

Minutes of the Council meeting held on Thursday, 13 December 2018 in Council Chamber - Deanes, Basingstoke and Deane Borough Council at 6.30 pm

Members of the Council in attendance: Councillor S Keating, Councillor P Frankum, Councillor C Ashfield, Councillor R Bean, Councillor S Bound, Councillor T Capon, Councillor K Carruthers, Councillor R Cooper, Councillor A Court, Councillor J Cousens, Councillor O Cubitt, Councillor H Eachus, Councillor G Falconer, Councillor A Freeman, Councillor J Frankum, Councillor S Frost, Councillor R Gardiner, Councillor P Gaskell, Councillor D George, Councillor S Godesen, Councillor H Golding, Councillor R Golding, Councillor S Grant, Councillor P Harvey, Councillor R Hussey, Councillor J Izett, Councillor T Jones, Councillor G James, Councillor L James, Councillor A McCormick, Councillor J McKay, Councillor P Miller, Councillor C Phillimore, Councillor D Potter, Councillor D Putty, Councillor C Regan, Councillor T Reid, Councillor K Rhatigan, Councillor J Richards, Councillor N Robinson, Councillor T Robinson, Councillor V Rowland, Councillor M Ruffell, Councillor C Sanders, Councillor D Sherlock, Councillor R Tate, Councillor D Taylor, Councillor K Taylor, Councillor M Taylor, Councillor I Tilbury, Councillor M Tucker, Councillor G Watts, Councillor J Westbrook and Councillor M Westbrook

60/18 Apologies for absence

Apologies for absence were received from Councillor M Bound, Bowyer, Leeks, Parker and Still.

61/18 Declarations of interest

Councillors T Reid and I Tilbury declared separate interests, in that they both owned properties which were currently vacant. They informed Council that they would not participate in the discussion on item 13 and withdraw from the proceedings for the duration of the consideration of that item.

62/18 Office of Mayor and Deputy Mayor for the Year

The Mayor moved the recommendations on the report.

Resolved:

1. That Councillor Diane Taylor be invited to stand for election as Mayor at the next Annual Meeting for the 2019/20 Municipal Year.
2. That Councillor Elaine Still be invited to stand for election as Deputy Mayor at the next Annual Meeting for the 2019/20 Municipal Year.

63/18 Minutes of the meeting held on 18 October 2018

The minutes of the held on 18 October were confirmed as an accurate record and signed by the Mayor.

64/18 **Announcements**

The Mayor was pleased to announce that the Mayor's Carol Service was held this year on 9 December at St Joseph's Catholic Church, with over £1000 raised for the Mayor's charity.

The Chief Executive reminded Council that in view of the recent advice from the Electoral Commission, the May 2019 election will now be contested in thirds and not as an all-out election. The all out election has been deferred until May 2020.

65/18 **Questions from members of the public**

No questions were received.

66/18 **Petitions**

There were none.

67/18 **Resignations and appointments**

Resolved:

1. That Councillor Gaskell be appointed to fill the vacancy on the Basingstoke and District Sports Trust.
2. That Councillor Carolyn Woolridge replaces Councillor Laura James as a substitute on Scrutiny Committee.
3. That Councillor Carolyn Woolridge replaces Councillor Ruth Cooper as a substitute on Community, Environment and Partnerships Committee.

68/18 **Arrangements for dealing with Complaints against Councillors**

The Vice-Chair of Standards Committee moved the recommendations on the report.

Resolved:

1. That the term of office for Independent Assessors be increased to 4 years.
2. That the term of office for Independent Persons be increased to 4 years.
3. That the restriction upon an Independent Person Serving no more than 2 terms of office be removed.

69/18 **Appointment of the Executive Director of Finance and Resources**

The Mayor introduced the report and informed Council of an amendment to paragraph 1.9 of the report.

Councillor Rowland moved the recommendation in the report which was seconded by Councillor Sanders.

Resolved:

That Sue Cuerden be appointed as the Executive Director for Finance and Resources and to the statutory role of S151 Officer.

70/18 **Treasury Management Mid Year Monitoring Report 2018/19**

The Cabinet Member for Finance Service Delivery and Improvement introduced the report.

Resolved:

That the report be noted.

71/18 **Adoption of the Landscape, Biodiversity and Trees Supplementary Planning Document**

The Cabinet Member for Planning and Infrastructure introduced the report. He formally thanked officers and the work of the Economic Planning and Housing Committee for their contributions and moved the recommendations in the report. Councillor Miller seconded the recommendations in the report.

The Cabinet Member for Planning and Infrastructure undertook to provide confirmation of the endangered species list to Councillor McCormick.

Members welcomed the report.

Resolved:

1. That the Landscape, Biodiversity, and Trees Supplementary Planning Document be adopted.
2. That the Landscape and Biodiversity Supplementary Planning Document 92008) be withdrawn.

72/18 **Council Tax Discretionary Discounts and Council Tax Support Scheme 2019/20**

Councillors T Reid and I Tilbury withdrew from the meeting for the consideration of this item.

The Mayor introduced the report.

Resolved:

1. That the Council Tax Support Scheme remain unchanged for 2019/20.
2. The council tax discretionary discounts be maintained at the 2018/19 levels for 2019/20 with the exception of long term empty properties over 24 months.
3. The levy charge for properties that have remained empty for over two years is increased from 150% to 200% for 2019/20.

73/18 **Dispensation Consideration**

The Mayor announced that this item had been withdrawn as the dispensation was no longer required.

74/18 **Appointment of Monitoring Officer**

The Mayor introduced the report.

Resolved:

That Ann Greaves, Legal Services Manager, be appointed as the Interim Monitoring Officer.

75/18 **Notice of Motion - Existing S106 Funds**

The following motion was proposed by Councillor Rowland and seconded by Councillor N Robinson.

We are concerned that S106 funds that currently reside with the Council totalling some £8.5 million for use within Parishes and communities within the Borough have not been scoped adequately or with sufficient consultation to allow them to be accessed for use.

There are some £1.5million of S106 funds which have no refund clause and £2.8million held over 5 years.

A recent letter from Sherfield on Loddon Parish Council to the Chief Executive highlighted the re-allocation of S106 funds from the Redlands Development, which was within the Parish, to the Hampshire County Council site for Community facilities of some £279,000. This amount is still showing allocated to Sherfield on Loddon Parish Council on the S106 statement recently received. Additionally, there are

funds which could be used for projects on the Village Green, but currently rejected by Officers.

There has been support from 6 Parish Councils who have experienced issues of the incorrect scoping of S106 funds and are in a position of having projects which they are unable to fund whilst holding S106 funds due to either "out of date" consultation or no consultation by Officers.

This situation is a cause for concern with Parish Councils and with residents in a time of trying to do more with less and we request this situation be reviewed by Scrutiny. We hope a resolution can be found to release S106 funds for projects that are required, through legal variation means or another proposed way forward.

The motion was debated and a number of members highlighted the need for ward members to be involved in section 106 discussions. The following additional points were also made:

- Reasons for rejecting S106 bids is often unclear
- It is important that officers positively engage with members
- Utilising ward members knowledge of their areas would assist the process and help avoid errors
- Work is underway to ensure funding is allocated appropriately

Resolved:

That the motion be referred to Scrutiny Committee for consideration.

76/18 **Notice of Motion - Exploring new opportunities to provide homes**

The following motion was proposed by Councillor McKay and seconded by Councillor G James.

Basingstoke is a growing town at a time when central government has recognised that there is a national shortage of housing. By announcing that the cap on local authorities borrowing to fund housing developments is to be lifted, the Prime minister has in effect challenged all councils to do more. Even those for whom borrowing is not an issue.

This Council could examine whether there are further opportunities to build or invest, directly or indirectly, in housing for rent or sale; particularly the affordable and social housing needed by those struggling to get on the housing ladder. Without research and evidence, we could miss opportunities to meet the housing needs of our communities, to generate revenue to support services and to improve our green performance. Are there opportunities to develop new initiatives rather than relying on developers to match housing needs and availability?

The recent report to the Scrutiny Committee, for the year ending March 2018, sounded a positive note with a 23% increase in vacancies on the Council's "Choice Based Lettings" system exceeding the 22% increase in the number of households on the register. This is to be welcomed, but we must ask if we can do more. The

report noted that difficulties exist in matching housing needs to the available stock of affordable or social housing. For example, there are issues facing single people, particularly those under the age of 35 years, where the number of applicants considerably outweighs vacancies.

Having a place to call home is a basic human right. An affordable home is vital for people, for families, for key workers who cannot afford to rent privately let alone buy their own home.

This motion requests that the Council undertakes work to explore opportunities and to provide a base of evidence for future policy consideration. To rise to the challenge of the nation's housing crisis.

The motion was debated and a number of comments were made as summarised below:

- We need to consider what more can be done to provide social housing
- The Council has expanded its housing investment strategy to meet local needs, with a focus on under 35s
- There were a number of issues that impacted on provision of new homes, or rather access, access to mortgages, affordable rent, help to buy, right to buy etc
- We need to maintain affordable housing as a key priority

Resolved:

That the motion be referred to the Economic Planning and Housing Committee for consideration.

77/18 Notice of Motion - Protecting the Top of Town

The following motion was proposed by Councillor Cousens and seconded by Councillor McCormick.

Council notes that;

- 1) A vibrant top of town is important in delivering both a strong local economy and a proud community.
- 2) The top of town has seen many businesses close over the last 12 months.
- 3) The Post Office in London Street is currently at risk of closure.*
- 4) The Government is currently consulting to extend permitted development rights to retail properties.**
- 5) The Council is in the process of introducing Article 4 restrictions on permitted development to; Basing View, Chineham Industrial Estate and Hampshire International Business Park.***

Council requests that;

- 1) The council will not submit any application for permitted development on borough owned retail property located at the top of town.
- 2.1) Officers are tasked with investigating the viability of introducing an Article 4 restriction to safeguard top of town retail units from permitted development.
- 2.2) This report is brought by the relevant portfolio holder to the Economic, Partnership and Housing Committee for further discussion.
- 3) The annual audit of the top of town is replaced with a quarterly audit and continues to report to the Economic, Partnership and Housing Committee. This audit should include, but not be limited to; total number of units, number of vacancies, length of time unit vacant, unit owner, last known tenant/owner, reason for vacancy.
- 4) That the “Top of the Town” Concept Masterplan, created in March 2014****, is reviewed by the Economic, Partnership and Housing Committee, who can scrutinise and, where necessary, recommend amendments and updates.

* <https://www.basingstokegazette.co.uk/news/17214018.call-made-to-have-say-on-post-office-future/>

** <https://www.gov.uk/government/consultations/planning-reform-supporting-the-high-street-and-increasing-the-delivery-of-new-homes>

*** <https://www.basingstoke.gov.uk/A4D2018>

**** <https://www.basingstoke.gov.uk/content/doclib/435.pdf>

The motion was then considered and the following points were made, as summarised below:

- The nature of retail is changing and more needs to be done to support local businesses
- Concern was expressed at the potential closure of the Post Office at top of town
- Town Centre Team should be congratulated, in view of the popularity of the town centre
- Occupancy levels across the town were positive and more was being done to improve them
- A shop front grant was offered as part of the Town Centre Programme

Resolved:

That the motion be rejected.

78/18 **Notice of Motion - Action on Empty Homes**

The following motion was proposed by Councillor Wooldridge and seconded by Councillor L James.

- 1) Empty homes can be a blight on local communities and are a valuable resource that could be used to help meet local housing need.
- 2) We currently have 457 empty homes in the borough. This figure does not include many other empty homes which are exempt from Council Tax, of which, for example, there are 26 in Norden.
- 3) In its 2018 report, the charity, Empty Homes, made several recommendations for Central Government and local authorities including that:
 - Local authorities should have an empty homes strategy for their area, with the aspiration to reduce the number of long-term empty homes;
 - Local authorities should take a casework approach with owners of long-term empty properties to encourage, advise and support them to bring homes back into housing use.
- 4) This Council has no empty homes strategy. Furthermore there is no reference to a strategy or KPIs in relation to empty homes work in its Homelessness and Housing Strategy 2016 to 2020, or its Private Sector Renewal Policy.

Council requests that;

- 1) This Council places a higher priority in tackling empty homes to bring them back into use.
- 2) A report outlining this Council's current approach to dealing with empty homes and including recommendations for a future strategy including KPIs is brought forward to the Economic, Planning and Housing Committee for further discussion at the earliest opportunity.

During the consideration of the motion the following points were made:

During the consideration of the motion the following points were made:

- There appeared to be little or no support for owners
Despite the impression to the contrary a lot of work has been undertaken to address the matter, examples of collaboration with landlords were highlighted
- Further work should be undertaken with partners to ensure the maximum number of empty properties are used, even on a temporary basis

Resolved:

That the motion be referred Economic Planning and Housing Committee for consideration.

79/18 **Notice of Motion - Community Safety Patrol Officers**

The follow motion was proposed by Councillor Westbrook and seconded by Councillor Regan.

- 1) Since 2010 funding for the police in England & Wales has decreased, in real terms, by nearly a fifth, and there are 20,000 fewer officers. This urgently needs addressing.
- 2) Basingstoke residents like all communities still yearn for that reassuring sight of the bobby on the beat.
- 3) Council notes that whilst it has no direct powers over policing, key priorities of our Council Plan are to Improve our resident's quality of life and Support a Borough all feel safe in. Since 2010 we have relied on the invaluable services of our CSPO's to help give residents some assurance.
- 4) Our Community & Safety Patrol Officers are accredited by the Police and already perform a large number of roles within our wards.
- 5) Our CPSOs work closely with police officers and police community support officers (PCSOs), local retailers and residents to help reduce crime, improve community safety and provide reassurance.
- 6) We recognise the commitment and professionalism of our Police and wish to do what we can as a Council to support them in their duties during these difficult times.
- 7) This Motion asks Council to review the current CSPO operation, ensure that it is adequately supported, explore the options for more powers and putting more CSPO's on the ground. Council believes that the CEP Committee would be best placed to undertake this piece of work.

The motion was debated and a number of comments were made as summarised below:

- CSPO's should not be seen as a replacement for Police Officers
- The role of CSPO's in Basingstoke was developed through good cross party working, which helped ensure public support
- Police shortages are a concern
- It was suggested that Members should ask the PCC and Chief Constable to confirm how much is being allocated to frontline Policing

Resolved:

That the motion be referred to the Community Environment and Partnerships Committee for consideration.

At 9:30 pm the Mayor moved and the Deputy Mayor seconded, that the meeting be extended for 15 minutes to enable the remainder of the business on the agenda to be considered.

Resolved:

That the meeting be extended for 15 minutes to enable the remainder of the business to be considered.

80/18 **Questions from Members of the Council on notice**

The following questions were asked and responded to:

Question 1

From: Councillor T Robinson

At Christmas, we are always mindful of those less fortunate across our Borough. As such, can the Portfolio Holder please update the Council on the number of rough sleepers in the Borough?

Answer: Deputy Leader and Cabinet Member for Housing, Regeneration, Arts and Heritage

Thank you Mr Mayor. I am very pleased to be able to update members. Every year we conduct a rough sleeper count, as every local authority is required to do. This year in conjunction all our partners – this was statutory agencies, charities and various other bodies included in the work of homelessness and people with vulnerabilities – we carried out an estimate and it has fallen from 15 last year to 8 this year. That is a 47% decrease, a figure that is down from 26 in 2016, overall.

This reduction is a tribute to the work of the Social Inclusion Partnership and to all the partnership that has gone into the work on homelessness over the last few years. The fact that everyone contributes to that and works really hard to share intelligence and experience and has shared enthusiasm for it as well, to bring about such a result.

However, there is no room from complacency as 8 people rough sleeping is too many. It is a snapshot from one night, it does not include those people who are 'sofa surfing' and so on, and so there is absolutely no reason to let up on the hard work that has been going on. We need to keep doing that, keep pressing on and keep supporting the most vulnerable in our community.

Question 2

From: Councillor T Robinson

In the light of the Chief Executive's email to all councillors regarding the data breach that occurred on 8th December what is the Leader's view about what should happen next?

Answer: Leader of the Council

Thank you Mr Mayor. I am sorry to finish on a rather sobering note but I have to deal with quite a serious issue. The issue of the leak of personal data, which was reported to the Information Commissioner. This was an isolated incident involving the sharing of personal data about a council officer, by 3 Councillors.

The Information Commissioner has considered, and I quote: "the dissemination of sensitive personal data, an unwarranted infringement of the data subject's reasonable expectation, which had serious detrimental effects for the data subject and caused significant damage and distress in a personal and professional capacity. The personal data was not shared inadvertently, in the heat of the moment or by accident, but in the deliberate and calculated distribution of an email."

Let us be clear. This is a very serious finding, which could have resulted in the Council being fined up to £500,000 of taxpayers money and the members concerned, even conceivably facing criminal charges; which was certainly considered by the Information Commissioner, at one stage.

It is not for me to comment on individual members' behaviour, they have been written to separately by the Information Commissioner with an assessment of their role in this matter and they must reflect on the actions that they took and consider their own positions.

For the Council, we take our responsibility for the security of personal information about the people who work for us, very seriously. The Information Commissioner acknowledged that we have a positive approach to data protection, and have sufficient policies and procedures in place regarding information management and its security. Data protection training is mandatory for all employees and an online training module is available for all members. All employees and elected members are bound by a code of conduct which covers, amongst other things, the disclosure of information.

It was because we took immediate action - and by we, I largely mean the Chief Executive and the Information Governance Officer, who I think deserve praise for the way that they handled this matter – it was because we took immediate action following the disclosure to contain the information and to reduce the detriment caused the data subject, that the Information Commissioner has decided not to take any formal action against the Council on this occasion. However, a breach occurred.

We therefore have more work to do to ensure that such a regrettable occurrence never happens again. In particular, we will follow the Information Commissioner's

advice to increase staff awareness of data protection, still further:

- To ensure members undertake regular training in data protection and that we implement regular refresher training.
- To ensure that all staff and members, read and understand the relevant policies and the code of conduct, and understand their personal responsibility.
- That we fully document and provide instructions to staff permitted to disclose information, so that they understand their responsibilities.

Mr Mayor, this was a very serious and highly regrettable occurrence, which could have had very far reaching and expensive consequences for the Council and for those involved. It must not happen again and it is the responsibility of all us to ensure that it does not.

81/18 **Questions to Chair of Cabinet and/or a Committee**

Councillor Harvey asked a question in relation to the Community Environment Partnerships Committee of 26 September 2018, in relation to the item on waste and refuse collections. He advised that residents from across the borough had been contacting members and reporting problems with the waste collection.

The Portfolio Member for Regulatory Services and Environment was surprised to hear the problems raised by Councillor Harvey and undertook to discuss the matter with colleagues and the contractor. She also requested members to provide evidence of any problems to her and/or officers.

Councillor McCormick advised that he had a question for the Chair of Economic, Planning and Housing Committee on a matter raised by one of his constituents, relating to the Council's Transport Strategy.

The Chair of Economic, Planning and Housing Committee asked Councillor McCormick to submit the information that he had directly to him and undertook to reply to Councillor McCormick.

There were no further questions from the meetings listed below:

Committee	Meeting Date
Audit and Accounts Committee	24 September 2018
Community Environment Partnerships Committee	26 September 2018
Standards Committee	8 October 2018
Cabinet	9 October 2018
Development Control Committee	10 October 2018
Crime and Disorder Joint Scrutiny Committee	11 October 2018
Manydown Overview Committee	17 October 2018
Council	18 October 2018
Community Environment Partnerships Committee	31 October 2018
Economic, Planning, Housing Committee	1 November 2018
Development Control Committee	7 November 2018

Cabinet	13 November 2018
Community Environment Partnerships Committee	14 November 2018
Licensing Committee	15 November 2018
Scrutiny Committee	20 November 2018
Human Resources Committee	27 November 2018

The meeting ended at 9.50 pm.

Chairman