

POLICY AND RESOURCES COMMITTEE

Minutes of a meeting held on Thursday, 15 March 2018

PRESENT:

Councillor Harrison
Councillor Canham
Councillor Callaghan (Chairman)
Councillor Brown
Councillor Allport-Hodge (Vice-Chairman)
Councillor Blake
Councillor Sullivan
Councillor Sargent

OFFICERS IN ATTENDANCE:

Service Director, Group Manager (Corporate Governance and Support), Service Manager – Revenue and Business Support, Corporate Specialist – New Business Initiatives, Interim Head of Regeneration and Economic Development, Interim Group Manager (Corporate Finance), Head of Customer Services, Business Development Manager, Manager of Information and Communication Technology, Interim Committee and Member Services Team Manager

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142. APOLOGIES FOR ABSENCE

Councillor Sargent substituted for Councillor Turner for the duration of the meeting.

143. DECLARATIONS OF INTEREST

Councillors Sargent and Harrison declared non-pecuniary interests in respect of Agenda item No. 6 (Proposed Community Governance Review) as members of Noak Bridge and Shotgate Parish Councils respectively.

144. MINUTES:

The Minutes of the meeting of the Policy and Resources Committee that took place on 22 February 2018 and 30 November 2017 were approved as a true

record and signed by the Chairman.

(For voting see Appendix, Column 1)

145. THE BASILDON BOROUGH COUNCIL (FRYERNS AND CRAYLANDS BASILDON) (PHASE NORTH) COMPULSORY PURCHASE ORDER 2018

The Committee received a report that sought approval to make a Compulsory Purchase Order (CPO) pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 with respect to land and property shown to enable the north phase of the Fryerns and Craylands Regeneration scheme to proceed. Members were advised that compulsory purchase action was required to ensure the successful progression of the redevelopment of the Fryerns and Craylands area as previously approved by the Council.

Members discussed the report, particularly noting the measures in place to support those residents whose property may be subject to a CPO, and further noting that these powers were used only as a last resort as in most cases agreements were reached with residents at an earlier stage. It was noted that the Council had conducted Equality Act assessments for those people likely to be affected by the proposed Order to date; it was confirmed that this work would be ongoing and the Committee would receive further reports accordingly.

RESOLVED –

1. That subject to a suitable indemnity agreement being entered into between the parties, a Compulsory Purchase Order (CPO) is made in respect of the land and property shown hatched on the plan attached to this report (Enclosure No 2) pursuant to section 226(1)(a) of the Town and Country Planning Act 1990.
2. That the Corporate Director is given delegated authority to make any necessary minor modifications to the CPO land to be acquired.
3. That the Corporate Director is given delegated authority to settle the statement of reasons and take all other action necessary to secure confirmed Orders.

(For voting see Appendix, Column 2)

146. RE-APPOINTMENT OF LAINDON COMMON CONSERVATORS

The Committee received a report advising that in accordance with the Laindon Common Conservators' Constitution, the Council was required to appoint nine Laindon Common Conservators, with a three year term of office and with three retiring each year in rotation.

It was now necessary to appoint three Conservators as serving members Mrs Pierce, Mr Joyce and Mr Reid's term would expire on 31 March 2018. Mrs Pierce, Mr Joyce and Mr Reid had indicated a desire to be re-appointed for a further three-year term, being local residents who had a keen interest in the local environment and who had actively participated in the work of the Conservators over several years.

RESOLVED –

That Mrs Mary Pierce, Mr Terry Joyce and Mr Archie Reid be re-appointed as Laindon Common Conservators until 31 March 2021.

(For voting see Appendix, Column 3)

147. PROPOSED COMMUNITY GOVERNANCE REVIEW - TERMS OF REFERENCE

The committee received a report which proposed that the Council carries out a Community Governance Review under the provisions of the Local Government and Public Involvement in Health Act 2007 and set out proposed terms of reference for such a review, which would specifically consider the electoral arrangements of existing local councils in the borough (town, parish and village councils) including:

1. Election frequency
2. Number of Councillors, and
3. Wards.

Members discussed the report, particularly noting general support for aligning the scheduling of elections. It was queried whether the Review was necessary to do this, or if it could be achieved via a less formal method. The Group Manager (Corporate Governance and Support) advised that the Review was the mechanism required to achieve this position, but noted that it would be as 'light touch' as possible.

RESOLVED –

That the Committee approves the terms of reference for a Community Governance Review as set out in Enclosure No.1 of the report.

(For voting see Appendix, Column 4)

148. REVISIONS TO SCHEDULE OF POLLING PLACES IN URGENT SITUATIONS

The Committee received a report advising that the Council was responsible for maintaining and approving a schedule detailing the polling districts and polling places in the Borough and ensuring that this schedule provided convenience for electors at elections. The Constitution provided that approval of the schedule of polling districts and polling places was within the remit of the Policy and Resources Committee. The Committee were asked to delegate authority to the Managing Director to change a polling place if the designated polling place cannot be used due to unforeseen circumstances, for example flooding or fire and where it was not feasible to convene a meeting of the Policy and Resources Committee due to the urgency of the situation.

Members discussed the report, with a Member suggesting that in such a situation a meeting of the Urgency and Decision Review Sub-Committee

should be convened. The Group Manager (Corporate Governance and Support) advised that this was a matter for the Policy and Resources Committee, and the Committee should accordingly decide any delegations to be granted.

RESOLVED –

That the Committee delegates authority to the Managing Director to change a polling place if the designated polling place cannot be used due to unforeseen circumstances and where it is not feasible to convene a meeting of the Policy and Resources Committee due to the urgency of the situation.

(For voting see Appendix, Column 5)

149. EAST SQUARE COMPULSORY PURCHASE ORDER

The Committee received a report relating to the acquisition/site assembly required to deliver the East Square cinema-led development proposals that were previously approved by the Regeneration and Environment Committee, and Council, in December 2017. It advised that although acquisition of all the necessary property interests was progressing, it was unlikely that all outstanding interests needed to deliver the development would be achieved by negotiation alone. As officers continued to progress negotiations, the Committee was therefore recommended to authorise the use of compulsory purchase powers to facilitate the carrying out of the redevelopment, thereby ensuring the achievement of the economic, social and environmental well-being of the location and broader town centre.

Members discussed the report, and were pleased to note the progress made to date. It was confirmed that advice had been received from the Group Manager (Corporate Governance and Support) to the effect that should delegated powers be granted to the Interim Head of Regeneration and Economic Development in respect of this matter, and the post or post holder change due to the ongoing management restructure, these powers would transfer to the new post accordingly.

RESOLVED –

1. The Committee resolves that the Basildon Borough Council (East Square/East Walk, Basildon) Compulsory Purchase Order 2018 (“the Order”) be made pursuant to section 226(1) (a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) for the compulsory acquisition of the land shown on the red line plan at Enclosure No. 2. for the purpose of facilitating the carrying out of development, redevelopment and or improvement on, or in relation to the land described, for the purpose of providing a town centre leisure/cinema-led scheme together with restaurant units and associated works and landscaping, thereby achieving the promotion and/or improvement of the economic, social and environmental well-being of the area;
2. Authority is delegated to the Interim Head of Regeneration and

Economic Development to make minor amendments, modifications or deletions to the Order (including for the avoidance of doubt to the Order Map, but not to extend the boundaries of the Order land) and to the Statement of Reasons if necessary and to finalise and make the Order and supporting statement of reasons;

3. Authority is delegated to the Interim Head of Regeneration and Economic Development to publish and serve all necessary notices consequent on making the order; and to submit to the Secretary of State for Communities and Local Government; and otherwise to take all steps, whether expressly required by statute or otherwise to secure confirmation of the Order by the Secretary of State for Communities and Local Government;
4. Subject to confirmation of the Order by the Secretary of State for Communities and Local Government, the Interim Head of Regeneration and Economic Development is authorised to acquire for the Council the title and/or possession of the Order land (or any part thereof) whether by means of one or more General Vesting Declarations or Notices to treat and/or Notices of Entry, including publishing and serving any notices and/or executing any documentation required in connection with such acquisition or possession;
5. In the event that the Council is authorised to act as confirming authority, to confirm the order;
6. Authority be delegated to the Interim Head of Regeneration and Economic Development to approve and enter into agreements with and give undertakings to the owners of any interest in the Order land and any objectors to the confirmation of the Order which may set out the terms of withdrawal of objections to the Order, including where appropriate seeking inclusion in or exclusion from the Order;
7. Committee approve subsequent to section 122 Local Government Act 1972 the appropriation of all land required for the scheme that is currently held by the Council for non-planning purposes to be held for planning purposes under Part IX of the Town and Country Planning Act 1990 (as amended) and to exercise of powers under s203 Housing and Planning Act 2016 to over-ride easements, rights and other adverse matters burdening the land required to facilitate the scheme, subject to the payment of compensation under section 204 of the 2016 Act;
8. Authority is delegated to the Interim Head of Regeneration and Economic Development to approve terms for the agreement of the acquisition of any interests in property and any rights required for the delivery of the proposed scheme prior to the making and confirmation of the CPO;
9. Authority is delegated to the Interim Head of Regeneration and Economic Development to agree all compensation matters subsequent to a CPO being confirmed by the Secretary of State, including in the event that the question of compensation is referred to the Upper

Tribunal (Lands Tribunal) taking all necessary steps to agree appropriate compensation is payable;

10. Authority is delegated to the Interim Head of Regeneration and Economic Development to defend and/or participate in any proceedings and hearings challenging these decisions and/or making, confirmation or implementation of the Order or any notice, general vesting declaration or anything else made pursuant to, or in relation to, or which may have an impact on, the making confirmation, or implementation of the Order.

(For voting see Appendix, Column 6)

150. REVENUES AND BENEFITS PENALTIES POLICY UPDATE

The Committee received an update report following the implementation of the Revenues and Benefits Penalties Policy, which had taken place in October 2017. The report noted that since 19 October 2017, 57 penalties had been applied totalling £3,990. Penalties were applied directly to the customers' Council Tax account and were recovered as part of the customers' Council Tax bills. Customers had the right of appeal against a penalty being applied. Of the 57 penalties raised, nine customers had appealed against the decision. Seven penalties were removed as the customers were able to justify their actions, and two were upheld.

A Member proposed an amendment to the recommendation, replacing the word 'support' with 'note', in recognition that some Members had not supported the introduction of the Policy itself. On being put to the vote, the amendment was not carried.

(For voting see Appendix, Column 7)

RESOLVED –

To support Officers in their application of penalties for customers in prescribed circumstances, whilst giving due consideration to vulnerable groups, in line with the agreed policy and appropriate legislation.

(For voting see Appendix, Column 8)

151. INFORMATION MANAGEMENT POLICY

The Committee received a report advising that the existing Information Management Policy (approved in January 2015) had reached its scheduled review date and outlining the approach that was adopted to review the existing policy and update the Council's processes in respect of information and records management and the benefits that would be realised for the organisation by undertaking a further programme of work in this area.

Members were advised that the existing policy provided the fundamental principles and assurances that governed the activity of information management at the Council and formed one element of a framework of documents that made up the Information Governance Policy Framework. With

the need to comply with the requirements of the Data Protection Bill by 25 May 2018, as a result of the General Data Protection Regulation (GDPR), it was felt more appropriate at the current time to focus effort on reviewing and updating the whole policy framework rather than reviewing this policy in isolation. Undertaking this piece of work would ensure the necessary policies, procedures and guidance are in place and effective. It also provided an opportunity to address any weakness in the framework through rationalisation of existing documents and the development of additional policies, procedures and guidance, where a need was identified.

Members noted the retention of the existing Information Management Policy, save for updates required by virtue of changes to Data Protection legislation, which would be made through officer delegation, and agreed that the Information Management Policy would undergo a more extensive review as part of the Information Governance Programme and that it be submitted, alongside other relevant policies, to a future meeting of the Committee. The Deputy Section 151 Officer noted that funds were available in the contingency budget to meet any additional allocations that may be required.

RESOLVED –

That the Committee -

1. Notes the retention of the existing Information Management Policy, save for updates required by virtue of changes to Data Protection legislation, which will be made through officer delegation, subject to the approval of this Committee; and
2. Agrees that the Information Management Policy undergo a more extensive review as part of the Information Governance Programme and that it be submitted, alongside other relevant policies, to a future meeting of the Committee.

(For voting see Appendix, Column 9)

152. DIGITAL STRATEGY APRIL 2018- MARCH 2021

This report sets out the Council's intention to embrace Digital Transformation with a unified strategy, in order to improve digital skills across the community, making services and information easily available online and developing modern, efficient services.

Members discussed the report, noting the need to maintain personal levels of service particularly to those people not comfortable in operating within a digital environment. Members also noted the opportunities available to improve the way they, as Councillors, used technology, for example moving away from the use of paper Agendas. In addition, Members acknowledged the benefits in developing the use of information held by the Council, for example in identifying patterns with regards to dumped rubbish and waste, and in further streamlining the procedures used to manage such activities.

RESOLVED –

That the Committee approves the Digital Strategy and Action Plan as set out in Enclosures 1 and 2 of the Agenda report.

(For voting see Appendix, Column 10)

153. EXCLUSION OF PUBLIC AND PRESS

RESOLVED -

To exclude the public and press from the meeting during consideration of the following item of business on the grounds that it is likely that, if members of the public and press were present during consideration of the item, there would be disclosure to them of exempt information as defined by paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

(For voting see Appendix, Column 11)

154. ICT TRANSFORMATION CONTRACT AWARD

RESOLVED –

1. That the Policy and Resources Committee approve the award of an ICT Managed Hosting service contract developed during the tender process to Dimension Data Network Service Ltd for an initial period of 5 years at a total contract cost of £5.873m that includes the revenue cost of £4.37m and £1.503m first year investment; and
2. That the Policy and Resources Committee notes the funding strategy as set out in the Financial Implications section.

(For voting see Appendix, Column 12)

The meeting was returned to the public session.

155. WORK PROGRAMME 2017/18

The Committee's Work Programme for the remainder of 2017/18 was noted.

CHAIRMAN

RECORDING OF VOTES

Vote Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
CONSERVATIVE																			
Blake	A	F	F	A	F	F	F	A	-	-	F	-							
Dadds																			
Sargent	A	F	F	A	F	F	F	A	-	-	F	-							
Sullivan	A	F	F	A	F	F	F	A	-	-	F	-							
UK INDEPENDENCE PARTY																			
Allport-Hodge	F	F	F	F	F	F	A	F	F	F	F	F							
Canham	F	F	F	F	F	F	A	F	F	F	F	F							
LABOUR																			
Callaghan	F	F	F	F	F	F	A	F	F	F	F	F							
Brown	F	F	F	F	F	F	A	F	F	F	F	F							
WICKFORD IND																			
Harrison	F	F	F	F	F	F	-	F	F	F	F	F							
Vote Number																			

- KEY:**
- F = In Favour
 - A = Against
 - = Abstain
 - O = Not present for vote
 - * = Casting vote in favour
 - ∅ = Casting vote against
 - # = No vote cast

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