with few exceptions. Manned guarding at Three Rivers House remains on hold whilst the longer term proposals for TRH opening hours are confirmed. This is being taken forward under the New Ways of Working project.
- 4.4.2 The Courier service is currently on hold whilst the van is being used by the Covid Marshals.

4.5 Housing

- 4.5.1 The majority of services are running business as usual. Officers have continued essential face-to-face meetings with rough sleepers and customers in temporary accommodation throughout the pandemic.
- 4.5.2 External site visits have continued to take place with home visits reintroduced from 17 May.
- 4.5.3 Homelessness interviews with customers are currently being held over the phone/virtually and will be held face to face if requested and considered appropriate going forward.

4.6 Revenues & Benefits

4.6.1 Revenues & Benefits has continued to operate mainly business as usual throughout the pandemic, with additional workload from processing Covid support grants.

4.7 *Trees & Landscapes*

4.7.1 Trees and Landscapes are continuing to look at ways to improve online accessibility for residents. This includes the introduction of a new online system for residents to review Tree Preservation Order (TPO) information and anything else relating to Trees. Residents are still being encouraged to submit photographs as part of their tree work applications. A number of external meetings over the past year have taken place virtually and it is planned that this will continue where possible, unless there is a need to meet on site. We also plan to have a mix of face-to-face team meetings, but with a virtual option if a staff member cannot attend in person.

5 *Services currently operating business as usual:*

5.1 *Corporate Services*

5.1.1 All aspects of the service have continued remotely business as usual with no adverse effects throughout, and it is intended that all aspects of the service including communications will continue remotely for the foreseeable future.

5.2 *Economic & Sustainable Development*

5.2.1 The Economic & Development Plans Service has continued all functions throughout the pandemic with all services being delivered as normal. Preparation of the Local Plan, South West Herts Joint Strategic Plan (JSP), Community Infrastructure Levy (CIL), Annual Monitoring, Brownfield Register, Right to Build Register, Neighbourhood Planning have all been progressed as normal.

5.2.2 It is intended that the majority of the service will continue to operate remotely going forward including the Local Plan, South West Herts JSP, CIL, Annual Monitoring, Brownfield Register, Right to Build Register, Neighbourhood Planning, and the South West Herts JSP. Certain aspects of the new Economic Development Officer's role will involve some face to face work including meeting with stakeholders at business addresses.

5.3 *Electoral Services*

5.3.1 The May 2021 elections were managed very successfully across Three Rivers despite considerable additional workload in order to comply with the Covid regulations. It is expected that the majority of Covid restrictions will not be required for the May 2022 elections, however some operational aspects and processes are expected to be retained where they have shown to be positive improvements such as separate break areas for counting staff.

5.4 *Finance*

5.4.1 With the exception of Fraud detailed above, the majority of the service has continued business as usual throughout with limited disruption to the service. It is intended that the majority of the service will continue to operate remotely going forward.

5.5 *Human Resources*

5.5.1 HR continues to operate business as usual, with no work delays, providing advice and support across the Council.

5.6 ICT

- 5.6.1 ICT have continued to operate business as usual. The transition from Amicus to Littlefish for the new service desk and network operation centre is a significant project requiring a lot of resource. Supporting Elections across both Councils has had an impact on the service due to additional support required.

5.7 Legal & Democratic Services

- 5.7.1 The Legal team continue to operate with an increased workload due to additional legislation to interpret, providing advice for services impacted by Covid restrictions and significantly increased workload in criminal litigation / ASB.
- 5.7.2 The Committees team continue with a high workload in responding to the transition back to face to face Committee meetings.

5.8 Property Services

- 5.8.1 Property Services team have continued with all aspects of the service across the estate. Service pressures are expected to be relieved with the recent appointment of a new Head of Service.

6 Partnerships and Linked Organisations

- 6.1 Watford and Three Rivers Trust continue to offer the Community Herts Help project supporting people with wellbeing calls, prescription collections and shopping. We are now in a transition period but prescription service continues to be an issue for people who are isolated and elderly and the usual service from pharmacies is not back to normal. We are working with Hertfordshire County Council on the future of the project to ensure this service through our voluntary sector partners can be stepped up or on offer in case of any future lockdowns or winter pressure on NHS services.
- 6.2 The Citizens Advice Bureau (CAB) are starting to have face to face appointments again – there remains pressure on this service with complex problems being faced. They will be maintaining a mix of home and office working for the foreseeable future to allow for social distancing in the office. Clients are being seen by appointment at Oxhey and Abbots for debt, sickness and disability benefits and family law, and Rickmansworth will be opening Mondays, Wednesdays and Fridays by appointment. They are seeing a rise in debt cases and the county wide HERT project with the CAB offering money advice for people with complex needs is facing increased referrals for people at risk of homelessness.
- 6.3 The Police have continued to operate out of Three Rivers House throughout the pandemic.

7 Options and Reasons for Recommendations

- 7.1 The recommendations set out above outline the proposed timescale and process of restoring Council services following Covid guidance and legislation.

8 Policy/Budget Reference and Implications

- 8.1 The recommendations in this report are within the Council's agreed policy.
- 8.2 There may be budget implications and these are being assessed and reported to Policy and Resources Committee via budget monitoring.

9 Financial Implications

9.1 See paragraph 8.2 above.

10 Legal Implications

10.1 The Council has acted and continues to act in accordance with Covid related Legislation and guidance in the suspension and restoration of its various services.

11 Equal Opportunities Implications

11.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No
Did the relevance test conclude a full impact assessment was required?	No

12 Staffing Implications

12.1 The Council's Gold Business Continuity Team consisting of the Chief Executive, Directors and Heads of Service continue to meet 3 times a week to discuss Covid matters.

12.2 The Council's Silver/Service Restoration Team consisting of the Chief Executive, Directors and Heads of Service, and managers continue to meet fortnightly to manage service recovery.

12.3 The Covid-19 Action group made up of Officers from several departments continues to meet weekly to enable the Council to respond to any Covid-19 matters in the community as they arise.

13 Environmental Implications

13.1 None specific.

14 Community Safety Implications

14.1 None specific.

15 Public Health implications

15.1 The continued impact of Covid restrictions is likely to have a number of adverse effects on the local community, including those suffering with mental health issues, a potential rise in Domestic Abuse and those on low incomes or who may have been made redundant recently as well as a negative effect on physical health and wellbeing.

15.2 The reopening of group sessions and leisure activities will likely have a positive impact on people's mental and physical health and wellbeing.

15.3 The Covid-19 Action Group and Designated Safeguarding Leads continue to work with partners to support those most in need and make any referrals to key services.

16 Customer Services Centre Implications

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16.1 None specific.

17 Communications and Website Implications

17.1 The website and communications will take place accordingly in line with when specific services are restored.

18 Risk and Health & Safety Implications

18.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Description of the risk	What happens if the risk was to occur	List control measures that are, or could be put in place	How will the risk be dealt with *	Enter the residual risk score
Services are not fully or partially restored.	Three Rivers residents do not receive full or partial services following the Covid-19 pandemic.	Priorities agreed and service restoration takes place as soon as possible.	Risk Assessments and Government guidance will be followed and services restored.	4
Negative Public Perception on Council Services	Satisfaction ratings within the Council will reduce and the number of complaints may increase	Priorities agreed and service restoration takes place as soon as possible.	Risk Assessments and Government guidance will be followed and services restored.	4
Spread of COVID-19 within services restored	Negative publicity and further spread of the illness	Risk assessments completed and procedures implemented in line with Government guidance.	Responsible officers will complete risk assessments and procedures and ensure compliance.	4

18.2 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
Impact Low -----► Unacceptable				

Impact Score

- 4 (Catastrophic)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

Likelihood Score

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 1 (Remote (≤5%))

19 Recommendation

19.1 That: Policy & Resources Committee agree and approve the approach set out in this report for adoption.

Report prepared by: Josh Sills, Watersmeet Manager

Data Quality

Data checked by: Kimberley Grout, Head of Housing Services

Data rating:

1	Poor	
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2	Sufficient	✓
3	High	

Background Papers

1. *Covid-19 Restrictions Impact on Services Report – 25 January 2021 P&R Committee*
2. *Service Priority General Update Report & Watersmeet Reopen Report – 16 November 2020 Covid-19 Response Sub-committee*
3. *Service Restoration Priority Ratings 4 and 5 Report – 5 October 2020 Covid-19 Response Sub-committee*
4. *Service Restoration Priorities Report – 3 September 2020 Covid-19 Response Sub-committee*
5. *Service Restoration Report – 21 July 2020 Covid-19 Response Sub-committee*

APPENDICES / ATTACHMENTS

Appendix 1: Government Roadmap – Service Restoration – June 2021

Government Road Map – TRDC Service Restoration

01/06/21

PRIORITY 1-3 SERVICES

Service Area	Delivery Aspect / Activity	Service Running as at 17/05/21 (Yes/No)	Step 1a (8 March)	Step 1b (29 March)	Step 2 (12 April)	Step 3 (no earlier than 17 May)	Step 4 (no earlier than 21 June)	Comments (Feb 2021)	New comments (May 2021)
Customer Service Centre	Face to Face – TRH Visitors	No						Provide face to face following corporate review of safety guidelines & individual service procedures	This is governed by when Three Rivers House opens
Environmental Protection	Enforcement (fly tipping, littering) - interviews under caution.	No							This is governed by when Three Rivers House opens and is set up for this kind of activity (not just relevant for Environmental Protection) Telephone and written interviews currently taking place
Facilities	Manned Guarding TRH - Not required as the building has limited opening hours	No							This is governed by when Three Rivers House opens
Housing	Homelessness – home visits to customers in order to try to prevent homelessness wherever possible, but also to prevent any fraudulent applications.	No			✓ Both internal and external visits possible • Face mask to be worn for internal visits • Risk assessment	✓ Both internal and external visits possible • Face mask to be worn for internal visits • Risk assessment	✓ Both internal and external visits with enhanced hygiene measures	This is governed by the corporate decision to resume home visits / face-to-face with customers	
	Homelessness – face-to-face interviews. As the building remains closed it has not been possible to restore, applications have continued over the phone but this is not as effective as face-to-face interviews or virtual interviews.	No						This is governed by when Three Rivers House opens	

	Temporary accommodation visits (TRDC owned and managed properties) – needed to manage tenancy condition compliance	No			✓ Both internal and external visits possible • Face mask to be worn for internal visits • Risk assessment	✓ Both internal and external visits possible • Face mask to be worn for internal visits • Risk assessment	✓ Both internal and external visits with enhanced hygiene measures	This is governed by the corporate decision to resume home visits / face-to-face with customers	
	Housing Allocations – not running home visits – needed to verify applications in order to prevent fraudulent applications	No			✓ Both internal and external visits possible • Face mask to be worn for internal visits • Risk assessment	✓ Both internal and external visits possible • Face mask to be worn for internal visits • Risk assessment	✓ Both internal and external visits with enhanced hygiene measures	This is governed by the corporate decision to resume home visits / face-to-face with customers	
	Housing Enforcement – not running site visits. Some visits are essential with tenants and landlords in attendance. Alternative methods to be exhausted in the first instance. This includes photographic or video evidence, audio recording and use of Noise App.	No		✓ Only external visits	✓ Both internal and external visits • Face mask to be worn for internal visits • Risk assessment	✓ Both internal and external visits • Face mask to be worn for internal visits • Risk assessment	✓ Both internal and external visits with enhanced hygiene measures	Phased approach to site visits and corporate decision needed for it to resume	
	Pollution control – not running site visits. Some site visits are essential but alternative methods to be exhausted in the first instance. This includes photographic or video evidence, audio recording and use of Noise App.	No		✓ Only external visits	✓ Both internal and external visits • Face mask to be worn for internal visits • Risk assessment	✓ Both internal and external visits • Face mask to be worn for internal visits • Risk assessment	✓ Both internal and external visits with enhanced hygiene measures	Phased approach to site visits and corporate decision needed for it to resume	
Leisure Development	Formal openings for capital projects – e.g. The Swillett play area and Hornhill MUGA	No					✓ potentially do this subject to social distancing	Introduced as and when this will be relevant.	
	Targeted Active Families (for the most vulnerable families in the District) – Play Ranger Families	Yes		✓ support for vulnerable families may go ahead – ideally outdoors to reduce the spread of the virus – groups of no more than 15 people				Planning to deliver during the summer holidays. Looking to source additional funding and incorporate it into the Leisure Development activity programme.	
Leisure Management Facilities	Rickmansworth Golf Club incorporating Fairway Inn	Yes		✓ • Outdoor Sports facilities(Tennis, Basketball, Football) • Outdoor skiing • Golf Courses • Outdoor Childcare and					

				Activities (Max 15) • Cafés - Takeaway only					
	William Penn Leisure Centre, South Oxhey Leisure Centre, Sir James Altham Pool (MUGA)	Yes			<ul style="list-style-type: none"> ✓ • Gyms (on own or with household) • Swimming Pools (on own or with household) • Children's Indoor Sport / Activity • Under 18's Swimming lessons • Parent and Child Classes • Spa Treatments • Cafés - Outdoor table service and takeaway 	<ul style="list-style-type: none"> ✓ • Indoor adult Sport • Group Fitness Classes • Children's indoor play areas/soft play • Adult swimming lessons • Cafés - Indoor table service and takeaway 	<ul style="list-style-type: none"> ✓ • Removal of legal limits on social contact 		
Regulatory Services	Planning department (includes planning enforcement) site visits	No	<ul style="list-style-type: none"> ✓ Only external visits *For applications which require greater scrutiny 	<ul style="list-style-type: none"> ✓ Only external visits *For applications which require greater scrutiny 	<ul style="list-style-type: none"> ✓ External visits • Risk assessment • Contact owner prior to visit • Site visit packs to be used *Site visits for all applications 	<ul style="list-style-type: none"> ✓ Both internal and external visits • Face mask to be worn for internal visits • Risk assessment • Contact owner prior to visit • Site visit packs to be used *Site visits for all applications 	<ul style="list-style-type: none"> ✓ Both internal and external visits with enhanced hygiene measures Face mask to be worn for internal visits until Government announcement *Site visits for all applications 	Phased approach to site visits.	
	Licensing department - face to face taxi driver knowledge tests	Yes					<ul style="list-style-type: none"> Agreement for Knowledge Tests to recommence from 17 May. 	<ul style="list-style-type: none"> Agreement for Knowledge Tests to recommence from 17 May. ✓ Both internal and external visits with enhanced hygiene measures 	<ul style="list-style-type: none"> Can occur fully once Council building is open. Consideration of virtual knowledge tests ongoing
Revenues and Benefits	Recovery – enforcement officers calling at peoples' houses	No		<ul style="list-style-type: none"> ✓ Only external visits 	<ul style="list-style-type: none"> ✓ Both internal and external visits • Face mask to be worn for internal visits • Risk assessment 	<ul style="list-style-type: none"> ✓ Both internal and external visits • Face mask to be worn for internal visits • Risk assessment 	<ul style="list-style-type: none"> ✓ Both internal and external visits with enhanced hygiene measures 	Phased approach to site visits and corporate decision needed for it to resume	

	Benefits – face-to-face interviews. As the building remains closed it has not been possible to restore, applications have continued over the phone or on-line but this is not as effective as face-to-face interviews or virtual interviews.							This is governed by the corporate decision to resume home visits / face-to-face with customers	
	Revenues Enforcement – not running site visits. Some visits are essential especially if enforcement is at the seizing of goods stage. Alternative methods to be exhausted in the first instance.	No		✓ Only external visits	✓ Both internal and external visits •Face mask to be worn for internal visits • Risk assessment	✓ Both internal and external visits •Face mask to be worn for internal visits • Risk assessment	✓ Both internal and external visits with enhanced hygiene measures	Phased approach to site visits and corporate decision needed for it to resume	
Fraud	Enforcement – face interviews/PACE interviews	No				Seek agreement for face to face interviews and visits to clients/ statements/intelligence gathering subject to risk assessments and PPE			
Trees & Landscapes	'Friends of' group sessions	Yes			Groups of up to 6 people outdoors from this point – CMS will follow their risk assessment for safe operation for leader / volunteer ratios.	Groups of up to 30 people outdoors from this point – CMS will follow their risk assessment for safe operation for leader / volunteer ratios.		CMS guidance has been updated to allow the return of Friends of groups, with social distancing in place at the moment.	
Watersmeet	Film Programme/Pantomime	Yes				✓ Reopen with some Covid restrictions and reduced capacity	✓ Can operate at full capacity, and intend to continue with enhanced hygiene measures		

PRIORITY 4 & 5 SERVICES

Service Area	Delivery Aspect / Activity	Service Running as at 17/05/21 (Yes/No)	Step 1a (no earlier than 8 March)	Step 1b (no earlier than 29 March)	Step 2 (no earlier than 12 April)	Step 3 (no earlier than 17 May)	Step 4 (no earlier than 21 June)	Comments (Feb 2021)	New comments (May 2021)
Community Partnerships	Consultation Work, Abbots Langley Youth Project Grant, Roundabout Transport SLA, Grant Finder, CCTV Capital Grant, Community Grant Capital Budget, Community Grant revenue budget	Yes						Staffing changes has meant that this has been able to run though will need reviewing before the end of April.	
Environmental Protection	Community toilets – some remain closed	Yes - some			✓			This is governed by the facilities. So whilst outdoor hospitality can resume no earlier than 12 th April it is likely that these facilities will open gradually and may only allow customers in to start with. Some venues e.g. Watersmeet may not be able to another Step. So step 2 will not be for all venues – it will be gradual process.	This is governed by the facilities. Non-essential shops opened on 12 th April. Remaining indoor hospitality opens on 17 th May so in theory all community toilets can be open.
	Outreach and awareness – outreach such as community events and school visits remain suspended	No					✓		
	Pest control – internal visits remain suspended	No						This is governed by Watford Borough Council – awaiting an update. Expected from mid-May once staff had second vaccine.	This is governed by Watford Borough Council – awaiting an update.
	Football pitch hire	Yes		✓				Football can resume from 29 th March.	
	Outreach and awareness – awareness has continued via social media	No							

	Pest control – internal visits	No							
Leisure Management Facilities	Free swimming for over 60's and under 19's (during Easter and summer holidays only)	No			✓ Indoor leisure (including gyms) open for use individually or within household groups			Working with SLM and Active Swim (Rickmansworth School Pool) to finalise details for free swimming.	
Leisure Development	Outdoor Sports Development Programme – external providers of tennis coaching through hire of grounds and partnership work.	Yes		✓ organised outdoor sport – children and adults		✓ organised indoor sport – children and adults			
	Play Rangers in the Community	Yes		✓ this can start to take place again after the Easter Holidays (all outdoor children's activities)				Play Rangers will re-start from the 17 May.	
	All About Me – Relax Kids (Mental Health project for children and young people)	Yes			✓ all children's activities				
	Be Creative	Yes				✓ organised indoor activities		Planning taking place now, indoor sessions will start in September	
	Artistsmeet	Yes				✓ Can reopen alongside Watersmeet			
	Back to Netball William Penn	Yes		✓ organised outdoor sport – children and adults		✓ organised indoor sport – children and adults		Website to be updated with full details	
	Walking Netball William Penn	Yes		✓ organised outdoor sport – children and adults		✓ organised indoor sport – children and adults		Website to be updated with full details	
	Junior Netball Clement Danes	Yes		✓ organised outdoor sport – children and adults		✓ organised indoor sport – children and adults		Website to be updated with full details	
	Back to Netball Clement Danes	Yes		✓ organised outdoor sport – children and adults		✓ organised indoor sport – children and adults		Website to be updated with full details	
	Netball Now Reach Free	Yes		✓ organised outdoor sport – children and adults		✓ organised indoor sport – children and adults		Website to be updated with full details	
	Moving Mums Stroller Fitness	Yes		✓ organised outdoor sport – children and adults		✓ organised indoor sport – children and adults		Website to be updated with full details	
	Moving Mums Boxing Fit	Yes		✓ organised outdoor sport – children and adults		✓ organised indoor sport – children and adults		Website to be updated with full details	

Moving Mums Baby Yoga	Yes		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults		Website to be updated with full details	
Moving Mums Boxing Fit	Yes		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults		Website to be updated with full details	
Moving Mums Baby Yoga	Yes		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults		Website to be updated with full details	
Learn to Run Croxley	Yes		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults		Website to be updated with full details	
Learn to Run Aquadrome	Yes		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults		Website to be updated with full details	
Learn to Run South Oxhey	Yes		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults		Website to be updated with full details	
Junior parkrun (Hire of Grounds)	Yes						Junior parkrun due to start in May.	
South Oxhey parkrun (Hire of Grounds)	No						Due to start no earlier than the 5 June	
Rickmansworth parkrun (Hire of Grounds)	No						Due to start no earlier than the 21 June	
Mill End Youth	Yes		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults		Due to start after May half term in partnership with SLM	
Active Development programme	Yes		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults		Active Parks programme – website to be updated with full details	
Swimming for Stroke	No				✓organised indoor sport – children and adults		Due to commence from June.	
Dance for Parkinson's	No				✓organised indoor sport – children and adults		On hold	
Photography Walks	No				✓organised indoor sport – children and adults		Due to commence over the summer	
Get Set Programme (for adults with a disability)	No		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults		On hold	
Wider work on Eastbury Recreation Ground	No						Subject to Officer resources	

	Sk8 Camps	No		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults		Due to commence over the summer holidays	
	Supervised Skate Sessions	Yes		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults			
	Play Rangers in Schools	No		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults		Due to commence from September 2021	
	Making It Mini	No				✓indoor parent and child groups – up to 15 parents (does not include children)		Due to commence after September as part of the Arts on Prescription programme	
	Schools art projects (Magical Minds, Reach Free Film on youth crime)	No		✓organised outdoor sport – children and adults		✓organised indoor sport – children and adults		On hold until after September.	
	Active Parks	Yes		✓organised outdoor sport – children and adults				Active Parks programme – website to be updated with full details	
	Sheltered Housing Scheme Project	No						This is unknown at this point due to the vulnerability of people in care homes	
	Play with Care (intergenerational project working with schools and care homes)	No						This is unknown at this point due to the vulnerability of people in care homes	
	Eastbury Tennis	Yes		✓organised outdoor sport – children and adults					
	Maple Cross Tennis	Yes		✓organised outdoor sport – children and adults					
	South Oxhey Tennis	Yes		✓organised outdoor sport – children and adults					
Regulatory Services	Licences for taxi vehicles and driver renewals have continued to be processed but no formal badges/plates have been issued since March as they require collection due to their size. Drivers/vehicles are failing to display up to date information on their licenced status and as the	Yes, occurs every Monday	✓	✓	✓	✓ Subject to access to Watersmeet	✓ Subject to access to Watersmeet	To be reviewed per month. Once office is open the process can be done in-house. Current process subject to access being provided to Watersmeet foyer on Mondays.	

	months progress there is concern this raises a public safety concern. To enable collection of badges/plates face to face collection at the Council offices need to re commence. A risk assessment is currently being prepared.								
	Development Management – Duty Planner Service. Operating by phone/virtually. No current proposals to reintroduce face to face service currently.	Yes (virtually)							Continue to operate as a remote service
Trees and Landscapes	Park Ranger nature programme, including walks and talks. Annual Christmas Carol event at Leavesden Country Park – The organisation who holds this event has recently cancelled it.	No							Senior Park Ranger post remains vacant.
Watersmeet	Venue Hire	Yes				✓Reopen with some Covid restrictions and reduced capacity	✓Can operate at full capacity, and intend to continue with enhanced hygiene measures		
	Co-promoted Live Shows Programme	Yes				✓Reopen with some Covid restrictions and reduced capacity	✓Can operate at full capacity, and intend to continue with enhanced hygiene measures		

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POLICY AND RESOURCES COMMITTEE – 14 JUNE 2021

PART I - DELEGATED

10. EXEMPTION FROM PROCUREMENT PROCEDURE RULES – INCOME MANAGEMENT (DoF)

1. Summary

1.1 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.

2. Details

2.1 The Council has a contract for income management (AIM) with Capita and is required as part of that contract to maintain the currency of the version that the Council uses. The Council was on version 12 of the software which was based on a Microsoft platform that was going to be no longer supported. In addition, the version being used would not be compliant with Web Content Accessibility Guidelines.

2.2 As part of the upgrade to a newer version, Capita offered a five year extension to our current contract to ensure that the contract period would cover the period of the upgrade. As a result of the pandemic it was not felt that the Council had the resources to go out to full procurement and was reliant on online payment capability. The contract was under an existing framework and was below the OJEU limit.

3. Options and Reasons for Recommendations

3.1 The Constitution requires that a report is taken to the Policy and Resources Committee on the action taken in the event that an exemption to the procurement process is approved by the Chief Executive or a Director. This exemption is based upon the "Exceptional Circumstances" and "Limited Market" exemption set out in the Contracts Procedures Rules, evidence being that set out above.

4. Policy/Budget Reference and Implications

4.1 The recommendations in this report are set out in Part 4 of the Council's Constitution.

5. Financial

5.1 The annual cost of the contract is

- Annual support and maintenance £14,849
- Licences £11,000

5.2 The cost is within existing budgets.

6. Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

6.1 None specific.

7. Recommendation

7.1 That the Policy and Resources Committee note the action taken.

Report prepared by: Alison Scott – Director of Finance

Data Quality

Data sources: Not applicable

Background Papers

The Council's Constitution: Part 4 – Contracts Procedure Rules

APPENDICES / ATTACHMENTS

None

POLICY AND RESOURCES COMMITTEE – 14 JUNE 2021

PART I - DELEGATED

11. EXEMPTION FROM PROCUREMENT PROCEDURE RULES – DUMPER TRUCK FOR WOODCOCK HILL CEMETERY (DCES)

1. Summary

1.1 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.

2. Details

2.1 An exemption may be considered by the Chief Executive or a Director in exceptional circumstances. This applies in the case of a replacement Dumper Truck for Woodcock Hill Cemetery.

2.2 Once approved, a report to the Policy and Resources Committee must detail the actions taken. This report is for information only to comply with the requirements of the Constitution.

2.3 The exemption was given to purchase a Dumper Truck as the previous one was stolen from the Cemetery and it was reported immediately to the Police and the Council's insurance.

2.4 This vehicle is a 1 Tonne Dumper that is used to remove spoil from the grave side and with a high lift can empty straight into a skip. There is urgency in purchasing this machine due to delaying the opening of the next grave.

2.5 The machine is a specialist piece of equipment with a limited market.

2.6 The quotation was what was expected and was met by the Grounds Maintenance budget

3. Options and Reasons for Recommendations

3.1 The Constitution requires that a report is taken to the Policy and Resources Committee on the action taken in the event that an exemption to the procurement process is approved by the Chief Executive or a Director. This exemption is based upon the "Limited Market" exemption set out in the Contracts Procedures Rules, evidence being that set out at 2.3 to 2.6 above.

4. Policy/Budget Reference and Implications

4.1 The recommendations in this report are set out in Part 4 of the Council's Constitution.

5. Financial

5.1 None specific as purchase was made within existing budgets.

6. Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

6.1 None Specific.

7. Recommendation

7.1 That the Policy and Resources Committee note the action taken.

Report prepared by: Ray Figg – Head of Community Services

Malcolm Clarke – Waste and Environment Manager

Data Quality

Data sources: not applicable

Background Papers

The Council's Constitution: Part 4 – Contracts Procedure Rules

APPENDICES / ATTACHMENTS

None

PART I - NOT DELEGATED

12 SUMMARY OF THE FINANCIAL OUTTURN FOR 2020/21
(DoF)**1 Summary**

1.1 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 rephase those capital budgets that require completion in 2021/22

1.2 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.

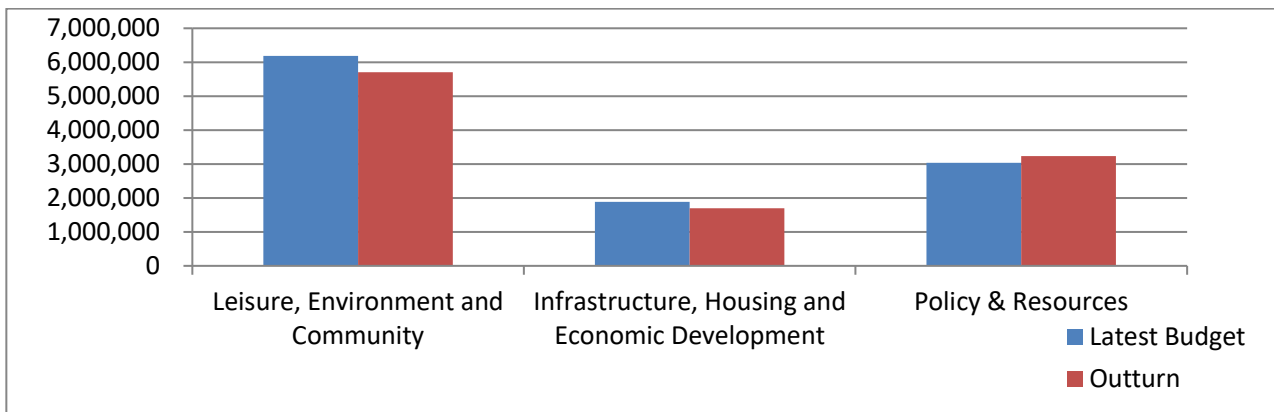
2 Details**Revenue**

2.1 The revised 2020/21 budget as approved by Council on 23 February 2021 was **£13.202 million**. A period 10 (end of January) budget management report was presented to this Committee at its meeting on 8 March 2021, which showed a favourable variance of £0.149 million, making the latest approved budget for 2020/21 of **£13.053 million**, which was approved by Council at its meeting on 25 May 2021.

2.2 The outturn position shows the net cost was **£12.472 million which** represents a favourable variance after carry forwards of **£0.133 million** when compared to the latest budget.

2.3 The table and chart below summarise the variance for each Committee.

Committee	Original Budget	Latest Budget	Outturn	Variance
	£000	£000	£000	£000
Leisure, Environment and Community	4,585	6,185	5,704	(481)
Infrastructure, Housing and Economic Development	1,437	1,888	1,701	(187)
Policy & Resources	4,826	3,032	3,232	200
Net Direct Cost of Service	10,848	11,105	10,637	(468)
Corporate Costs (Interest Earned/ Paid)	1,923	1,948	1,835	(113)
Net Cost of Services	12,771	13,053	12,472	(581)
Carry Forwards Requests				448
(Surplus)/Deficit after Carry Forwards				(133)



2.4 Officers are requesting to carry forward **£0.448 million** to enable projects to be completed in 2021/22. **Appendix 2** details each request if approved this would leave a favourable balance of **£0.133 million** that would be returned to reserves.

2.5 The details of all the variances are shown in **Appendix 1**, significant variances are shown below:

	Variance £000
<i>Increase in Costs</i>	
Adjustment to the pension fund contribution	163
Increased expenditure on investment properties	410
Revs & Bens- Increased spend on consultancy fees for Business rates	47
Legal- Increased expenditure on professional consultants due to ongoing cases	18
Adjustment to cost of borrowing (MRP)	134
Other overspends below £20k	
<i>Additional Income</i>	
Homelessness - B&B rents	(31)
Kerbside Recycling - Increase in recycling	(40)
Cemeteries	(50)
Playing Fields and Open Spaces- Rebate received on utilities	(46)
Waste Management- Transport subsidy	(47)
Interest on investments	(113)
Investment Properties	(49)
<i>Underspends</i>	
Office Services	(70)
Watersmeet	(45)
Grounds Maintenance	(20)
Revenues- cost of collection	(60)
HR- Training	(57)
Waste Management- Diesel and Staffing	(102)
Garden Waste	(35)
Customer Contact Programme	(48)
Asset Management	(71)
Corporate Climate Change	(35)
Parking & Street Enforcement	(48)
ICT- Business Application Maintenance	(176)
Sustainable Travel Schemes	(28)
Development Plans	(31)
Development Management	(42)
Three Rivers House	(54)
Other Variances below £20k	(55)
Service underspends requested as carried forwards to 2021/22 (see Appendix 2)	448
Total Variance	(133)

Capital

- 2.6 The revised 2020/21 budget for the capital programme as approved by Council on 23 February 2021 was **£8.959 million**. A period 10 (end of January) budget management report was presented to this Committee at its meeting on 8 March 2021 which showed a variance of £1.714 million, making the latest approved budget for 2020/21 of **£10.673 million**, which was approved by Council at its meeting on the 25 May 2021.
- 2.7 The actual spend at 31 March 2021 was **£9.157 million** which represents a variance of **(£1.516) million** when compared to the latest approved budget. Officers are requesting to rephase **£1.365 million** to complete projects in 2021/22.

Appendix 3 shows the analysis of the capital programme outturn position by Committee and over the medium term. The table below shows an analysis of the variance.

Reason	£'000
Underspend	(186)
Increased Spend	34
Rephasing	(1,365)
Net Variance	(1,516)

The underspend mainly relates to Disabled Facility Grants, where the full budget allocation was not required.

- 2.8 A full list of those projects requesting rephasing with rationales is at **Appendix 4**. Some of the more significant projects are shown below.

Scheme	£	Reason for rephasing
Property Investment Board	312,360	Budget required to enable the ongoing property strategy due to Covid 19 impacting the investigation of future investment schemes in 2020/21.
Garage Improvements	180,000	Works were delayed due to Covid 19. Project to resume in 2021/22.
ICT	120,416	Budget required in 2021/22 to fund resources to deliver key projects for O365 and cloud migration.
Property Information System	50,000	Implementation delayed due to staff shortages.
Temporary Accommodation Rickmansworth	91,825	Budget required for release of retention monies in 2021/22
Disabled Facility Grants	152,000	To fund DFG commitments which were delayed due to Covid 19.
Play Areas- Future Schemes	58,383	Budget required to complete Rickmansworth wildwood den, Swillet cycle track and Primrose Hill play area projects in 2021/22

- 2.9 **Appendix 5** shows the funding of the programme over the medium term. Capital expenditure totalling £13.859 million is planned for the period 2021/22 to 2023/24 and built into the medium term financial plan.

3 Options/Reasons for Recommendation

- 3.1 The recommendations below enable the Committee to make recommendations to Council concerning their budget.

4 Policy / Budget Reference and Implications

4.1 The recommendations in this report are within the Council's agreed policy but not within agreed budgets. An overall increase requiring the use of the Council's balances must be approved by Council.

5 Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Customer Services Centre, Communications & Website, and Health & Safety Implications

5.1 None specific.

6 Financial Implications

Council Position – Revenue

6.1 The table below summarises the effect on the Council's revenue account for the year.

Council Position 2020/21	Original Budget £000	Latest Budget £000	Outturn £000	Variance £000
Net Cost Of Services	10,848	11,105	10,637	(468)
Corporate costs	1,923	1,948	1,835	(113)
Total Net Cost	12,771	13,053	12,472	(581)
Funding (Council Tax & Business Rates)	(12,334)	(12,334)	(12,334)	(0)
Deficit/ (Surplus) for year	437	719	138	(581)
Carry Forwards Requested				448
Deficit/ (Surplus) for year after carry forward				(133)

Council Position – Capital

6.2 The table below summarises the effect on the Council's capital programme for the year.

Council Position 2020/21	Original Budget £000	Latest Budget £000	Outturn £000	Variance £000
Capital Expenditure	9,623	10,673	9,157	(1,516)

7 Risk Management Implications

7.1 There are no risks to the Council in agreeing the recommendations.

7.2 Key financial risks are shown at **Appendix 6**.

8 Reserves

8.1 The effect of both the revenue and capital variances on each reserve is shown at **Appendix 7**.

9. Recommendation

The Policy and Resources Committee recommend to Council:

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

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

9.3 Approves 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.

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

Report prepared by: Temi Opeyemi - Finance Manager
Report Checked by: Nigel Pollard- Section Head Accountancy

Background Papers

Liberal Democrat budget proposal and recommendations 23 February 2021
Budget Management report Period 10 (January 2021)

APPENDICES

- Appendix 1 Significant Service Variances - Outturn to Latest Budget 2020/21
- Appendix 2 Carry forward requests into 2021/22
- Appendix 3 Capital Programme 2020/21-2023/24
- Appendix 4 List of capital schemes to be rephased to 2021/22
- Appendix 5 Capital Funding 2020/21 – 2023/24
- Appendix 6 Budgetary risks
- Appendix 7 Reserves

Variances by Committee – Outturn to Latest Budget 2020/21

Leisure Environment & Community Services		
	£'000	£'000
<u>Garden Waste</u>		
Underspend on Diesel and IT costs <i>(Carry forward request of £19,700 into 2021/22 see Appendix 2)</i> .	(35)	
<u>Kerbside Recycling</u>		
Increase in income for recycling credits.	(40)	
<u>Cemeteries</u>		
Increased income received from burial fees and burial rights fees.	(50)	
<u>Grounds Maintenance</u>		
Reduced spend on repairs and maintenance. <i>(Carry forward request of £15,300 into 2021/22 see Appendix 2).</i>	(20)	
<u>Waste Management</u>		
Increased income received for transport subsidy from HCC.	(47)	
Underspend on diesel costs <i>(Carry forward request of £5,880 into 2021/22 see Appendix 2.)</i>	(36)	
Staffing Variances	(67)	
<u>Corporate Climate Change</u>		
Delayed implementation of the climate change strategy. <i>(Carry forward request of £34,690 into 2021/22 see Appendix 2).</i>	(35)	
<u>Watersmeet</u>		
Budget underspend on building maintenance and supplies and services due to building being closed to the public and not able to reopen before the end of the financial year.	(45)	
<u>Playing Fields and Open Spaces</u>		
Income rebate received on water and gas rates.	(40)	
Underspend on repairs and maintenance budgets. <i>(Carry forward request of £4,430 into 2021/22 see Appendix 2)</i>	(5)	
<u>Trees & Landscapes</u>		
Underspend on repairs and maintenance.	(15)	
Other variances below £10k	(46)	
<u>Total Leisure Environment and Community Services</u>		(481)
Infrastructure Housing and Economic Development		
	£'000	£'000
<u>Homelessness</u>		
Increased rental income received from Homelessness B&B.	(31)	
<u>Sustainability Travel Schemes</u>		
Delayed implementation of the Walking and Cycling Strategy <i>(Carry forward request of £26,160 into 2021/22 see Appendix 2).</i>	(29)	
<u>Decriminalised Parking</u>		
Budget underspend on machine maintenance costs due to parking enforcement suspension. There is also increased income from Parking charges <i>(Carry forward request of £28,620 into 2021/22 see Appendix 2).</i>	(48)	
<u>Development Management</u>		
Increased income from planning due to a late surge in applications in February and March.	(41)	
Lower legal fees incurred in 2020/21. This is required for on going legal and consultancy fees. <i>(Carry forward request of £13,600 into 2021/22 see Appendix 2).</i>		
Scanning underspend due to other priorities during the pandemic. <i>(A carry forward request of £5,430 has been requested for use of remote app software tablets for site visits. See Appendix 2)</i>		
<u>Development Plans</u>		
Reduced spend on local plan. <i>(A budget carry forward request of £31,855 has been requested to cover the additional costs of the preparation of the local plan (particularly the transport study).</i>	(31)	
Other variances below £10k	(7)	
<u>Total Infrastructure, Housing and Economic Development</u>		(187)

Policy and Resources		
	£'000	£'000
<u>Three Rivers House</u>		
Reduced spend on electricity costs as rebates were received. Further underspends on repairs and maintenance. (A carry forward request of £19,400 has been requested to complete the transformation project in 2021/22)	(54)	
<u>ICT Client</u>		
Budget to fund migration to Cloud not utilised in 2020/21. (A carry forward request of £84,000 has been requested to enable the implementation of this project in 2021/22).	(176)	
Budget to fund the improvement of the Council's website not utilised. (A request of carry the £50,000 budget has been made).		
<u>Pension Contribution</u>		
Adjustment to pension fund contribution as advised by HCC.	163	
<u>Shops and Garages</u>		
Increase in garage rental income.	(19)	
<u>Revenues and Benefits</u>		
Increase in agency costs and professional consultancy fees.	47	
<u>Customer Contact Programme</u>		
Delayed implementation of the customer contact programme. (A carry forward request of £48,950 has been requested to enable the implementation of this project in 2021/22).	(49)	
<u>Insurances</u>		
Reduced expenditure on insurances due to the retendering of the contract.	(27)	
<u>Legal Services</u>		
Higher than budgeted spend on Subscriptions and Professional Fees Consultancy.	19	
<u>Finance</u>		
Increased spend on temporary staffing.	46	
<u>Office Services</u>		
Underspend on Cleaning, Postage, Furniture and Equipment Maintenance as well as Security costs as offices remain closed due to Covid 19.	(70)	
<u>HR</u>		
Reduction in training costs due to Covid 19.	(57)	
<u>Asset Management</u>		
Increase in Property Investment costs. It was anticipated that this would be met from capital resources, however as these are primarily costs associated with revenue activities it has been charged to revenue.	410	
<u>Miscellaneous Income & Expend</u>		
Reduction in bad debt provision.	(45)	
Adjustment to cost of borrowing (MRP). The Minimum Revenue Provision (MRP) is designed to pay off an element of the capital spend which has not already been financed from existing revenue or capital resources. The Council is required to make prudent provision, by way of a charge to the revenue account, this has been approved by the external auditor.	134	
<u>Investment Properties</u>		
Additional income from final reconciliation with Homegroup ex thrive properties and accrued interest.	(49)	
<u>Cost of Collection for Council Tax and NNDR</u>		
Additional reimbursement for cost of collection.	(60)	
<u>Other Variances</u>	(12)	
<u>Total Policy & Resources</u>		200
<u>Total All Committees</u>		(468)
<u>Corporate Costs</u>		
Increase in investment interest		(99)
Reduction in interest payable on borrowing		(14)
<u>Total Corporate Costs</u>		(113)
<u>Carry Forwards Requested</u>		448
Total Variances		(133)

Carry Forward Requests

<i>Service underspends required in 2021/22.</i>			
Committee	Description	Amount	Reason
Leisure, Environment & Community Services	Corporate Climate Change	34,690	Carbon Neutral Scheme Budget not spent in 2020/21 due to late employment of Climate Change Officer due to Covid 19.
	Community Safety	4,920	Residual budget for Legal fees allocated due to Covid 19. This remaining budget required to meet Legal costs for continued effects of ASB due to Covid 19 in 2021/22.
	Playing Fields & Open Spaces	4,430	A Water bowser for watering new trees and shrubs is on order and yet to be delivered, therefore this funding will be required in the new year once delivery is made.
	Waste Management	5,880	4 Collective Vehicle computer units are on order and yet to be delivered, therefore this funding will be required in the new year once delivery is made. Once delivered these require fitting.
	Garden Waste	19,700	Budget to be carried forward for additional bins and collective vehicle computer units for garden waste are on order and awaiting delivery.
Infrastructure, Housing & Economic Development	Development Management	19,030	£13.6k required for expected legal costs and consultant fees plus potential costs applications in relations to appeals in progress. Remaining budget is due to Scanning underspend - The spend was delayed due to other priorities in the pandemic. The budget will to be used for electronic initiatives including remote app software/tablets for site visits.
	Sustainable Travel Schemes	26,160	Walking and Cycling Strategy has been out to procurement and awarded. Any remaining budget is to be used for strategy completion and sustainable transport maintenance as there is no other budget for this in 2021/22.
	Development Plans	31,850	This budget is needed to cover the additional costs of the preparation of the local plan evidence base (particularly the transport study).
	Decriminalised Parking	28,620	There was a reduction in the costs of maintenance for Pay & Display machines. There was also reduced software/connectivity costs this year all due to parking enforcement suspension and more limited use of machines during the pandemic. The carried forward budget of £15.4k will be used for maintenance in the new financial year. There is also the potential for an increased cost as machines not been in heavy use for a prolonged period. Furthermore, £13.2k has been requested to be carried forward to be used to continue to investigate other parking proposals including local workers permit scheme.

Committee	Description	Amount	Reason
Policy & Resources	Asset Management - Property	70,560	£10k budget was created to fund the new property management system which is yet to be procured. £15k budget was allocated to cover a corporate approach to lone worker devices, due to the restrictions around lock down measures this was not progressed and the full extent of staff requirements has not been identified. Devices will be trialled by staff in spring 2021. A budget carry forward has been requested to cover the costs. There is a further request to carry forward £45k Sustainability Consultancy Budget not spent in 2020/21 due to late employment of Climate Change Officer due to Covid 19 which will be used to fund projects in 2021/22.
	Three Rivers House	19,400	Technological requirement for Council meetings have been under review with Government legislation constantly changing. Virtual meetings have been held throughout lockdown however there was consideration being given to holding Hybrid meetings. An announcement was made in March 2021 stating that meeting must take place in person. A small working group is progressing the requirements for this which will include the addition of cameras and streaming. The budget was not spent in year as the detail was not known and kept changing so it was unable to be progressed.
	Ict Client	50,000	Budget for Website Development in 2021/22.
		84,000	Migration was delayed due to COVID activities.
	Customer Contact Programme	48,590	Implementation of the Gov. Delivery project was delayed due to Covid 19.
	Total	447,830	

Capital Programme 2020/21- 2023/24

2020/21 - 2023/24 Capital Programme	2020/21						2021/22			2022/23	2023/24	
Leisure, Environment & Community												
<i>Community Safety & Partnership</i>	Original Budget 2020/21 £	Latest Budget 2020/21 £	Outturn £	Outturn to Forecast Variance £	Of which is to be Rephased £	Over(Under) spend	Latest Budget 2021/22 £	Rephasing from 2020/21 £	Forecast 2021/22 £	Latest Budget 2022/23 £	Latest Budget 2023/24 £	Comments
ASB Casework Management System	18,750	0	0	0	0	0	18,750	0	18,750	0	0	
Capital Grants & Loans	20,000	3,793	162	(3,631)	3,631	0	20,000	3,631	23,631	20,000	20,000	Rephasing required due to Covid19
Community CCTV	6,000	6,000	0	(6,000)	6,000	0	6,000	6,000	12,000	6,000	6,000	Rephasing required to complete scheme in 2021/22
Total	44,750	9,793	162	(9,631)	9,631	0	44,750	9,631	54,381	26,000	26,000	
<i>Leisure</i>	Original Budget 2020/21 £	Latest Budget 2020/21 £	Outturn £	Outturn to Forecast Variance £	Of which is to be Rephased £	Over(Under) spend	Latest Budget 2021/22 £	Rephasing from 2020/21 £	Forecast 2021/22 £	Latest Budget 2022/23 £	Latest Budget 2023/24 £	Comments
Countryside Management	10,000	10,000	10,000	0	0	0	10,000	0	10,000	10,000	10,000	
Heritage & Tourism		0	5,521	5,521	0	5,521	0	0	0			Funded from S106 monies
Aquadrome	21,000	21,000	18,169	(2,831)	2,831	0	21,000	2,831	23,831	22,500	22,500	Rephasing required to complete repairs at the Aquadrome following flooding at the facility
Allotments	5,000	3,000	1,889	(1,111)	0	(1,111)	0	0	0	0	0	All allotments are now on a full repairing lease. Budget not required
Scotsbridge-Chess Habitat	0	0	0	0	0	0	11,390	0	11,390	0	0	
Watersmeet External Roof Access	55,750	55,750	28,497	(27,253)	27,253	0	0	27,253	27,253	0	0	Rephasing required to complete scheme in 2021/22. Delays due to Covid restrictions and due to seeking planning permission.
Watersmeet Stg Light Replace	64,000	112,000	111,997	(3)	0	(3)	0	0	0	0	0	
South Oxhey Leisure Centre	6,000	6,155	4,141	(2,014)	0	(2,014)	0	0	0	0	0	Remaining budget not required
Leisure Facilities Improvement	25,000	10,985	8,939	(2,046)	2,046	0	10,000	2,046	12,046	10,000	0	Rephasing required for the decommissioning of Sir James Altham Pool
Open Space Access Improvements	50,000	123,000	95,494	(27,506)	27,506	0	50,000	27,506	77,506	50,000	50,000	Rephasing required to complete repairs at the Aquadrome following flooding at the facility
Outdoor Fitness Zones	0	0	0	0	0	0	54,400	0	54,400	54,400	27,200	
Improve Play Area-Future Schemes	50,000	58,383	0	(58,383)	58,383	0	158,250	58,383	216,633	100,000	100,000	Rephasing required to complete Rickmansworth widwood den, Swillett cycle track and Primrose Hill play area projects in 2021/22
Aquadrome-Whole Life Costing	10,000	27,354	27,596	242	0	242	10,000	0	10,000	11,000	11,000	
Watersmeet-Whole Life Costing	15,000	23,000	7,201	(15,799)	15,799	0	15,000	15,799	30,799	20,000	20,000	Rephasing required to complete scheme in 2021/22 including potential additional costs incurred by asbestos removal from ground works.
Pavilions-Whole Life Costing	10,000	12,316	1,348	(10,968)	10,968	0	10,000	10,968	20,968	11,000	11,000	Rephasing required due to the investigation of acquiring an alternative sustainable source for the replacement boiler at Scotsbridge
Watersmeet - Hot Water pipework replacement	0	1,898	1,810	(88)	0	(88)	0	0	0	0	0	
The Swillett - Play area Refurbishment	18,880	26,221	12,574	(13,647)	13,647	0	0	13,647	13,647	0	0	Rephasing required to complete final snagging on the scheme in 2021/22
Cassiobridge Play Area Refurbishment	4,030	0	0	0	0	0	0	0	0	0	0	
Total	344,660	491,062	335,176	(155,886)	158,433	2,547	350,040	158,433	508,473	288,900	251,700	

<i>Environmental Services</i>	Original Budget 2020/21 £	Latest Budget 2020/21 £	Outturn £	Outturn to Forecast Variance £	Of which is to be Rephased £	Over(Under) spend	Latest Budget 2021/22 £	Rephasing from 2020/21 £	Forecast 2021/22 £	Latest Budget 2022/23 £	Latest Budget 2023/24 £	Comments
Waste Plant & Equipment	25,000	14,966	15,414	448	0	448	40,030	0	40,030	25,000	25,000	
Waste Services Depot	1,000,000	35,672	10,178	(25,494)	25,494	0	1,300,000	25,494	1,325,494	0	0	Rephasing required to complete scheme in 2021/22
Bulk Domestic Waste	20,000	36,028	35,821	(207)	0	(207)	30,500	0	30,500	40,000	40,000	
Waste & Recycling Vehicles	500,000	164,110	163,477	(633)	0	(633)	0	0	0	1,887,000	400,000	
Street Furnishings	10,000	10,000	10,009	9	0	9	15,000	0	15,000	15,000	15,000	
Paladin Bins	25,000	39,121	25,920	(13,201)	13,201	0	40,000	13,201	53,201	60,000	60,000	Rephasing required due to delay in obtaining bins
Energy Performance Certificate	2,000	5,000	815	(4,185)	4,185	0	2,000	4,185	6,185	2,000	2,000	Rephasing required due to C19 restrictions governing access to buildings
Cemetery-Whole Life Costing	5,000	6,697	6,814	117	0	117	5,000	0	5,000	5,000	5,000	
Replacement Ground Maintenance Vehicles	93,000	390,590	352,132	(38,458)	38,458	0	120,000	38,458	158,458	280,000	180,000	Rephasing required to complete purchase of Digger in 2021/22
Total	1,680,000	702,184	620,580	(81,604)	81,338	(266)	1,552,530	81,338	1,633,868	2,314,000	727,000	
Total Leisure, Environment & Community	2,069,410	1,203,039	955,918	(247,121)	249,402	2,281	1,947,320	249,402	2,196,722	2,628,900	1,004,700	

Infrastructure Housing & Economic Development												
<i>Economic Development</i>	Original Budget 2020/21 £	Latest Budget 2020/21 £	Outturn £	Outturn to Forecast Variance £	Of which is to be Rephased £	Over(Under) spend	Latest Budget 2021/22 £	Rephasing from 2020/21 £	Forecast 2021/22 £	Latest Budget 2022/23 £	Latest Budget 2023/24 £	Comments
Cycle Schemes	25,000	0	0	0	0	0	64,583	0	64,583	25,000	25,000	
Disabled Parking Bays	2,500	1,000	384	(616)	0	(616)	2,500	0	2,500	2,500	2,500	Underspend due to limited number of applications for advisory disabled bays, number of applications driven by resident's demand
Controlled Parking	50,000	33,160	33,296	136	0	136	164,425	0	164,425	50,000	50,000	
Princes Trust-Business Start-up	10,000	10,000	10,000	0	0	0	10,000	0	10,000	10,000	10,000	
Listed Building Grants	5,000	0	0	0	0	0	2,500	0	2,500	2,500	2,500	
South Oxhey Initiative	0	109,223	81,533	(27,690)	27,690	0	0	27,690	27,690	0	0	Rephasing required to complete scheme in 2021/22
Parking Bay & Verge Protection	254,240	0	0	0	0	0	301,473	0	301,473	40,000	40,000	
Highways Enhancement	147,620	3,236	3,269	33	0	33	194,384	0	194,384	50,000	50,000	
Bus Shelters	9,000	32,347	32,347	0	0	0	9,000	0	9,000	9,000	9,000	
Retail Parades	135,780	10,115	3,266	(6,849)	6,849	0	188,000	6,849	194,849	30,000	30,000	Rephasing required for Delta Gain retail refurbishment project is still awaiting landowner consent to proceed, EVCP procurement due early 2021/22)
Carbon Neutral Council	0	4,000	0	(4,000)	4,000	0	0	4,000	4,000	0	0	Rephasing required as implementation was delayed due to Covid19
Rickmansworth Work Hub	39,000	0	0	0	0	0	39,000	0	39,000	0	0	
Car Park Restoration	10,000	10,000	15,830	5,830	0	5,830	10,000	0	10,000	35,000	35,000	Additional works at Ashford Green (South Oxhey) required following inspection
Estates, Paths & Roads	20,000	20,000	11,157	(8,843)	8,843	0	20,000	8,843	28,843	20,000	20,000	Rephasing required to complete scheme at
TRDC Footpaths & Alleyways	20,000	20,850	4,500	(16,350)	16,350	0	40,000	16,350	56,350	25,000	25,000	Chorleywood House Estate in 2021/21
Integration of Firmstep to uniform Licensing applications	0	19,000	0	(19,000)	19,000	0	0	19,000	19,000	0	0	Monies provided as part of a PID but there have been delays in project implementation due to different priorities over the course of the pandemic and resource. However, an additional resource is now in place in the licensing team and the work on electronic forms using Firmstep has started and will be implemented in 21/22. Rephasing required
Total	728,140	272,931	195,582	(77,349)	82,732	5,383	1,045,865	82,732	1,128,597	299,000	299,000	

<i>Housing</i>	Original Budget 2020/21 £	Latest Budget 2020/21 £	Outturn £	Outturn to Forecast Variance £	Of which is to be Rephased £	Over(Under) spend	Latest Budget 2021/22 £	Rephasing from 2020/21 £	Forecast 2021/22 £	Latest Budget 2022/23 £	Latest Budget 2023/24 £	Comments
Disabled Facilities Grant	500,000	474,108	152,960	(321,148)	152,000	(169,148)	500,000	152,000	652,000	586,000	586,000	Some rephasing required as works were delayed due to Covid19
Home Repairs Assistance	10,000	0	0	0	0	0	10,000	0	10,000	10,000	10,000	
Total	510,000	474,108	152,960	(321,148)	152,000	(169,148)	510,000	152,000	662,000	596,000	596,000	
Total Infrastructure Housing & Economic Development	1,238,140	747,039	348,542	(398,497)	234,732	(163,765)	1,555,865	234,732	1,790,597	895,000	895,000	
Policy & Resources												
<i>Resources & Shared Services</i>	Original Budget 2020/21 £	Latest Budget 2020/21 £	Outturn £	Outturn to Forecast Variance £	Of which is to be Rephased £	Over(Under) spend	Latest Budget 2021/22 £	Rephasing from 2020/21 £	Forecast 2021/22 £	Latest Budget 2022/23 £	Latest Budget 2023/24 £	Comments
Professional Fees-Internal	157,590	157,590	157,590	0	0	0	157,590	0	157,590	157,590	157,590	
Election Equipment	6,000	3,000	0	(3,000)	3,000	0	6,000	3,000	9,000	6,000	6,000	Rephasing required for purchase of equipment in 2021/22
Members' IT Equipment	16,260	0	0	0	0	0	46,690	0	46,690	16,260	16,260	
Mod.Gov Com Mgmt System	15,000	15,000	15,000	0	0	0	0	0	0	0	0	
ICT-Managed Project Costs	60,000	0	0	0	0	0	120,000	0	120,000	60,000	60,000	
Shared Services ICT Hardware Replacement	40,000	267,002	146,586	(120,416)	120,416	0	40,000	120,416	160,416	40,000	40,000	Rephasing required to fund resources to deliver key projects for O365, cloud migration
Garage Improvements	355,000	180,000	0	(180,000)	180,000	0	325,000	180,000	505,000	150,000	150,000	Rephasing required as works were delayed due to Covid19
ICT Licence Costs	100,000	99,072	92,917	(6,155)	6,155	0	100,000	6,155	106,155	100,000	100,000	Rephasing required to fund resources to deliver key projects for O365, cloud migration
Customer Contact Programme	0	39,449	17,876	(21,573)	21,573	0	0	21,573	21,573	0	0	Rephasing required to complete scheme in 2021/22
ICT Website Development	0	14,870	0	(14,870)	14,870	0	0	14,870	14,870	0	0	Rephasing required as implementation was delayed due to Covid19
ICT Elections	17,000	21,170	14,469	(6,701)	6,701	0	17,000	6,701	23,701	17,000	17,000	Rephasing required for spend in 2021/22
ICT Hardware Replacement Programme	45,000	27,897	8,656	(19,241)	19,241	0	45,000	19,241	64,241	45,000	45,000	Rephasing required to fund resources to deliver key projects for O365, cloud migration
TRH Whole Life Costing	135,000	56,968	78,943	21,975	0	21,975	250,000	0	250,000	170,000	170,000	Urgent requirement to replace the uninterruptible power supply to the server room, which was originally scheduled for 2021-22.
Basing House-Whole Life Costing	6,000	0	0	0	0	0	30,000	0	30,000	60,000	60,000	
Investment Property Shops	0	11,900	0	(11,900)	0	(11,900)	0	0	0	0	0	Budget not required
Business Application Upgrade	90,000	8,000	8,000	0	0	0	109,500	0	109,500	90,000	90,000	
Three Rivers House Transformation	244,470	6,944	6,159	(785)	785	0	270,000	785	270,785	0	0	Rephasing required to complete scheme in 2021/22 when full plans for TRH are confirmed
Property Information System	50,000	50,000	0	(50,000)	50,000	0	0	50,000	50,000	0	0	Rephasing required as implementation was delayed due to staff shortages
Total	1,337,320	958,862	546,196	(412,666)	422,741	10,075	1,516,780	422,741	1,939,521	911,850	911,850	

<i>Major Projects</i>	Original Budget 2020/21 £	Latest Budget 2020/21 £	Outturn £	Outturn to Forecast Variance £	Of which is to be Rephased £	Over(Under) spend	Latest Budget 2021/22 £	Rephasing from 2020/21 £	Forecast 2021/22 £	Latest Budget 2022/23 £	Latest Budget 2023/24 £	Comments
Leisure Facility - South Oxhey	1,527,943	2,877,391	2,835,741	(41,650)	41,650	0	226,823	41,650	268,473	0	0	Rephasing of retention monies to complete scheme in 2021/22
South Oxhey Initiative	0	1,254,612	1,242,509	(12,103)	12,103	0	0	12,103	12,103	0	0	Rephasing required for contingencies in 2021/22
Property Investment Board	0	312,360	0	(312,360)	312,360	0	0	312,360	312,360	0	0	Rephasing required as C19 impacted on the investigation of future investment schemes in 2020/21.
Temporary Accommodation	1,156,000	1,120,128	1,028,303	(91,825)	91,825	0	0	91,825	91,825	0	0	Rephasing required for release of retention monies 2021/22
Housing Stock Transfer	0	2,200,000	2,200,000	0	0	0	0	0	0	0	0	
Total	4,978,943	7,764,491	7,306,553	(457,938)	457,938	0	226,823	457,938	684,761	0	0	
Total Policy & Resources	6,316,263	8,723,353	7,852,749	(870,604)	880,679	10,075	1,743,603	880,679	2,624,282	911,850	911,850	
Total Capital Programme	9,623,813	10,673,431	9,157,209	(1,516,222)	1,364,813	(151,409)	5,246,788	1,364,813	6,611,601	4,435,750	2,811,550	

Rephasing of capital schemes to 2021/22

Scheme	£	Comment
<u>Services</u>		
Garage Improvements	180,000	Rephasing required as works were delayed due to Covid 19
Disabled Facilities Grant	152,000	Some rephasing required as works were delayed due to Covid 19
Shared Services ICT Hardware Replacement	120,416	Rephasing required to fund resources to deliver key projects for O365, cloud migration
Improve Play Area-Future Schemes	58,383	Rephasing required to complete Rickmansworth wildwood den, Swillet cycle track and Primrose Hill play area projects in 2021/22
Property Information System	50,000	Rephasing required as implementation was delayed due to staff shortages
Replacement Ground Maintenance Vehicles	38,458	Rephasing required to complete purchase of Digger in 2021/22
South Oxhey Initiative	27,690	Rephasing required to complete scheme in 2021/22
Open Space Access Improvements	27,506	Rephasing required to complete repairs at the Aquadrome following flooding at the facility
Watersmeet External Roof Access	27,253	Rephasing required to complete scheme in 2021/22. Delays due to Covid restrictions and due to seeking planning permission.
Waste Services Depot	25,494	Rephasing required to complete scheme in 2021/22
Customer Contact Programme	21,573	Rephasing required to complete scheme in 2021/22
ICT Hardware Replacement Programme	19,241	Rephasing required to fund resources to deliver key projects for O365, cloud migration
Integration of Firmstep to uniform Licensing applications	19,000	Monies provided as part of a PID but there have been delays in project implementation due to different priorities over the course of the pandemic and resource. However, an additional resource is now in place in the licensing team and the work on electronic forms using Firmstep has started and will be implemented in 21/22. Rephasing required
TRDC Footpaths & Alleyways	16,350	Rephasing required to complete scheme at Chorleywood House Estate in 2021/22
Watersmeet-Whole Life Costing	15,799	Rephasing required to complete scheme in 2021/22 including potential additional costs incurred by asbestos removal from ground works.
ICT Website Development	14,870	Rephasing required as implementation was delayed due to Covid 19
The Swillet - Play area Refurbishment	13,647	Rephasing required to complete final snagging on the scheme in 2021/22
Paladin Bins	13,201	Rephasing required due to delay in obtaining bins
Pavilions-Whole Life Costing	10,968	Rephasing required due to the investigation of acquiring an alternative sustainable source for the replacement boiler at Scotsbridge

Scheme	£	Comment
Services		
Estates, Paths & Roads	8,843	Rephasing required to complete scheme at Chorleywood House Estate in 2021/22
Retail Parades	6,849	Rephasing required for Delta Gain retail refurbishment project is still awaiting landowner consent to proceed, EVCP procurement due early 2021/22)
Carbon Neutral Council	4,000	Rephasing required as implementation was delayed due to Covid 19
ICT Elections	6,701	Rephasing required for spend in 2021/22
ICT Licence Costs	6,155	Rephasing required to fund resources to deliver key projects for O365, cloud migration
Community CCTV	6,000	Rephasing required to complete scheme in 2021/22
Energy Performance Certificate	4,185	Rephasing required due to C19 restrictions governing access to buildings
Capital Grants & Loans	3,631	Rephasing required due to Covid 19
Election Equipment	3,000	Rephasing required for purchase of equipment in 2021/22
Aquadrome	2,831	Rephasing required to complete repairs at the Aquadrome following flooding at the facility
Leisure Facilities Improvement	2,046	Rephasing required for the decommissioning of Sir James Altham Pool
Three Rivers House Transformation	785	Rephasing required to complete scheme in 2021/22 when full plans for TRH are confirmed
Sub Total	906,875	
Major Projects	£	Comment
Property Investment Board	312,360	Rephasing required as Covid 19 impacted on the investigation of future investment schemes in 2020/21.
Temporary Accommodation	91,825	Rephasing required for release of retention monies 2021/22
Leisure Facility - South Oxhey	41,650	Rephasing of retention monies to complete scheme in 2021/22
South Oxhey Initiative	12,103	Rephasing required for contingencies in 2021/22
Total	1,364,813	

Capital Funding 2020/21– 2023/24

Capital Programme	2020/21	2020/21	2020/21	2021/22	2022/23	2023/24
	Original Budget	Latest Budget	Outturn	Forecast	Forecast	Forecast
	£	£	£	£	£	£
Balance Brought Forward						
Govt Grants: Disabled Facility Grants	(421,908)	(722,153)	(722,153)	(1,234,457)	(1,234,457)	(1,234,457)
Other Contributions: Other external Sources	0	(92,308)	(92,308)	(92,308)	(92,308)	(92,308)
Section 106 Contributions	(2,637,699)	(581,286)	(581,286)	(581,286)	(581,286)	(71,435)
Capital Receipts Reserve	0	0	0	0	0	0
Future Capital Expenditure Reserve	(2,610,155)	(2,610,166)	(2,610,166)	0	0	0
New Homes Bonus Reserve	(939,748)	(4,930,516)	(4,930,516)	(4,260,019)	37,892	37,892
Borrowing	0	0	0	0	0	0
Total Funding Brought Forward	(6,609,510)	(8,936,429)	(8,936,429)	(6,168,070)	(1,870,159)	(1,360,308)
Generated in the Year						
Govt Grants: Disabled Facility Grants	(500,000)	(586,315)	(665,264)	(500,000)	(500,000)	(500,000)
Other Contributions: Other external Sources	0	0	(8,427)	(20,000)	(20,000)	(20,000)
Section 106 Contributions	0	0	0	0	0	0
Capital Receipts Reserve	(2,500,000)	(1,100,000)	(1,449,033)	(1,100,000)	(1,100,000)	(1,000,000)
Future Capital Expenditure Reserve		0	0	0	0	0
New Homes Bonus Reserve	(110,840)	(110,840)	(310,257)	(95,407)	(95,000)	(95,000)
Borrowing	0	0		0	0	0
Total Generated	(3,110,840)	(1,797,155)	(2,432,981)	(1,715,407)	(1,715,000)	(1,615,000)
Use of Funding						
Govt Grants: Disabled Facility Grants	500,000	500,000	152,960	500,000	500,000	500,000
Other Contributions: Other external Sources	0	92,308	8,427	20,000	20,000	20,000
Section 106 Contributions	1,500,000	0	0	0	509,851	71,435
Capital Receipts Reserve	2,441,370	1,100,000	1,449,033	1,100,000	1,100,000	1,000,000
Future Capital Expenditure Reserve	0	2,610,166	2,610,166	0	0	0
New Homes Bonus Reserve	203,500	2,267,448	980,754	4,393,318	95,000	95,000
Borrowing	0	0	0	329,810	2,210,899	1,125,115
Total Use of Funding	4,644,870	6,569,922	5,201,340	6,343,128	4,435,750	2,811,550
Balance Carried Forward						
Govt Grants: Disabled Facility Grants	(421,908)	(808,468)	(1,234,457)	(1,234,457)	(1,234,457)	(1,234,457)
Other Contributions: Other external Sources	0	0	(92,308)	(92,308)	(92,308)	0
Section 106 Contributions	(1,137,699)	(581,286)	(581,286)	(581,286)	(71,435)	0
Capital Receipts Reserve	(58,630)	0	0	0	0	0
Future Capital Expenditure Reserve	(2,610,155)	0	0	0	0	0
New Homes Bonus Reserve	(847,088)	(2,773,908)	(4,260,019)	37,892	37,892	37,892
Total Funding Carried Forward	(5,075,480)	(4,163,662)	(6,168,070)	(1,870,159)	(1,360,308)	(1,196,565)
South Oxhey Initiative						
Balance Brought Forward	0	0	0	0	0	0
Generated in the Year (Land Receipts)	(6,502,792)	(6,502,792)	(3,177,139)	(9,828,445)	0	0
Use of Funding (Spend)	0	0	0	0	0	0
Borrowing	6,502,792	6,502,792	3,177,139	9,828,445	0	0
Total	0	0	0	0	0	0
South Oxhey Leisure Facility						
Balance Brought Forward	0	0	0	0	0	0
Use of Funding (Spend)	1,527,943	2,983,381	2,835,741	268,473	0	0
Contractor Funded Borrowing	(1,527,943)	(2,983,381)	(2,835,741)	(268,473)	0	0
Total	0	0	0	0	0	0
Property Investment						
Balance Brought Forward	0	0	0	0	0	0
Use of Funding (Spend)	2,295,000	0	0	0	0	0
Borrowing	(2,295,000)	0	0	0	0	0
Total	0	0	0	0	0	0
Total Expenditure Capital Investment Programme	9,623,813	10,673,431	9,157,209	6,611,601	4,435,750	2,811,550

Budgetary Risks

APPENDIX 6

Date risk added to register	Risk ref	Risk owner	Category	Risk description	Comment	Likelihood score (inherent)	Impact score (inherent)	Inherent risk score	Risk controls	Risk control owners	Likelihood score (residual)	Impact score (residual)	Residual risk score	Risk direction	Action plan	Action plan owners	Action plan completion dates
Sep-15	FIN07	Director of Finance	Strategic	The Medium term financial position worsens.	In that the general fund balance falls below the minimum prudent threshold and capital funding is insufficient to meet the capital programme. This appears as item no.8 in the Council's strategic risk register. The financial impact of COVID 19 place a burden on the Councils Revenue account through loss of income and additional expenditure.	4	4	16	Regular budget monitoring reports to committees; Budgetary and Financial Risk Register reviewed and updated as part of the budget monitoring process; Early identification of budgetary pressure when reviewing the medium term financial plan during the budget setting process; Audited Statement of Accounts, including Annual Governance Statement.	Head of Finance	3	2	6	↓	Regular budget monitoring reports to be taken to P&R. Government financial support is crucial to the Council achieving a sustainable budget	Heads of Service/ Head of Finance	On-going
Apr-06	FIN08	Director of Finance	Budgetary	Revenue balances insufficient to meet estimate pay award increases	The Council's 3 year Medium term Financial Strategy includes forecast pay awards for the next three years. Govt have announced a public sector pay freeze.	3	3	9	Maintain reserves to guard against risk. Early identification of new pressures. Budget Monitoring	Head of Finance	2	1	2	↓	Agreed 2020/21 pay award of £2.75% against a budget of 3%	Head of Finance	Sep-20
Apr-06	FIN09	Director of Finance	Budgetary	Revenue balances insufficient to meet other inflationary increases	Other than contractual agreements, budgets have been cash limited where possible. Inflation currently running below assumptions.	1	3	3	Monitor future inflation projections. Actively manage budgets to contain inflation. Maintain reserves .	Service Heads/Head of Finance	1	2	2	↓	Continue to monitor inflation levels	Head of Finance	ongoing
Jan-15	FIN10	Director of Finance	Budgetary	Interest rates resulting in significant variations in estimated interest income	The interest rate has a significant impact on the proceeds from capital receipts that are invested in the money market. The volatility of the global economy continues to place uncertainty on the investment strategy. The PIB strategy has diversified investment income to provide a more certain rate of return.	2	3	6	PIB strategy has diversified interest rate risk to provide income security.	PIB/Head of Finance	3	2	6	→	Monitoring ongoing income levels. Reduced income from short term investments due to lower bank base rate	PIB	ongoing

Apr-06	FIN11	Director of Finance	Budgetary	Inaccurate estimates of fees and charges income	Key income streams reported fortnightly to Corporate Management Team and shown in the latest Budget Monitoring reports. Due to C19 losses of income on parking and Leisure Management fee have been incurred	3	2	6	Budget levels realistically set and closely scrutinised	Service Heads/Head of Finance	2	2	4	→	Fees and Charges are monitored as part of budget monitoring. Govt announced an income guarantee scheme to support Councils of 70% of loss of income on fees & charges due to C19	Service Heads
Apr-06	FIN12	Director of Finance	Budgetary	Revenue balances insufficient to meet loss of partial exemption for VAT	If the council's expenditure on functions for which it receives income that is exempt for VAT purposes exceeds 5% of its total vatable expenditure, then the Council may lose its ability to recover VAT on all of its exempt inputs. This is mitigated by close monitoring of exempt supplies and prudent VAT planning. The Council elects to tax on development schemes.	2	4	8	VAT Planning and opt to tax on schemes. VAT advisers employed.	Head of Finance	1	4	4	→	Partial Exemption Review commissioned. Continue to opt to tax.	Head of Finance
Dec-13	FIN13	Director of Finance	Budgetary	The estimated cost reductions and additional income gains are not achieved	Savings identified and included in the budget will be monitored as part of the budget monitoring process. Property income target of £1m will be achieved once recent acquisitions are completed. See fees and charges above. MTFS agreed for next 3 years.	2	3	6	Service Heads to take responsibility for achieving savings. Budget monitoring to highlight any issues to allow corrective action to be taken.	Service Heads/Head of Finance	2	2	4	→	Budget process to clearly identify savings to be achieved and ensure clarity over responsibility over delivery. Savings to be challenged.	Head of Finance
Apr-06	FIN14	Director of Finance	Budgetary	The Council is faced with potential litigation and other employment related risks	The Council has no outstanding litigation cases.	2	3	6	Council procedures are adhered to	Solicitor to the Council	1	3	3	→	Adherence to council procedures to be monitored and procedures maintained.	Solicitor to the Council

Dec-13	FIN18	Director of Finance	Budgetary	Fluctuations in Business Rates Retention	From April 2020 the system was due to be subject to reset and increase to 75% retention. This has been further postponed to 2022/23.	3	4	12	Membership of the Hertfordshire pool for 2020/21. Maintain reserves against risk.	Head of Finance	3	3	9	↑	Hertfordshire CFOs have commissioned work from LG Futures to assess the impact. SDCT also looking at impact nationally.	Director of Finance	Jul-21
Mar-16	FIN19	Head of Property Services	Budgetary	Failure to deliver the South Oxhey Initiative to desired outcomes and objectives	This is a key project. This appears as item no.7 in the Council's strategic risk register. Phase 1 delivered. Enhanced next phase agreed. Work remains broadly on track.	2	3	6	Project management team appointed to advise Council; Project management processes in place and reviewed regularly; Policy and Resources Committee receive regular reports on progress of project	Head of Property Services	2	2	4	→	Continue to manage project	Head of Property	ongoing
Jul-16	FIN20	Director of Finance	Budgetary	Failure of ICT systems	The Council's integrated Financial Management System (FMS) is held on an ICT platform. If this were to fail then potentially there will be a loss of functionality occurring during any downtime	3	2	6	System migrated to latest version. Payments system updated.	Head of Finance	1	2	2	↓	Monitor reliability	Head of Finance	ongoing
Mar-18	FIN21	Director of Finance	Budgetary	Property Investment	The Council set up a Property Investment Board in 2017 to manage its property portfolio in order to secure additional income of £1 million to support its general fund. Risk moving forward relates to ongoing income.	2	3	6	Portfolio to be actively managed to maintain income levels. Income to be reviewed regularly when MTFS is updated.	Head of Property Services	1	3	3	→	PIB to assume responsibility for ongoing oversight.	Head of Property Services	Continuous
Sep-18	FIN23	Director of Finance	Budgetary	Commercial Investment	The Council is currently exploring other commercial options to improve self sustainability. Currently there is a commercial income target of £1M pa which is being met.	3	2	6	Oversight mechanisms to be put in place to ensure oversight by PIB or similar mechanism. Council to determine approach to risk and level of income dependency within budget.	Head of Finance	2	2	4	→	Monitor new developments	Head of Property Services	Continuous
Nov-19	FIN 24	Director of Finance	Service	Loss of Key Personnel	As the Council becomes more complex in its financial arrangements, key skills become more important. Head of Finance currently interim appointment.	3	4	12	Improve depth of skills and knowledge. Bring in temporary additional resources as necessary.	Head of Finance	2	2	4	↓	Permanent appointment to Head of Finance has been made. Start date 1 August 2021.	Chief Executive/ Director of Finance	May-21

Reserves

Category	Opening Balance 01/04/2020 £	Net Movement in Year £	Closing Balance 31/03/2021 £	Purpose
Revenue Reserves				
General Fund	(5,048,779)	(161,442)	(5,210,221)	Working balance to support the Council's revenue services. £2M is a suggested prudent minimum
Economic Impact (EIR)	(2,103,000)	300,000	(1,803,000)	To support the funding of unexpected/unplanned Council expenditure as a result of fluctuations in the economy.
Building Control	(177,514)	(17,000)	(194,514)	To provide against future losses and/or borrowing against Hertfordshire Building Control Ltd
HB Equalisation	(173,511)	(327,357)	(500,868)	To provide against future deficits on the Housing Benefit account
Total Revenue	(7,502,804)	(205,799)	(7,708,603)	
Capital Reserves				
Capital Receipts	0	0	0	Generated from sale of Council assets
New Homes Bonus	(4,930,516)	670,497	(4,260,019)	Government grant set aside for supporting capital expenditure
Section 106	(581,286)	0	(581,286)	Developers contributions towards facilities
Grants & Contributions	(814,461)	(512,304)	(1,326,765)	Disabled Facility Grants and other contributions
Reserve for Capital expenditure	(2,610,166)	2,610,166	0	Reserve set aside for supporting capital expenditure
Total Capital	(8,936,429)	2,768,359	(6,168,070)	
Other Earmarked Reserves				
Leavesden Hospital Open Space	(769,123)	0	(769,123)	To maintain open space on the ex hospital site
Abbots Langley - Horsefield	(1,165,350)	(1,165)	(1,166,515)	Developers contributions towards maintenance of site
Community Infrastructure Levy (CIL)	(4,173,539)	(1,062,442)	(5,235,981)	Developers contributions towards Infrastructure
Environmental Maintenance Plant	(123,563)	0	(123,563)	Reserve to fund expenditure on plant & machinery
Total Other	(6,231,575)	(1,063,607)	(7,295,182)	
Total All	(22,670,808)	1,498,953	(21,171,855)	

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POLICY AND RESOURCES COMMITTEE – 14 JUNE 2021

PART I - DELEGATED

13. **WORK PROGRAMME** (CED)

1 **Summary**

1.1 To agree the Committee's work programme.

2 **Details**

2.1 Attached, as an appendix to this report, is the Committee's work programme.

2.2 The work programme includes information to Members on the purpose of the item being considered, how the work will be completed, the responsible officer and the outcome expected.

2.3 The work programme is presented for consideration to enable the Committee to make any changes it feels necessary, to review whether reports should remain on the work programme and to provide Members with updated information on future meetings.

3. **Policy/Budget Implications**

3.1 The recommendations in this report are within the Council's agreed policy and budgets.

4. **Financial, Legal, Staffing, Environmental, Community Safety, Customer Services Centre, Website and Risk Management Implications**

4.1 None specific to this report.

5. **Recommendation**

5.1 That the Committee agrees the items included in the work programme.

Report prepared by Sarah Haythorpe, Principal Committee Manager

Background Papers

Policy and Resources Committee Minutes

APPENDICES / ATTACHMENTS

Appendix A - Committee Work Programme

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POLICY AND RESOURCES COMMITTEE - WORK PROGRAMME

No.	Item to be considered	Link to Strategic Plan	Date of Next Meeting	Purpose of the Report	How the work will be done	Responsible Officer	Outcome Expected
1.	Performance Report		Reported via MIB	Performance report update	Written Report	Performance and Projects Manager	Report to note, this will be reported via the Members' Information Bulletin
2.	Member Training		19 July 2021	To receive a report	Written report	Principal Committee Manager	To consider any recommendations
3.	Housing Delivery Test and Action Plan.		19 July 2021	To receive a report	Written report	Senior Planning Officer	To consider the recommendations
4.	Calendar of meetings 2023/24		13 September 2021	To receive a report	Written report	Principal Committee Manager	To recommend the calendar to Council
5.	Draft Corporate Framework and Financial planning 2022-2025		13 September 2021	To receive a report	Written Report	Director of Finance/Head of Community Partnerships	To consider the recommendations
6.	Final version of the Tree Strategy		1 November 2021	To receive the final version of the tree strategy	Written report	Head of Community Services and Principal Landscape Officer	To consider the recommendations

APPENDIX A

No.	Item to be considered	Link to Strategic Plan	Date of Next Meeting	Purpose of the Report	How the work will be done	Responsible Officer	Outcome Expected
7.	Draft Corporate Framework, Draft Service Plans and Growth Bids 2022-2025		6 December 2021			Director of Finance/Head of Community Partnerships	To receive a report
8.	Business Rate Pooling 2022/23		To receive a report	Written Report		DoF	To recommend to Council.
9.	Review of Strategic Risks		To seek approval to enter into a business rates pool with Hertfordshire County Council (HCC) and a number of other districts within the County for 2020/21.	Written Report	Written Report	Emergency Planning and Risks Manager	To consider the recommendations
10.	Financial Planning 2021-2024 to include Fees and charges		24 January 2022	To receive a report	Written Report	DoF and Service Heads	To recommend the budget to Council
11.	Appoint to the Sub-Committees of P&R		June 2022	To receive a report	Written Report	Principal Committee Manager	To consider the recommendations
12.	Budget Outturn report 2020/21		June 2022	To receive a report	Written Report	Head of Finance	To consider the recommendations

APPENDIX A

No.	Item to be considered	Link to Strategic Plan	Date of Next Meeting	Purpose of the Report	How the work will be done	Responsible Officer	Outcome Expected
13.	Community Infrastructure Levy (CIL) once the Government have reviewed CIL		Future meeting	To receive a report	Written report	DCES	To consider any recommendations
14.	Three Rivers Community Interest Company		Future meeting	To receive a report	Written report	Acting Head of Community Partnerships	To consider the recommendations

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