
POLICY AND RESOURCES COMMITTEE**MINUTES**

of a meeting held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Monday
13 March 2023 from 7.30pm to 8.34pm.

Councillors present:

Sarah Nelmes (Chair)	Stephen Giles-Medhurst (Infrastructure and Planning Policy) (Vice Chair)
Stephen Cox	Paul Rainbow (Economic Development and Transport)
Philip Hearn	Reena Ranger OBE
Keith Martin (Resources and Shared Services)	Ciaran Reed
Chris Lloyd (Leisure)	Andrew Scarth (Housing)
Debbie Morris (for Cllr Abbas Merali)	Roger Seabourne (Community Safety and Partnerships)
	Phil Williams (Environmental Services, Climate Change and Sustainability)

Officers Present: Joanne Wagstaffe, Chief Executive
Alison Scott, Director of Finance
Kimberley Grout, Executive Head of Service
Kimberley Rowley, Head of Regulatory Services
Justin Wingfield, Head of Property and Major Projects
Hannah Doney, Head of Finance
Jess Hodges, Community Biodiversity Officer
Sarah Haythorpe, Principal Committee Manager

Other Councillors present: Councillor Chris Mitchell

PR98/22 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Abbas Merali with the substitute member being Councillor Debbie Morris.

PR99/22 MINUTES

The minutes of the Policy and Resources Committee meeting held on 23 January 2023 were confirmed as a correct record and were signed by the Chair.

PR100/22 NOTICE OF OTHER BUSINESS

The Chair had ruled that the following item of business, which had not been available 5 clear working days before the meeting was of sufficient urgency to be considered by the Committee for the following reason:

Item 7 – so that the appointments can be noted and the relevant records updated accordingly.

PR101/22 DECLARATION OF INTERESTS

None received.

POLICY

PR102/22 COMMUNITY INFRASTRUCTURE LEVY (CIL) - GOVERNANCE ARRANGEMENTS

This report required Member approval of an amended CIL Governance process and proposed a governance structure which will be the principal means by which CIL monies would be spent on the infrastructure necessary to support new development.

The protocols proposed would ensure that CIL was managed in an open and transparent way and in accordance with the Community Infrastructure Regulations (2010) (Regulations).

The Head of Regulatory Services advised that there had been some interim arrangements in place but there had been a number of comments raised on how we prioritise spending. Members would be aware of the applications which had come forward to the Committee since the interim arrangements had been in place. The proposed changes to the governance arrangements would enable officers to ensure that the applications received were assessed against the regulations, see whether they are strategic infrastructure and if they are, do they meet Council priorities. The report provided details on the scoring criteria and how it would be used, with the applications having to meet a certain level on the scoring criteria before they can be taken forward. The initial assessment of the applications would be undertaken by an officer working group and then reviewed by an officer/member moderation group before coming through the Committee process. When details come before Members we will ensure that all details are provided on what applications officers have considered. There will be two opportunities to submit applications each year within a 6 week period with the process to go through the Committee cycle taking between 5-6 months. The report to the Committee will provide details on any formal applications received and what has happened to the applications.

Members were happy to see the changes come forward and felt the proposed new governance arrangements were quite easy to understand.

Concern was raised on how we had weighted different areas in terms of points that were allocated in the scoring criteria and wondered if there was an opportunity to review the amount of emphasis we had put on different areas.

When looking at the different funding pots the unparished area could be disadvantaged but may have a greater need for accessing the funding. What happens to areas which are not in the Local Plan and which had changed in character through permitted development? Should we not be looking at projects which would not benefit from any other funding but are important to Three Rivers.

In response the Head of Regulatory Services advised that the Local Plan had to hold the key weighting. The Local Plan and the Infrastructure Funding list is what all CIL infrastructure spend should be based on. Details will change to make reference to the evolving Local Plan as soon as we reach that stage. How development links to the Local Plan and the link to the Infrastructure Delivery Statement has to be key in any decision we make about CIL. The key element of CIL is that it is strategically based on the Local Plan. Officers have looked

through the scoring based on the priorities we have but we may need to test this approach based on what comes forward. In terms of parished and unparished areas applications would be looked at on whether they are strategic infrastructure. From an officers view it does not matter where it is it is just whether there is a need for it or who it serves but does not see unparished benefiting over other areas.

The Lead Member advised that the CIL Regulations from 2010 is what we have to adhere to if want to apply for funding along with the Planning Acts from 2008. When you look at the scoring matrix provided, particularly the scoring on community support which provides the highest rating, it is an overriding factor and one which would perhaps direct the funding to areas where there is a demand for public open space to improve or improvements to leisure facilities.

Councillor Stephen Giles-Medhurst moved the recommendations, seconded by Councillor Chris Lloyd. The seconder advised that the funding pot had been allowed to build up but they would not wish to see all the funding spent at the first meeting as this could impact on future years.

A Member said the new arrangements brought forward a new officer working group and then to a member/officer group but details would go through the democratic process being reported to both P&R Committee and Council with the opportunity for Members to view all the bids and see the scoring. They felt the Committee should go with the new arrangements and that they could then be reviewed after the first round of bids.

It was key that applicants get support in submitting their application for funding and details on the evidence they need to provide with their bid.

The Head of Regulatory Services said Officers are working on the guidance notes which would clearly demonstrate what was required for each question, what they need to submit and where they need to look for support. The unparished funds have a smaller pot of money and the parishes have their own funds. The process for receiving funding from the unparished funds would be agreed with the Ward Councillors. Current CIL applications would be assessed under the existing rules as the new arrangements would not open until the beginning of June.

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

RECOMMEND:

That the Committee recommend to approve:

- (i) the draft CIL Governance arrangements as set out in paragraphs 5.3 to 6.2 of this report
- (ii) final details on the implementation of the amended Governance arrangements are delegated to the DCES in consultation with the Lead Member with an anticipated commencement date of June 2023.

PR103/22 THREE RIVERS NATURE RECOVERY STRATEGY

The purpose of this report was to summarise the content and implications of the Three Rivers Nature Recovery Strategy, and recommend that the final version of the Strategy is adopted by Three Rivers District Council.

Appendix A details the Three Rivers Nature Recovery Strategy
The Chair thanked officers for all their hard work on the creation of the strategy.

The Community Biodiversity officer reported that in November 2022 the draft Three Rivers Nature Recovery Strategy was approved for public consultation with the expectation to return back to the Committees in March. This strategy is a new document for the Council addressing the authorities approach to nature conservation, habitats management and enhancements. It was important to make clear that the Three Rivers Nature Recovery Strategy was not intended to be one of the Local Nature Recovery Strategies; or to address Biodiversity Net Gain (BNG), as outlined in the Environment Act 2021 (Part 6, section 98-106).

The public consultation took place between 12 December 2022 and 22 January 2023 with 43 responses received. The topics most commonly raised were planning, queries on the action plan and comments on habitats. Following the consultation amendments to the strategy were made to reflect the comments made and a new section on Biodiveristy and Climate Change was included along with edits to existing actions and additional new actions. The action plan contains high level actions to be delivered between 2023 and 2028. It is anticipated that the majority of the development work would be carried out by the existing Trees and Landscapes section. Parts of the strategy will be dependent on external funding.

With regard to who the responses were received from the Community Biodiversity Officer advised they were from members of the public and bodies such as Colne Valley Regional Park and Herts and Middlesex Trust

A Member asked about woodlands and hedgerows and how they could be linked into the strategy. The Community Biodiversity Officer advised that when we think about habitats we are not able to think about them as a District we have to think about them as nationwide and worldwide. Anything we do to improve a habitat or create a habitat would have a wider impact and does not end at our District lines which is particularly relevant to rivers. On hedgerows we will be taking into consideration the cultural and historical impacts.

Councillor Phil Williams moved the recommendations, seconded by Councillor Sarah Nelmes. It was nice to see all the comments received back and congratulated officers on all their work.

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

RESOLVED:

Approved the final strategy as outlined in Appendix A.

PR104/22 APPOINTMENTS TO THREE RIVERS COMPANIES

The purpose of the report was to note the appointment of replacement officers onto the Council companies, Three Rivers Commercial Services Ltd, Three Rivers Homes LLP and Three Rivers Homes Ltd, with the upcoming retirement of the Director of Community & Environmental Services (DCES).

On being put to the Committee the recommendation was noted.

RESOLVED:

That the appointment to the following roles are noted.

1. Appoint the Chief Executive as a Director of Three Rivers Homes Limited.

2. Appoint the Executive Head of Services as a Director of Three Rivers Developments LLP and Three Rivers Commercial Services.

PR105/22 TO RECEIVE THE RECOMMENDATIONS FROM THE CONSTITUTION SUB-COMMITTEE MEETING HELD ON 7 MARCH 2023

The Committee received the sub-committee recommendations on minute writing standards.

Councillor Stephen Giles-Medhurst moved the recommendations on the minute writing standards with some minor amendments made by the sub-committee at their meeting on 7 March, seconded by Councillor Ciaran Reed.

RECOMMEND:

That the minute writing standards be recommended to Council.

PR106/22 DEBTS TO BE WRITTEN OFF

This item had been withdrawn. Details would be provided in the budget outturn report in June.

PR107/22 BUDGET MONITORING REPORT TO 31 JANUARY 2023

The budget monitoring report is a key tool in scrutinising the Council's financial performance and 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 within its resource limits and, where necessary, corrective action is taken. A key principle of budgetary control is to align the budget holders' financial responsibilities and their management responsibilities.

This report shows the expected financial position over the three year medium term based on the Council's actual financial performance at the end of period ten (31 January 2023) set against the latest budget.

Councillor Keith Martin moved the recommendations as set out in the report. They referred to section 1.3 of the report and the details on the variances.

The Head of Finance reported that we had been receiving some additional income from our kerbside recycling this had turned into a cost in the latter part of the year. This figure may change again before we get to year end. On Development Management we had seen additional planning applications fees come in towards the end of the year. On salary realignment, during the year we had reported on vacancies across the organisation structure. This was the latest forecast that taking into account the use of agency staff, the savings for the vacancies and the impact of the pay award. Section 1.4 of the report set out the capital position with there being some variations with most moving into next year. For IT there had been some realignment between different budget lines. There is also a £160,000 reduction to the budget around highways enhancement where more work is required. If the project was able to move forward a business case would come back in the future. With the forecast underspend at year end it does improve the general position on general balances therefore placing us in a good position moving into the 2023/24 financial year.

On garages the void rate was 15% void does this mean they are vacant as they thought there was a waiting list for garages – could we be provided with details of where the vacancies are. Could clarification be provided on garden waste?

The Head of Finance advised that the new fees for garden waste were agreed at the December Council meeting however there would have been very few people, possibly none, subscribing to the service at this point in the year so it would be around the volume at this point.

Under Council Procedure Rule 35(b) a member of the public spoke on this item.

In response to the member of the public, a Member advised that there had been discussion with Herts County Council (HCC) on the matter of EV charging and there was due to be a Leaders' meeting shortly to agree the countywide strategy. This would provide the opportunity for a holistic contract opportunity for all Herts Councils to bid into which would potentially release our need to use any CIL funding. The advice from officers is that we delay our process while those arrangements are in place. The CIL bid would only have provided a limited number of charging points in our key car parks but we want more than that. The funding was only available through the upper tier authority and not via the District.

The Head of Regulatory Services advised that the project which was identified 4-5 years ago was very much aimed at visitors and businesses on the back of retail refurbishment. Then CIL became available and until last year we had not been spending CIL. The EV charging initially came from two pilot car park schemes with up to six which now could be delivered through CIL. A large amount of the funding available from the Government had been for on-street proposals which you could only take advantage of for off-street car parks if you could prove there was a demand to be met for on-street users. For example, if you were in a town or an area where a number of properties did not have on street parking but could access the off street parking facilities. There had been other recent funding announced, the LEVI fund, but this is going to HCC who are working out how they are going to support LAs in delivering that. We are not able to competitively bid for that funding. Over the last couple of years and with Covid other projects had taken priority but we have now re-identified where we are with electric vehicle charging. Our original project has got the potential to expand and this is what we have been talking to Lead Members about and the County around delivering something on a larger scale across much more of our estate. Officers continue to explore other funding pots but there is currently nothing available solely for off-street parking. We will check again and talk to Dacorum BC but we have spoken to a number of LAs who have had access to pots of money in the past but there is nothing else currently available apart from the LEVI fund.

A Member referred to the High Elms Lane project and the sole reason for the removal from the budget was because if we allocate it in the budget we would have to allocate the borrowing requirements for the capital. Officers are still working on the project but there are difficulties both with the landowner agreements and HCCs difficulties in agreeing the designs. Officers are able to progress the yellow lines but once the landowner agreements are agreed and the designs we will be able to put forward a further budget bid. They felt it would be worthwhile to have a more detailed explanation as to why the other variances had only just occurred at this late stage particularly on salaries. On kerbside recycling it refers to our costs with regard to the market conditions in relation to the dry recycling but sought clarification on the £60,000.

The Head of Finance said in terms of the £60,000 this was dependent on the commodity prices. Sometimes we are able to receive income for our recycling but sometimes we have to pay for it to be disposed. Up until around December we were able to receive an income but that tipped over in January to a payment. The £60,000 was an estimate on what we need to spend which would offset the previous gains we made on income. It is very difficult to forecast but we are looking at ways to forecast this although it is a problem across the whole of

Hertfordshire Waste Partnership as it does not follow a particular pattern each year. In terms of the salary realignment it is an annual exercise we undertake which this year was a little delayed due to the pay award being agreed very late. We had estimates for the pay award which was based on our salary build which looks at all of our posts across the structure. We had to take into account what we had spent on agency staff during the year, what we forecast to spend on agency staff to the end of the year taking and the period of the vacancies. We can look to do this earlier, particularly if the pay award is agreed earlier, so that we can have a clearer picture. We only pay people the pay award to those who are in post.

The Director of Finance advised that through the budget monitoring report details were reported on vacancies throughout the year to give some indication of what we are expecting.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 8 For, 0 Against and 5 Abstentions.

RECOMMEND:

That the revenue and capital budget variations as shown in the table at paragraph 5.1 be approved and incorporated into the three-year medium-term financial plan.

PR108/22 WORK PROGRAMME

The Committee received their work programme.

The wreath laying protocol had been added to the work programme following a commitment made at Council

Corporate Framework item would be updated to a revised date following its adoption by Council.

RESOLVED:

That the work programme be agreed.

PR109/22 EXCLUSION OF PRESS AND PUBLIC

The Chair moved, duly seconded, that if the Committee wished 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.”

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

RESOLVED:

That the Committee move into Part II confidential business.

PR110/22 LOCAL AUTHORITY HOUSING FUND

The Head of Property Services and Major Projects introduced the report to the Committee.

The Local Authority Housing Fund (LAHF) was announced in December 2022 and is a project aimed at providing longer term accommodation for Afghan and Ukrainian families who have arrived in the UK via various resettlement schemes. The Government has allocated £500 million in capital funds to support Local Authorities who are facing the greatest challenges in providing 'move on' and settled accommodation for these particular groups.

At their meeting on the 21 February 2023, Full Council approved the signing of the Memorandum of Understanding with the Department for Levelling Up & Communities (DLUHC) to obtain LAHF Funding. Full Council also granted approval to delegate to Policy & Resources, the agreement of the detailed business case(s), the agreement to the value of TRDC's match funding and the final structure of the bid.

The key driver of the LAHF scheme is the need to provide new homes at pace. This has resulted in the need for Officers and Partners to mobilise incredibly quickly. The usual timelines for the preparation of business cases and funding approvals have been reduced substantially, and whilst there is no question that the LAHF funding will be allocated to TRDC, it is for the Council to satisfy itself that there are viable and feasible business case or cases that can enable the Council to maximise the benefit of this funding.

In order to maintain momentum, this report seeks to obtain a delegation from the Policy & Resources Committee to enable the Chief Executive, in consultation with the Leader of the Council, the Lead Member (Resources & Shared Services), The Director of Finance following approval from then Shareholder & Commercial Ventures Panel, to agree the detailed business case(s), the exact final sums of capital match funding and the final structure of any scheme.

Officers were looking to progress the scheme as quickly as possible and required the delegation approach in order to seek formal approval to the business cases in advance of the next Policy and Resources Committee meeting in June 2023.

The Chair agreed the recommendations which would allow officers to carry forward the work through the delegated process.

On being put to the committee the recommendations were declared CARRIED by the Chair the voting being by general assent.

RESOLVED:

Noted the progress made so far in connection with the proposals to secure and commit LAHF Funding;

Delegated to the Council's Chief Executive, in consultation with the Leader of the Council, the Lead Member for Resources & Shared Services, Director of Finance following the approval of the Shareholder & Commercial Ventures Panel the agreement of the detailed business case(s), the exact final sums of capital match funding and the final structure of any scheme.

A further update report will be presented to the Policy & Resources Committee following the completion of actions within 15.1.2.

This report requested agreement on the new arrangements for the delivery of the statutory requirements of Building Control currently provided by LA1, hosted by East Herts District Council and Three Rivers District Council, and the contract management of this service. LA1 covers both the signing of building control certificates which cannot be delegated to Herts Building Control but must remain with the local authority and the management of the building control contract.

The Chair moved, duly seconded the recommendations.

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

RESOLVED:

That public access to the decision and report be denied until the contracts are finalised.

Post meeting note – the full decision can be published as follows:

The Committee endorsed the proposed approach and agreed:

- a) Cancel the delegations to LA1 from 1 April 2023;
- b) Appoint the named persons as "proper officers" in respect of the non-delegable functions;
- c) Delegate to the Director of Finance the authority to agree revised Service Level Agreements and Inter Authority Agreements to implement the changes in consultation with the Lead Member for Resources and Shared Services.
- d) That public access to the decision and report be denied until the contracts are finalised."

CHAIR