

# MINUTES

## Policy and Resources Committee

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**Minutes of a meeting held on Wednesday, 18 December 2019**

**PRESENT:**

**Councillor Callaghan (Chairman)**  
**Councillor McGurran**  
**Councillor Smith (Vice-Chairman)**  
**Councillor Rimmer**  
**Councillor Blake**  
**Councillor Ferguson**  
**Councillor Hedley**

**ALSO PRESENT:**

**Councillors Baggott and Harrison**  
**Chris Brown, NPLAW**

**OFFICERS IN ATTENDANCE:**

**Chief Executive, Service Director, Assistant Director Corporate Services, Assistant Director Resources, Communications Manager, Management Accountant, Committee and Member Services Team Manager.**

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**689. APOLOGIES FOR ABSENCE:**

Councillor Ferguson replaced Councillor Brown and Councillor Hedley replaced Councillor Sullivan for the duration of the meeting.

**690. DECLARATIONS OF INTEREST:**

Councillors Hedley and Smith declared a non pecuniary interest in agenda item No. 9 as Members of Essex County Council.

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**691. MINUTES:**

Subject to Councillor Harrison being added to the attendance list for the last meeting, the minutes of the meeting held on 13 November were agreed as a true record and signed by the Chairman.

(For voting see Appendix, Column 1)

**692. MINUTES OF THE SUB COMMITTEE:**

The minutes of the Staffing Matters and Review Sub Committee held on 24 October 2019 were noted.

**693. ASSOCIATION OF SOUTH ESSEX LOCAL AUTHORITIES (ASELA) UPDATE:**

The Leader of the Council gave Members an update on the work of the Association of South Essex Local Authorities (ASELA) during the year and explained the areas that the group had been focussing on. The next meeting was due to be held on 16 January 2020 and items for inclusion on the agenda for that meeting included discussion around the investment Fund, the ASELA 2050 Plan and the Statement of Community Involvement and future Governance Arrangements for ASELA.

It was noted that discussion around Governance arrangements would tie in with a report previously commissioned by this Council that would be reported to the meeting of this Committee on 30 January about the Council's Future Governance Arrangements

The update was noted.

**694. COMMUNICATIONS AND CAMPAIGNS UPDATE**

The Communications Manager gave a Communications mid-year presentation that set out the Communication approach, campaigns that had been run including 'We're Cleaning Up' and 'Basildon at 70' and the future planned work.

It also included details of survey's that had been carried out throughout the year.

Following comments from Members on the website, some felt that navigation was a convoluted process. It was agreed that continued work was taking place on updating the website and comments would be taken on board. There would be a dedicated resource from the New Year who would continue to modernise the site.

The Committee noted details of the presentation.

**695. THE BASILDON BOROUGH COUNCIL (CRAYLANDS ESTATE PHASE NORTH, BASILDON) COMPULSORY PURCHASE ORDER 2019:**

The Committee received a report that sought approval to proceed with the Basildon Borough Council (Fryerns and Craylands)(Phase North) Compulsory Purchase Order (CPO) having considered the effect of the order, a draft Statement of Reasons, and the Public Sector Equality Duty.

It also sought approval to appropriate the development land in the North Phase for planning purposes.

It was stated that failure to put the CPO in place could substantially damage the process of redevelopment of much needed regeneration of the estate.

**RESOLVED –**

1. That the Council makes the Basildon Borough Council (Fryerns and Craylands Phase North) Compulsory Purchase Order 2020.
2. Authority be delegated to the Corporate Director to make minor amendments, modifications or deletions to the Order and the Order land (but not to extend the Order land), to finalise the draft Statement of Reasons (Enclosure No.3 to the report) and make the Order;
3. Authority be delegated to the Corporate Director to publish and serve all necessary notices consequent on making the Order; and to submit to the Minister for Housing, Communities and Local Government (“the Minister”); and otherwise to take all steps, whether expressly required by statute or otherwise to secure confirmation of the Order by the Minister;
4. Subject to confirmation of the Order by the Minister, the Corporate Director be authorised to acquire for the Council the title or possession of the Order land (or any part thereof) whether by General Vesting Declarations or Notices to Treat or Notices of Entry, including publishing and serving any notices and 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 Corporate Director 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. The development land, excluding the dwellings shown on the attached plan (Enclosure No 2 to the report) is pursuant to section 122 of the Local Government Act 1972 appropriated to planning purposes under Part IX of the Town and Country Planning Act 1990 in order to commute interests adverse to the scheme into rights to compensation;
8. Authority be delegated to the Corporate Director 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 be delegated to the Corporate Director to agree all compensation matters subsequent to a CPO being confirmed by the Minister, including in the event that the question of compensation is referred to the Upper Tribunal taking all necessary steps to agree appropriate compensation is payable;
10. Authority be delegated to the Corporate Director to defend and participate in any proceedings and hearings challenging these delegations or the 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, and
11. Authority be delegated to the Corporate Director to do any other thing necessary to secure a confirmed compulsory order and the acquisition of those properties set out in the schedule to the Order.

(For voting see Appendix, Column 2)

**696. FEEDBACK FROM TRANSPARENCY AND ACCOUNTABILITY WORKING GROUP:**

The Committee received a report that provided an overview of the work of the Transparency and Accountability Working that was previously set up by this committee. The working group was cross party represented.

Details were given on the working group's deliberations, their findings and recommendations in respect of Part 2/Exempt Committee items; Meetings of Full Council; the Petition Scheme, and Webcasting.

Some Members raised concerns regarding the need for a 'Member Champion' for submission of a petition to full Council, and also considered that by reducing the number of supplementary questions for Members, this was undemocratic. The Chairman advised that those matters would be referred to Council and he would ensure himself and the Lead Member of the Working Group considered those matters and reflected in the report to Council accordingly.

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**RESOLVED –**

1. That the issues considered by the Transparency and Accountability Working Group and its conclusions, as set out in this report, be noted.
2. That the Council produces and publishes a plain English guide for the public to assist understanding of why matters are treated as exempt and they are not entitled to access reports or attend meetings during consideration of such matters.
3. That further clarity/guidance on matters being exempt from disclosure to the press and public due to commercial sensitivities be produced and made available to both Councillors and the public.
4. That with regards to matters containing exempt information, the Council adopts the practice, wherever practicable, of the report being published in part 1 of the agenda which the press and public can access, with only the exempt information being provided separately to Members.
5. That it be recommended to Full Council that the Council Procedure Rules which form part of the Council's Constitution be amended to reduce the number of supplementary questions for a member during Members Question Time at Council meetings from 2 to 1.
6. That Council considers the establishment of a Constitution Review Committee (or sub-committee) in the 2020/21 municipal year to provide a forum for regular ongoing review and consideration of constitutional matters as they arise.
7. That it be recommended to Full Council that the Council's Constitution and Petitions Scheme be amended to include provision for petitions to be formally presented to the Council at a Council Meeting in order to provide increased openness and awareness of their receipt and the issues subject of the petition, and that any petition to be presented to Council as per the above, must be 'championed' by a Member of the Council, and that Councillor should have 1 minute to present the petition at the Council meeting.
8. That the Council should continually review and seek to enhance, as appropriate, its webcasting service as an essential component of openness and transparency in council and committee meetings
9. The Council should, in principle, introduce electronic voting and amend the Constitution to reflect the ability for votes to be held in this manner, subject to detailed consideration of its implementation and practical operation to ensure that it was not counterproductive to the effective conduct of meetings.

(For voting see Appendix, Column 3)

**697. APPOINTMENT TO ESSEX COUNTY COUNCIL'S HEALTH OVERVIEW POLICY AND SCRUTINY COMMITTEE:**

The Committee received a report that sought approval to appoint a Member to represent the Council as a co-opted non-voting member of Essex County Council's Health Overview Policy and Scrutiny Committee for the remainder of the 2019/20 municipal year.

A recommendation that Councillor Sargent be appointed, when put to the vote was lost.

(For voting see Appendix, Column 4)

**RESOLVED –**

That Councillor Andrew Gordon be appointed as Basildon's representative to sit on Essex County Council's Health Overview Policy and Scrutiny Committee as a co-opted non-voting member for the remainder of the 2019/20 municipal year.

(For voting see Appendix, Column 5)

**698. COMPLAINTS TO THE COUNCIL - AWARDS OF COMPENSATION:**

The Committee received a report that sought approval on delegated authority to Officers to make awards of compensation following complaints to the council that resulted in findings of 'maladministration' or 'service failure'.

It was considered that it would be beneficial and appropriate for there to be clarity in the Council's Scheme of Delegation to include a specific delegation regarding settlements of complaints investigated by the Council through its complaints policy and procedure.

**RESOLVED –**

That delegated authority be given to Directors to make payments up to the value of £500 in addition to any recompense or refund due, following any findings of 'maladministration' or 'service failure' through investigations under the Council's Complaints, Comments and Compliments Policy.

(For voting see Appendix, Column 6)

**699. STANDARDS REGIME - INDEPENDENT PERSONS:**

The Committee considered a report that sought consideration of the process

for appointing Independent Persons, post October 2020, and to make recommendations to full Council as necessary.

It was reported that the Localism Act 2011 required Council's to appoint one or more Independent Persons to participate in the Council's standards arrangements to represent the public viewpoint and thereby promote public confidence.

The Committee on Standards in Public Life (CSPL) recently undertook a detailed review in connection with Local Government Ethical Standards and considered matters relating to Independent Persons as part of their wide ranging review. The CSPL made reference to the terms of office of multiple Independent Persons ideally overlapping to ensure a level of continuity.

The Council currently has four Independent Persons and their current term was due to end in October 2020. This number is higher than is generally seen across local authorities, and in the absence of specific rationale, it was recommended that this be reduced to 3.

A recommendation to amend recommendation 5 within the agenda to read:- "When the terms of office of the existing 2 Independent Persons cease in October 2022, the Council seeks to appoint 2 new Independent Persons to serve for a 4 year term of office from October 2022", upon being put to the vote was lost.

(For voting see Appendix, Column 7)

#### **RESOLVED –**

That for the reasons set out in the report, the Committee recommends to full Council –

- 1) That it notes that the existing terms of office of the Council's 4 Independent Persons cease in October 2020;
- 2) That the terms of office of 2 of the existing 4 Independent Persons be extended for a 2 year period, from October 2020 to October 2022, with no option to extend beyond that period.
- 3) That, with regards to 2 above, in the event that more than 2 of the existing Independent Persons express an interest, it is proposed that the Monitoring Officer, in consultation with the Chairman of the Joint Standards Committee, consider the matter and make recommendations on appointment to the vacancies in due course.
- 4) That the Council seeks to appoint 2 new Independent Persons to serve for a 4 year term of office from October 2020 and that the Policy and Resources Committee be delegated the role of progressing the recruitment process and making recommendation to Full Council.

- 5) When the terms of office of the existing 2 Independent Persons cease in October 2022, the Council seeks to appoint 1 new Independent Person to serve for a 4 year term of office from October 2022, thereby reducing the number of Independent Persons from October 2022 to 3.

(For voting see Appendix, Column 8)

**700. AMENDMENT TO CONSTITUTION - DELEGATION FOR SEALING:**

The Committee considered a report that proposed the committee recommend to Council an amendment to the Constitution to authorise the Monitoring Officer and the Chief Financial Officer to affix the common seal of the Council to relevant documents.

Following the decision of the Policy and Resources Committee on 13 November 2019 authorising the flexible retirement of the Corporate Director, it was therefore proposed that additional posts be added to the list of those currently authorised for undertaking sealing to ensure business continuity and capacity.

**RESOLVED –**

That it be recommended to full Council that Article 12 of the Council's Constitution be amended to authorise the Monitoring Officer and the Chief Financial Officer to affix the common seal of the Council to relevant documents.

(For voting see Appendix, Column 9)

**701. BUDGET CONSULTATION EXERCISE 2020/21:**

The Committee received a report that provided information on the budget consultation exercise for 2020/21 that was undertaken with residents and businesses and requested Members consider the outcomes from the engagement exercise.

Each year the council engaged residents on matters relating to the draft budget and the purpose of the exercise was to secure views and opinions from the community that would inform the decision making process in respect of budget setting for the following year 2020/21.

The Committee noted the results of the consultation.

**702. DRAFT SERVICE BUDGETS 2020/21 (INCLUDING GENERAL FUND CAPITAL PROGRAMME):**

The Committee considered a report that provided information on the draft



General Fund revenue budgets and capital programme relevant to the committee for the financial year 2020/21 and the forward financial forecast through to 2023/24. The report also included for consideration the proposed level of fees and charges to be applied in 2020/21 and the effect of any changes had been included in the draft budgets proposed. It also included the latest forecast outturn position for 2019/20 for the services relevant to the committee.

**RESOLVED –**

1. That the proposals for the revenue budgets and capital programme relevant to the committee for 2020/21 and the financial forecast to 2023/24 be endorsed for inclusion in the overall budget to be presented to the Committee on 30 January 2020.
2. That the proposed fees and charges relevant to this committee for 202/21 along with the charging directory be approved and included in the final Fees and Charges Schedule.
3. That the forecast outturn position for 2019/20 be noted.

(For voting see Appendix, Column 10)

**703. TREASURY MANAGEMENT INTERIM REPORT 2019/20:**

The Committee considered a report that summarised the Treasury Management activity during the first six months of 2019/20 be reference to the key objectives set for the year in the approved Treasury Management Strategy and the Investment Strategy.

Members were asked to note that on 9 October HM Treasury decided without consultation or notice, to increase all PWLB borrowing rates by 1%. Although this was outside of the period covered in the report, it was important that the committee were aware due to potential increased costs that this will mean for all future borrowing. The impact of this was currently being assessed as were alternative borrowing mechanisms.

**RESOLVED –**

1. That the interim report on capital and investment activities for 2019/20 be recommended to Council for approval.
2. That the outturn report on capital and investment activities for 2018/19 as set out in Enclosure No. 5 to the report be noted.
3. That the Set-Off Agreement as outlined in Enclosure No. 6 be recommended to Council for approval and delegated to the Corporate Director for signing.

(For voting see Appendix, Column 11)

**704. WORK PROGRAMME 2019/20:**

The committee were provided with an opportunity to review and identify items for the committees work programme for the ensuing municipal year.

A Member requested that an item be placed on the work programme with regards to contact being made with Basildon Hospital to address the parking problems and to discuss the Memorandum of understanding already in place.

**RESOLVED –**

That the items for inclusion in the work programme for the 2019/20 municipal year be endorsed.

(For Voting see Appendix, Column 12)

CHAIRMAN

Vote Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
<b>CONSERVATIVE</b>																		
Blake K	F	F	-	F	A	F	F	A	-	A	F	-						
Hedley A	-	F	-	F	A	F	F	A	-	A	F	-						
Rimmer C	F	F	-	F	A	F	F	A	-	A	F	-						
<b>LABOUR</b>																		
Callaghan G	F	F	F	A	F	F	A	F	F	F	F	F						
Ferguson	-	F	F	A	F	F	A	F	F	F	F	F						
McGurran A	F	F	F	A	F	F	A	F	F	F	F	F						
<b>INDEPENDENTS</b>																		
Smith K	F	F	F	A	F	F	A	F	F	F	F	F						
<b>Vote Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>

**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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