
**POLICY AND RESOURCES COMMITTEE
MINUTES
THREE RIVERS DISTRICT COUNCIL**

At a meeting of the Policy and Resources Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Monday, 29 January 2024 from 7.30 - 8.30 pm

Present: Councillors

Sarah Nelmes (Chair)
Stephen Giles-Medhurst (Vice-Chair) (Economic Development and Planning Policy)
Paul Rainbow (Public Services)
Chris Lloyd (Leisure)
Andrew Scarth (Housing, Public Health and Wellbeing)
Steve Drury (Community Partnerships)
Anne Winters
Oliver Cooper
Philip Hearn
Andrea Fraser
Chris Mitchell

Officers in Attendance:

Alison Scott: Director of Finance
Jason Hagland: Strategic Housing Manager
Stephen Rix: Associate Director, Legal & Democratic Services (Monitoring Officer)
Cameron MacLean: Interim Senior Committee Manager

External in Attendance:

Mr Stephen Swain: Member of the Public

PR25/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Merali (substituted by Councillor Andrea Fraser), and Councillor Keith Martin (substituted by Councillor Ann Winter).

PR26/23 MINUTES

The Committee approved the minutes of the meeting held on held on 4 December 2023 and authorised the Chair to sign them as a correct record subject to the following amendment.

Item PR 21/23: Discretionary Fees and Charges

Paragraph a) on Page 8 of the document pack to be amended to read, as follows:

“In response to increases by central government in statutory Planning Fees, officers would review whether to **increase** fees for submitting a Planning Pre-application”.

PR27/23 NOTICE OF OTHER BUSINESS

There were no Items of Other Business.

PR28/23 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

PR29/23 FINANCIAL PLANNING - REVENUE SERVICES

Alison Scott, Director of Finance, stated that Agenda Items 5, 6 and 7 were for noting, and that the recommendations relating to these reports were set out in Item 8: Financial Planning – Recommendations.

[It was noted that the summary of Item 5 on the agenda front page was a restatement of the first paragraph of the report under the subheading “Summary”; and that the agenda front page summary did not accurately reflect the report’s recommendation which was that the report be noted].

Ms Scott presented the report and, in so doing, noted that the report set out the “Roll Forward” budgets, including Period 8 Monitoring, and that these were for noting and would form the basis of any budget decisions that would be taken to Full Council.

The Recommendation was that the budget report be submitted directly to Full Council.

In the subsequent discussion, the following points were made.

- a) Regarding District Elections under the column headed “Leader”, and the figure of 142,870 under the “Spend to Date” column on page 28 of the report (page 40 of the agenda pack), and the Officer Comment in the end column that the “May 2023 election costs to be recharged”, it was confirmed that the Council had to recharge election costs to other bodies. It was anticipated that, once this had been done, this would bring this item back into budget.
- b) Regarding “Police Commissioner Election” under the column headed “Leader”, also on page 28 of the report, and the Officer Comment: “May 2021 election claim currently with the Cabinet Office” in the end column, it was confirmed that the Council was awaiting a refund from the Cabinet Office in respect of the May 2021 Police Commissioner election, and that officers had communicated with the Cabinet Office about processing this refund.

It was proposed by Councillor Cox, seconded by the Chair, that the Council write to Gagan Mohindra, MP for Southwest Hertfordshire, to request that the Cabinet Office repay the Council any monies owed in respect of the May 2021 Police Commissioner election.

The Chair then put the proposal to a vote, the results of which were, as follows:

For:	9
Against:	3
Abstentions:	0

- c) It was noted that, regarding the 2023/24 budget forecast position, that the forecast outturn was less than had previously been reported to the Committee.
- d) The Council had signed up to UK 100 indicating that the Council wished to be one of the best Districts for meeting Net Zero before central government’s target of 2050, that is, by meeting Net Zero by 2045. However, at the current rate of progress, it was stated that the Council was not going to meet that target. Therefore, it was proposed that there be an amendment to the budget and that £50,000 be kept in the Council’s reserve funds to be allocated to the Council’s Climate Change and Sustainability Team’s Project fund.

It was further proposed that this funding could be used to seek additional funds, including turning pilot schemes into permanent schemes, such as the “Fast Followers”

pilot scheme; for action on some of the less expensive items in the Council's Sustainability Strategy; and to pay for expertise when this might be required, including training staff.

The Chair confirmed to Councillor Mitchell, who had proposed the amendment to the budget, that he would not be disappointed with regard to his request for additional funding for the Council's Climate Change and Sustainability Team's Project fund.

- e) Regarding the possible reduction in election costs that could be achieved by reducing the frequency of elections, and the cost of by-elections in the Chorleywood South ward over the last year, it was confirmed that officers would provide this information.
- f) Referring to the main items that contributed to the net favourable services variation of £0.114 million (Paragraph 2.4 on Page 4 of the report: Page 16 of the agenda pack), it was noted that the reduction in pension deficit following the [triennial] valuation was not within the Council's control. Therefore, the Council's overspend could have been greater than the last forecast, with a corresponding impact on the Council's policies, but for the reduction in the pension deficit,

It was stated that, when considering the Table at Paragraph 2.4, it was necessary to refer to the supplementary estimates and variances, that is, the variance compared to the original budget, plus carry forwards. It was noted, with regard to the variances, that the pay award, which was over what was in the budget, had been a significant factor.

Referring to the positive variances because of interest that had been earned, as set out in Appendix 2 of the report, and market expectations that next year there would be a fall in interest rates, assumptions by officers about next year's budget were based on market forecasts indicating that interest rates would not drop until later in the year. Therefore, there would be some additional income from interest earned and the saving in Employer's Contribution because of the actuarial valuation.

At this stage of the proceedings, the Chair stated that a request had been received from a Member of the Public, Mr Steven Swain, to address the Committee on this item. Specifically, Mr Swain wished to address the Committee on funding for the Council's Climate Change and Sustainability Strategy.

The Chair informed Mr Swain that he had three minutes in which to make his presentation.

Presentation by Mr Steven Swain

Mr Swain stated that he had prepared a presentation on the Council's Climate Change Strategy and that he was encouraged to hear [in response to a proposal that there be an amendment to the Council's budget, as set out in the report before the Committee] that the Council was going to make additional funding available to support the Council's Climate Change Strategy ("the strategy").

Mr Swain stated that he wanted to highlight how little the Council spent on its Climate Change Strategy, which he estimated was less than 0.5% of the Council's revenue budget. Therefore, the suggestion that the Council would provide an additional £50,000 would double that figure but that it was still a small amount as the Council's strategy would cost millions to implement.

The last Climate Change Action Plan that the Council had adopted had 134 action points to be completed by the end of 2023. 57 of these action points had not been completed, which was a serious underperformance by the Council. He proposed that if the Climate Change and Sustainability Team only had an additional £50,000 in which to carry out its work, this was not enough to allow implementation of the Council's strategy.

Mr Swain stated there was an organisation called Climate Emergency UK which rated all local councils and in 2023, only three of the 10 District Councils in Hertfordshire rated worse than Three Rivers District Council.

Regarding government's intention to provide an additional £600 million funding for local Councils, Mr Swain proposed that using government money to pump prime the Council's Sustainability Team would be a good and cost-efficient use of that funding. This would place the Council in a better position to access external funding, thereby allowing the Council to improve its Climate Change Strategy implementation record.

The Chair thanked Mr Swain for his presentation and confirmed that sustainability was at the core of every officer report.

In conclusion, the Chair proposed that the Committee note the report.

RESOLVED: That the Committee –

1. Instruct officers write to Gagan Mohindra, MP for Southwest Hertfordshire, to request that the Cabinet Office repay the Council any monies owed in respect of the May 2021 Police Commissioner election; and
2. Note the report of the Director of Finance.

PR30/23 FINANCIAL PLANNING - CAPITAL STRATEGY AND THE TREASURY MANAGEMENT POLICY

The Committee considered a report by the Director of Finance on Financial Planning and the Council's Capital Strategy and Treasury Management policy.

Alison Scott, Director of Finance, presented the report.

In the subsequent discussion, the following points were made.

- a) Referring to Paragraph 2.10 on Page 46 of the agenda pack, under the heading "Capital Investment Programme – Expenditure", Bullet Point 2: Community CCTV – full budget not required this year (£0.005 million), it was proposed that, notwithstanding the revenue consequences, the Council should be spending that budget in full, particularly given the need for CCTV in the District Ward of Chorleywood North and Sarratt.

The Chair noted that, as part of the Council's partnership working, it was the Police who made recommendations to the Council regarding the location of CCTV.

It was confirmed by the Lead Member for Community Partnerships that no request had been received for CCTV to be installed in Chestnut Avenue in the District Ward of Chorleywood North and Sarratt.

- b) In response to a suggestion that Three Rivers District Council (TRDC) had approached Parish Councils regarding funding for existing CCTV cameras, and that it was incumbent upon the Council to have its own CCTV budget, the Chair stated that she was not aware of Three Rivers District Council (TRDC) having approached any Parish Councils in relation to funding for CCTV.

The Lead Member for Community Partnerships confirmed that there had been no approach by TRDC to any of the Parish Councils in relation to funding for the maintenance and upkeep of the six CCTV cameras within the District.

The Chair confirmed that she would make further enquiries to establish whether TRDC had approached any Parish Councils in this regard.

The Director of Finance confirmed that any underspend on CCTV cameras would be rolled over into the following financial year.

- c) Regarding Paragraph 4.7 of the report and the reference to the Operational Boundary being the limit beyond which external borrowing was not normally expected to exceed, it was confirmed that this was money that went into joint housing ventures and, therefore, repayments came from the joint ventures which had borrowed the money.

Because of the extra £350,000 expected on investment interest and £44,191 on pre-emption sites (see Item 5: Pages 16 & 29 of the report; Pages 28 & 41 of the agenda pack), the Council was looking to increase its borrowing, the repayment of which would be matched by payments received from the joint venture companies and Watford Community Homes.

[Alison Scott, Director of Finance, provided a detailed explanation on the Council's borrowing, stating that the Council had adopted a prudent approach to borrowing; that the liability benchmark was of less relevance for Three Rivers District Council (TRDC) given that TRDC had borrowed very little money and had only one loan; and that the Council was required by regulations to include the benchmark in its Treasury Management Strategy].

RESOLVED: That the report be noted.

PR31/23 COUNCIL TAX SUPPORT SCHEME 2020/25

The Committee considered a report by the Director of Finance on the Council's Council Tax Support Scheme 2024/25.

Alison Scott, Director of Finance, presented the report.

In the subsequent discussion, the following points were made.

- a) It was proposed that the current number of Council Tax Bands could be increased from 4 to possibly 6 or 8 Council Tax Bands, as had been done by other local authorities, thereby avoiding "cliff edges" in the form of significantly increased Council Tax for largely part-time workers taking on extra work resulting in them coming within a higher Council Tax Band. Also, it was proposed that the possibility of coming within a higher tax bracket and possibly being worse off financially because of working longer hours could be a disincentive for many people to increase their earnings.

It was noted that it was necessary to find a balance between the number of Council Tax Bands and the number of changes that people experienced because of their tax band changing. There was still a 100% rebate for those persons on the lowest incomes and that analysis undertaken by Council officers had shown that having four Council Tax Bands minimised any disruption that might be caused and minimised issues of financial planning. It was proposed that most people would gain from the proposed scheme. In addition, funding had been made for cases of exceptional hardship.

- b) It was stated that the removal of the "Income Floor", included in the previous Council Tax Support scheme, had caused hardship for some individuals, and that its omission from the proposed scheme was to be welcomed.

- c) It was noted that Citizens Advice had welcomed the simplified scheme.

RESOLVED: That the Committee recommend to Full Council that it approve:

1. The implementation of a revised Council Tax Reduction Scheme (CTRS);
2. That the CTRS allow the introduction of a new income banded/grid scheme for working age applicants; and
3. That the CTRS take effect from 1 April 2024.

PR32/23 FINANCIAL PLANNING - RECOMMENDATIONS

The Committee considered a report by the Director of Finance setting out Financial Planning Recommendations based on the previous three reports on the agenda which had been considered by the Committee.

The Chair proposed that, given the discussion on the previous items, that the Committee note the report.

NOTED

PR33/23 HOUSING, HOMELESSNESS AND ROUGH SLEEPING STRATEGY 2023-2028 - FINAL DRAFT

The Committee considered a report by Jason Hagland, the Strategic Housing Manager, reviewing the Council's Housing, Homelessness and Rough Sleeping Strategy 2017-2022; and a final draft of the Council's proposed Housing, Homelessness and Rough Sleeping Strategy 2023-2028.

Mr Hagland presented the report.

In the discussion that followed, the following points were raised.

- a) It was confirmed that there was an annual review of the Council's Housing, Homelessness and Rough Sleeping Strategy ("the strategy") and it was proposed that the Policy and Resources Committee delegate the annual review to the General Public Services and Economic Development (GPS&ED) Committee.
- b) It was disappointing to note that the public consultation had only elicited 13 responses including at least one from a Member of the Committee.

In response, it was observed that, historically, the Council's Housing consultations and surveys only ever received a low number of responses. For those Members of the Committee who were interested in knowing who responded to the consultation, officers could arrange a meeting with Members of the Committee to go review the responses to the consultation.

- c) Regarding comments made at –
 - i. The 13 November 2023 meeting of the Policy and Resources (P&R) Committee about housing provision for Armed Forces families; and
 - ii. At the GPS&ED Committee on 16 January 2024 about the Armed Forces Covenant, which had been incorporated in this updated report,

Members expressed their appreciation to Mr Hagland for addressing the points raised by Members, and for the very quick turnaround in updating the report in response to these comments in time for consideration at this evening's meeting of the Committee.

RESOLVED: That the Committee –

1. Approve the Housing, Homelessness and Rough Sleeping Strategy 2023-2028; and
2. Agree to delegate the annual review of the Action Plan to the General Public Services and Economic Development Committee.

PR34/23 PROPOSED AMENDMENT TO THE CONSTITUTION ON STANDARDS PROCEDURE

The Committee considered a report by the Associate Director, Legal and Democratic Services, recommending that the Council revise its current Member Complaints Procedure to bring it in line with good practice as recommended by the Local Government Association (LGA).

Stephen Rix, Associate Director, Legal and Democratic Services, presented the report.

It was confirmed that the proposed scheme was in line with LGA good practice which included the option for informal resolution of complaints but not by Political Party Group Leaders.

RESOLVED: That the Committee recommend to Full Council –

1. The adoption of the draft Standards Procedure at Annex 1 [of the report]; and,
2. The revisions to Part 2, Article 9 of the [Council's] Constitution at Annex 2 [of the report].

PR35/23 PROPOSED AMENDMENT TO THE CONSTITUTION ON RECORDING OF PRIVATE MEETINGS

The Committee considered a report by the Associate Director, Legal and Democratic Services, recommending that a provision be added to the Council's –

1. Protocol on Member/Officer Relations; and
2. The Member Code of Conduct, prohibiting the audio and/or visual recording of private meetings (including private video and telephone calls) unless the prior consent of those attending had been obtained.

Stephen Rix, Associate Director, Legal and Democratic Services, presented the report.

In the subsequent discussion, the following points were raised.

- a) A Member noted that the previous report on the agenda (Item 10: Proposed Amendment to The Constitution on Standards Procedure) had recommended that the Council adopt the Local Government Association (LGA) Code of Practice on Standards, while the present report recommended that the Council, which had adopted the LGA Model Code of Conduct ("the LGA model"), move away from the LGA model.
- b) Regarding compliance with existing statutory requirements, it was submitted by a Member that elected councillors were not public authorities for the purposes of the Human Rights Act, Freedom of Information Act, and General Data Protection Regulations (GDPR) and, therefore, the present proposals went beyond the requirements of these statutory provisions, binding councillors in a way not provided for in the statutory framework.

It was noted that not all of the statutory requirements apply to individual Members. The main provisions that would apply to Members would be in relation to data protection and the protection of Confidential Information.

- c) Regarding recordings that may be made in compliance with statutory requirements, for example, handwritten verbatim notes which were for personal use and, therefore, exempt from GDPR as the person taking the notes would remain the Data Controller, it was noted that there was a distinction between handwritten notes and an audio and/or other type of video/electronic recording. Accordingly, it was these types of recordings that were given greater protection by Data Protection provisions.
- d) A Member submitted that under the Communications Act 2003 there were specific restrictions on the recording of phone calls and other types of communication such as Microsoft Teams meetings. Therefore, prohibiting the recording of "other" conversations for personal use, was problematic.
- e) It was noted that, if all the parties to a conversation gave their permission for a conversation to be recorded, then it would be permissible to record that conversation.

In response to a proposal by the Chair that the Committee move to consider the recommendations set out in the report, Councillor Cooper, seconded by Councillor Hearn, proposed the following amendment to the recommendations:

“That recordings solely for personal use which were in accordance with Data Protection Act and case law, be exempt from the proposed provisions [prohibiting the audio and/or visual recording of private meetings]”.

On a vote on the proposed amendment to the recommendations set out in the report, the vote was, as follows.

For: 3
Against: 9
Abstentions: 0

The Chair, seconded by Councillor Scarth, moved that the Committee approve the recommendations as set out in the report. The result of the vote was, as follows.

For: 9
Against: 3
Abstentions: 0

RESOLVED: That the Committee recommend to Full Council –

- i) The adoption of the additional wording to the Protocol on Member/Officer Relations detailed at Annex 1.
- ii) The adoption of the additional wording to the Member Code of Conduct detailed at Annex 2

PR36/23 WORK PROGRAMME

The Committee considered a report by the Interim Senior Committee Manager recommending that the Committee agree the items included in the Committee’s Work Programme, which was attached, in draft document form, as an appendix to the report.

In the discussion regarding the Committee’s Work Programme, the following points were made.

- a) It was noted that the Work Programme [which had last been presented to the Committee at its meeting on 11 September 2023] was significantly out of date.
- b) It was further noted that comments had been made at the General Public Services and Economic Development (GPS&ED) Committee meeting on 16 January 2024 that Budget Monitoring reports were so late in being presented to the Service Committees, that there was little point in discussing a report. Accordingly, consideration should be given as to how these reports might be presented in a timelier fashion.

It was noted that a contributing factor to the late presentation of these reports was the summer recess when no meetings took place. However, it would be possible to make the budget monitoring reports available to Members significantly ahead of the next scheduled meeting of the relevant Committee.

It was noted that the sequence in which budget monitoring reports were submitted to the relevant Council committees was important in that reports should go, first, to the Service Committees, then to the Policy and Resources Committee, before finally going to Full Council for approval. This would allow proper scrutiny of the budget monitoring reports and any proposed virements.

RESOLVED: To agree the items listed in the Work Programme.

