

## **Decisions of the Policy and Resources Committee**

5 December 2017

Members Present:-

Councillor Richard Cornelius (Chairman)  
Councillor Daniel Thomas (Vice-Chairman)

Councillor Dean Cohen  
Councillor Tom Davey  
Councillor Paul Edwards  
Councillor Anthony Finn  
Councillor Ross Houston

Councillor Alison Moore  
Councillor Alon Or-Bach  
Councillor Sachin Rajput  
Councillor Barry Rawlings  
Councillor David Longstaff

### **1. MINUTES OF LAST MEETING**

**RESOLVED** that the minutes of the meeting held on 10 October 2017 be agreed as a correct record.

### **2. ABSENCE OF MEMBERS**

None.

### **3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)**

Councillor Ross Houston declared a non-pecuniary interest in agenda item 7: Implementation of new enforcement powers as alternatives to prosecutions under the Housing Act 2004, as he is a Member of the Barnet Group Board.

The Leader noted that those members of the committee who are school governors had a non-pecuniary interest in agenda item 10: Business Planning. It was also noted that all Members of the Committee had a non-pecuniary interest in agenda item 12: Indemnities for Councillors, Officers and Other Independent Committee Members.

### **4. REPORT OF THE MONITORING OFFICER (IF ANY)**

None.

### **5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)**

None.

### **6. MEMBERS' ITEMS (IF ANY)**

None.

### **7. IMPLEMENTATION OF NEW ENFORCEMENT POWERS AS ALTERNATIVES TO PROSECUTIONS UNDER THE HOUSING ACT 2004 INTRODUCED UNDER**

## **HOUSING AND PLANNING ACT 2016 (PART 2) AND THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015**

The Committee considered the report.

On the recommendations in the report being put to the vote the recommendations were unanimously agreed.

### **RESOLVED – That the Committee**

- 1. Approve the additions to the Regulatory Enforcement Policy detailed at Appendix 1 and 2 to include information relating to civil penalties for relevant offences under the Housing Act 2004 as amended by the Housing and Planning Act 2016 , Rent Repayment Orders, Banning Orders, and the Rogue Landlords data base.**
  - 2. Approve the Statement of Principles to determine the amount of the penalty charge under the Smoke and Carbon Monoxide (England) Regulations 2015 detailed at Appendix 4.**
  - 3. Approve the method for determining the civil penalties as set out in Appendix 1,2 and 4.**
  - 4. Approve the authority to delegate all powers to develop, implement and further minor amendments to the Council's detailed Policy and Procedure in respect of the imposition of civil penalties to the Service Director – Regulatory Services in consultation with Chairman of the Housing Committee. Such policy to be in accordance with Schedule 13A of the Housing Act 2004 where appropriate, and any other guidance issued by the Secretary of State.**
  - 5. Authorise The Service Director – Regulatory Services to delegate the discharge of powers above to other Council officers.**
- 8. AUTHORISATION TO COMMENCE PROCUREMENT OF IMPROVEMENT WORKS AT HENDON CEMETERY AND CREMATORIUM**

The Committee considered the report.

On the recommendations in the report being put to the vote the recommendations were unanimously agreed.

### **RESOLVED –**

- 1. That the Policy and Resources Committee authorise commencement of procurement activities for refurbishment and regeneration works at Hendon Cemetery and Crematorium (HCC) to allow procurement to start within 2017/18.**
- 2. That the Policy and Resources Committee delegate authority to the Strategic Director of Environment in consultation with the Chair of the Policy and Resources Committee to accept the most economically**

advantageous tender and to enter into a contract for the execution of the refurbishment and regeneration works at HCC.

3. That the Policy and Resources Committee approve the addition of £440,000 in 2018/19 to the Refurbishment and regeneration of Hendon cemetery and crematorium scheme funding by RE as set out in paragraph 5.2.2.

**9. BUSINESS RATES - REVALUATION SUPPORT, A NEW DISCRETIONARY RATE RELIEF SCHEME - IMPLEMENTATION PROGRESS REPORT**

The Committee considered the report.

Officers noted that recommendation 2 of the report required the insertion of the words 'where eligible' after the word 'relief' for clarity. This proposed amendment was duly agreed by the Committee.

On the recommendations in the report, as amended, being put to the vote the recommendations were unanimously agreed.

**RESOLVED –**

1. That the report is noted.
2. That, except in the case of properties for which the Healthier Catering Commitment may apply, the Committee instruct the business rates team to automatically award the relief where eligible, without the need for an application.

**10. BUSINESS PLANNING - MEDIUM TERM FINANCIAL STRATEGY 2018/20 AND DRAFT BUDGET FOR 2018/19**

The Committee considered the report and amended Appendix A as published.

Officers sought agreement of the Committee for a new recommendation to be added following recommendation 4 as follows:

'Agrees to consult on allocating additional savings targets to Theme Committees in 2019/20 as per paragraph 1.7.6'.

This was duly agreed by the Committee.

A separate vote was taken on recommendation 5 in the report: 'Agrees that the savings proposals as set out in appendix B, subject to consultation and equalities impact assessment, come back to Policy and Resources Committee in February 2018 and Full Council for final approval of the 2018/19 budget in March 2018'.

On recommendation 5 being put to the vote, the votes were declared as follows:

For	7
Against	5
Abstain	0
Absent	0

A separate vote was taken on recommendation 6 in the report: 'Agrees the changes to the existing Capital Programme as set out in section 1.9 and appendix C and D'.

On recommendation 6 being put to the vote, the votes were declared as follows:

For	7
Against	0
Abstain	5
Absent	0

The remaining recommendations in the report, including the additional recommendation following recommendation 4, were then put to the vote and were unanimously agreed.

**RESOLVED - That the Committee:**

- 1. Notes the updated Medium Term Financial Strategy (MTFS) to 2020 as set out at appendix A and the assumptions underpinning this in section 1.5;**
- 2. Agrees, subject to consultation and consideration of an equalities impact assessment, to apply a 3% Social Care Precept, to help fund care for the elderly as set out in section 1.5.11 in 2018/19;**
- 3. Agrees to consult on the use of the Council's flexibility to change the level of General Council Tax in 2018/19;**
- 4. Agrees to consult on deleting and / or reducing schemes from the 2018/19 Capital Programme as set out in section 1.7;**
- 5. Agrees to consult on allocating additional savings targets to Theme Committees in 2019/20 as per paragraph 1.7.6;**
- 6. Agrees that the savings proposals as set out in appendix B, subject to consultation and equalities impact assessment, come back to Policy and Resources Committee in February 2018 and Full Council for final approval of the 2018/19 budget in March 2018;**
- 7. Agrees the changes to the existing Capital Programme as set out in section 1.9 and appendix C and D;**
- 8. Delegates in year capital financing substitution decisions to the Section 151 officer as set out in paragraph 1.9.11;**
- 9. Recommends to Full Council joining the London wide Business Rates Pool as set out in paragraphs 1.3.1 to 1.3.9.**
- 10. Recommends that Council delegates responsibility to the Deputy Chief Executive in consultation with the Chairman of Policy and Resources Committee to agree the final deal as presented by London Councils in the form of the Memorandum of Understanding as set out in paragraph 1.3.7;**

**11. Agrees to delegate decisions to be taken in relation to the London wide Business Rates Pool's Strategic Investment Pot to the Deputy Chief Executive in consultation with the Chairman of Policy and Resources Committee, as set out in paragraph 1.2.7;**

**12. Agrees the process for consultation as set out in section 5.7;**

**13. Agrees the movements in budget in 2017/18 as set out in section 1.11; and**

**14. Agrees the revised bad debt policy and bad debt write offs as set out in section 1.14 and appendix E.**

**11. ANNUAL PROCUREMENT FORWARD PLAN [APFP] 2018/2019**

The Committee considered the report and Appendix 1A - Addition to the Annual Procurement Forward Plan as published.

On the recommendations in the report being put to the vote, the recommendations were unanimously agreed.

**RESOLVED – That approval be given to officers to proceed with procurement activity as presented in the Annual Procurement Forward Plan [APFP] 2018/2019 and where known for 2019/20.**

**12. INDEMNITIES FOR COUNCILLORS, OFFICERS AND OTHER INDEPENDENT COMMITTEE MEMBERS.**

The Committee considered the report.

Following discussion the Committee agreed to amend recommendation 2 in the report to delete the word 'senior'. The Committee also unanimously agreed to amend recommendation 6 to delete all text after the first sentence.

The Committee discussed the process for dealing with an application for an indemnity as outlined in section 4.1 of the report. It was agreed that the initial part of the process be that any application for an indemnity received from a Member or officer should be made to the Head of Governance who will liaise with the Head of Insurance and other relevant officers. However, the Committee disagreed with the proposed decision authority as set out in the second part of section 4.1, that 'The Head of Governance will report his/her findings and recommendations to the Assistant Chief Executive, s151 officer and Leader of the Council'. Following consideration the Committee unanimously agreed to add a new recommendation to replace this decision authority, as follows:

'Any decision on an application for an indemnity will be delegated to the Chief Executive in consultation with the Leader, with the exception of if either of the above are the subject of the application in which case the decision will be delegated to the Monitoring Officer in consultation with the Deputy Leader, and the decision reported to the Policy and Resources Committee'.

On the recommendations in the report as amended, including the additional recommendation being put to the vote the recommendations were unanimously agreed.

**RESOLVED – That**

**The Committee agrees that the Council should provide indemnities in respect of financial liabilities arising for Councillors and other co-opted members, independent panel and board members (Other Members) as follows:**

- 1. Councillors acting in good faith and as a Member of the Council in respect of acts or defaults covered by the Local Authorities (Indemnities form Members and Officers) Order 2004 ('the Order').**
- 2. Councillors and officers acting in good faith, working outside the Council as an authorised representative of the Council for acts or defaults covered by the Order.**
- 3. Officers' liabilities and legal costs in defending a claim against them for acting in good faith but outside the powers of the Council will be indemnified in appropriate circumstances which will be considered on a case by case basis should the liability arise.**
- 4. Other members acting in good faith outside the powers of the Council for all acts or defaults covered by the Order.**

**The Committee agrees that all indemnities are subject to the following provisions:**

- 5. The indemnity will apply retrospectively to any act or failure to act which may have occurred before the date the indemnity was approved and shall continue to apply after the councillor, officer or other member has ceased to be a councillor, officer or other member of the Council as well as during his/her membership of or employment by the Council.**
- 6. The indemnity shall only extend to actual loss and expense incurred.**
- 7. An application for an indemnity received from a Member or officer should be processed in accordance with paragraph 4 of this report.**

**Any decision on an application for an indemnity will be delegated to the Chief Executive in consultation with the Leader, with the exception of if either of the above are the subject of the application in which case the decision will be delegated to the Monitoring Officer in consultation with the Deputy Leader, and the decision reported to the Policy and Resources Committee.**

**13. COMMITTEE FORWARD WORK PROGRAMME**

The Committee noted the Forward Work Programme.

**14. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 7.40 pm