

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

# Cabinet

The meeting will be held at **7.00 pm** on **14 March 2018**

**Committee Rooms 2 & 3, Civic Offices, New Road, Grays, Essex, RM17 6SL.**

## Membership:

Councillors Robert Gledhill (Chair), Shane Hebb (Deputy Chair), Mark Coxshall, James Halden, Deborah Huelin, Brian Little, Susan Little and Aaron Watkins

## Agenda

Open to Public and Press

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### **Queries regarding this Agenda or notification of apologies:**

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Agenda published on: **6 March 2018**

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# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

### Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

## Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
  
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
  
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

## Minutes of the Meeting of the Cabinet held on 7 February 2018 at 7.00 pm

The deadline for call-ins is Monday 19 February at 5.00pm

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**Present:** Councillors Robert Gledhill (Chair), Shane Hebb (Deputy Chair), Mark Coxshall, James Halden, Deborah Huelin, Brian Little and Aaron Watkins

**Apologies:** Councillors Susan Little

**In attendance:** Lyn Carpenter, Chief Executive  
Sharon Bayliss, Director of Commercial Services  
Sean Clark, Director of Finance & IT  
Steve Cox, Corporate Director Place  
Roger Harris, Corporate Director of Adults, Housing and Health  
Jackie Hinchliffe, Director of HR, OD & Transformation  
Rory Patterson, Corporate Director of Children's Services  
Karen Wheeler, Director of Strategy, Communications and Customer Service  
Julie Rogers, Director of Environment and Highways  
David Lawson, Assistant Director of Law & Governance  
Wendy Le, Democratic Services Officer

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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

### **89. Minutes**

The minutes of the Cabinet meeting held on 10 January 2018 were approved as a correct record.

### **90. Items of Urgent Business**

There were no items of urgent business.

### **91. Declaration of Interests**

There were no declarations of interest.

### **92. Statements by the Leader**

The Leader started off by stating that the Ockendon by-election had been called for Thursday 22 March 2018. The notice for this would be published in the next few weeks which would move the Council into the pre-election period next Thursday until after the local elections in May.

Referring to the Clean it, Cut it, Fill It Programme, the Leader said that:

- January had filled 536 potholes which brought the year to date figure as 5109 since April last year;
- 2083 tons of waste had been collected since April 2017.
- 74,163 bags of litter picked.
- 42,288 bins emptied
- 1,986 fly tips removed
- 9,300 acres grass cut and cutting works would recommence in March subject to weather conditions.

In Enforcement, Thurrock had issued 272 FPNs in January, with 125 of them paid, totalling to just around £10,000. These fines had been issued for Public Space Protection Order warnings, spitting, dropping food and cigarette debris.

The Leader announced that he had recently been appointed Vice Chairman for the Association of South Essex Local Authorities. On 2nd February, they had announced a game-changing association of South Essex Councils after the Memorandum of Understanding was signed. Basildon, Brentwood, Castle Point, Essex County, Rochford, Southend and Thurrock had joined together, across borders, to work on strategic issues like planning, growth and infrastructure. Councils may see these borders but residents and businesses did not and wanted to see a smooth flow so this would enable councils to work together better. This proposal would be put forward to Full Council in June.

The Leader went on to say that the vision and priorities were agreed at Full Council last week. He reiterated his thanks to everybody who had worked hard on them and was pleased to see they were now agreed. He said this piece of work was probably the most inclusive consultation made in Thurrock to produce its Vision and Priorities ever.

In Housing matters, the Leader addressed the issue of water charges, which had been the subject of recent publicity following a High Court judgement against Southwark Council back in March 2016 where the Council had been reselling water back to residents. He clarified that Thurrock Council did not do this so did not expect any challenges in relation to this.

The Leader continued with his statement by saying that the Council had received:

- An extra £75,000 for Disabled Facilities Grant back in December;
- About £370,000 for Unaccompanied Asylum Seekers Care which recognised the burden the Council had to take on and for provisions going forward;
- An additional £409,000 Adult Social Care Grant that had been announced earlier in the day which brought the current figure up to £2.6 million;
- Circa £1 million from Improved Better Care Fund;



- £500,000 extra for the Homes Infrastructure Funding to help with the Claudian Way scheme.

### **93. Briefings on Policy, Budget and Other Issues**

The Portfolio Holder for Education and Health, Councillor James Halden, provided an update on the Sustainability and Transformation Plan (STP). This was key for Thurrock as it contained proposed changes to Orsett Hospital and the reconfiguration of three acute hospitals. A Memorandum of Understanding had been signed between the Council and NHS partners to keep services within Orsett Hospital running until the four Integrated Medical Centres (IMCs) were up and running. He went on to say the IMCs moved services away from decaying buildings and would merge hospital services with GP services closer to home which fulfilled the need and the administration's commitment to provide modern local healthcare to residents. He had recently visited the site of the proposed IMC in Tilbury along with the Portfolio Holder for Regeneration, Councillor Mark Coxshall.

The administration would be supporting the STP through its consultations. The STP aimed to move Basildon and Thurrock Hospital to a centre of excellence and specialist care with patients receiving better care and shuttle services to transport patients between hospitals. Regular reviews would be undertaken to ensure patient needs were met. Councillor Halden stated that he was concerned the Plan did not go far enough to achieve true financial sustainability as it focussed too much on acute hospital services and not enough focus on primary care. Although he supported the STP which would improve patient pathways, it did not go far enough across Essex to address the growth and pressure of demand. He was concerned that this Plan would move back to an older style of hospital organisation and centralisation within the NHS which would undermine local autonomy. Despite this, the STP was welcomed as it would protect the clinical services within Orsett Hospital but there were concerns. The Council would continue to work with the NHS to ensure the best outcomes for Thurrock's residents.

An update to Environment and Waste was given by the Portfolio Holder for Environment, Councillor Aaron Watkins:

- Street cleanliness had seen a 50% improvement;
- Private cleaning had been increased with improvements as the department had been working with Enforcement Officers;
- Additional equipment would soon be acquired in the Environment Team;

Also, the 28 new vehicles recently acquired will be rolled out in the next few weeks and will be named. Councillor Watkins thanked the service department for engaging with schools on naming the vehicles. To prevent further dumping of plastics in the oceans in line with the government, plastics only recycling bins would be looked at and would go out throughout the Borough.

### **94. Petitions submitted by Members of the Public**

There were no petitions submitted.

**95. Questions from Non-Executive Members**

The Leader of the Council advised that no questions had been submitted by Non-Executive Members.

**96. Matters Referred to the Cabinet for Consideration by an Overview and Scrutiny Committee**

One matter had been referred to Cabinet for consideration from the Housing Overview and Scrutiny Committee which related to the Grounds Maintenance Charge.

**97. Recommendation of Housing Overview and Scrutiny Committee - Grounds Maintenance Charge (Decision 0110458)**

From the report provided, the Leader felt the Housing Overview and Scrutiny Committee had scrutinised the Grounds Maintenance Charge thoroughly. Enough options had been given to the Committee to consider and he was pleased with the work and effort the Committee had put in.

**RESOLVED:**

- 1) That the Cabinet agreed to the withdrawal of the Grounds Maintenance Charge.**

Reason for decision - as stated in the report.  
This decision is subject to call in.

**98. Children Looked After Placement Commissioning (Decision 0110459)**

Councillor Halden, presented the report on behalf of Councillor Sue Little. The report outlined the end of an Eastern Region contract which had been procured years ago to enable the Council to better meet the needs of Thurrock's children and young people. The new proposed contract would cost £10.3 million per year and cover a six year period across placement groups of:

- External Independent Foster Care Agencies (IFAs)
- Children's residential placements
- Post 16 supported accommodation

Thurrock would be able to grow its own network to enable social workers to check on children in a more logistic way which would allow for a more holistic network.

The Leader acknowledged that Councillor Sue Little had put in a tremendous amount of work into the plan and congratulated her on it. He agreed that the

proposed contract was the right way forward which was not about the money but instead about the outcomes. It was a significant amount of money and being able to commission everything locally was the right idea.

**RESOLVED:**

- 1) That Members agreed to the proposal to simplify and improve the commissioning of placement provision, in particular to withdraw from the current Eastern Regional contract when it ended in December 2018.
- 2) That Members approved officers proceeding to tender for placements for children looked after for: Independent Foster Care Agencies, residential accommodation, supported accommodation and family assessment placements.
- 3) That Members seek approval for delegated authority for the Corporate Director of Children's Services, in conjunction with the Portfolio Holder for Children's and Adult Social Care to:
  - Award contracts following completion of the tender process
  - Should demand increase, approval will be sought from the Corporate Director of Children's Services, in conjunction with the Director of Finance and the Portfolio Holder for Children's and Adult Social Care.
- 4) That, due to the nature of the services being purchased, Members agreed the recommendation that the Corporate Director of Children's Services is not required to competitively tender contracts for children's placements where:
  - The placement cannot be made on the contract to be awarded under this exercise;
  - The purchase is required in order that the Council may meet its statutory obligations and;
  - the application of the Contract Procedure Rules contained within the Thurrock Council Constitution would prevent the statutory discharge of those statutory obligations.

Reason for decision - as stated in the report.  
This decision is subject to call in.

**99. Treasury Management Strategy 2018/19 (Decision 0110460)**

The Portfolio Holder for Finance, Councillor Shane Hebb, started off by saying the Cabinet and Council had supported moving forward with the investment strategy back in October 2017. Since then, it had paid off in dividends and the

Council was now on course to enable self-sufficiency until 2020 and possibly into mid 2021 with the proposal as set out within the report.

Councillor Hebb drew attention to The Prudential Indicator's headings in the appendices and said these were slightly less in number than what was presented. He went on to say that the two indicators that referred to impacts to council tax and rents were disingenuous so the two indicators could be scrapped.

Last month, Thurrock Conservatives had put forward a paper for a new Thurrock Regeneration Limited (TRL) scheme in Belmont Road in Grays, which would provide much needed housing for the future. It would enable the younger generation to buy their first home and provide a council home for a resident in need. A financial positive from TRL was that it would enable the Council to secure income from the investments made. A new recommendation to this report related to TRL was then put forward.

Councillor Hebb continued with the report stating that TRL was a unique opportunity which would deliver 1,000 homes by the end of 2022/23 with 350 being affordable and possibly council owned. 35% of these would be on the affordable housing scheme. To facilitate the delivery of 1,000 homes, an indicative lending facility of £250 million would be needed over the 5 years. This would give TFL flexibility and freedom to operate within the housing market through joint ventures. He finished the report by saying that he hoped this policy would be supported by every party in Thurrock which was a win-win solution.

Councillor Halden congratulated Councillor Hebb on balancing the budget for the future and for accelerating a massive home building scheme. He praised Councillor Hebb's work as great especially since the Cabinet had inherited a big deficit. The budget proposed was positive and optimistic which the Borough deserved.

Councillor Coxshall echoed the same sentiments and stated that the residents along with everyone else wanted good quality homes to live in. The Cabinet had to ensure that this was delivered and not just a vision. He felt it was important to see people putting the key into their first homes. He positively stated that a turnaround time of three to five years could be done and positive actions and strategies would see this through.

Recognising points brought up from Overview and Scrutiny Committees, Councillor Hebb said a lot of good work had been done on the strategy. He was excited to start building the 1,000 homes from next year. He went on to say that people used to move to Thurrock because of cheaper house prices but now looked past the Borough due to rising house prices. Coupled with the recent stamp duty announcement, young people would now be looking to buy again and he wanted to make Thurrock the place to play, live, stay and work.

The Leader said it was a realistic strategy and congratulated everyone who had been involved in the work done. He was proud to see that the Council

was looking at a four to five year balanced budget whilst other councils were declaring bankruptcy. This balanced budget would put less strain on Officers and Thurrock Council was spending money wisely yet still delivering the same services with some providing better services.

**RESOLVED:**

**That the Cabinet recommended that the Council:**

- 1) Approve the Treasury Management Strategy for 2018/19 including approval of the Annual Minimum Revenue Provision (MRP) Statement for 2018/19;**
- 2) Approve the adoption of the Prudential Indicators as set out in Appendix 1;**
- 3) Note the revised 2017/18 and 2018/19 Treasury Management projections as set out in paragraph 2.33; and**
- 4) That Cabinet requested a paper to be produced and brought to February's Full Council, specifically calling for a significant acceleration of TRL's ability and ambition – specifically achieving 1000 new homes and delivered by the end of 2022/23, 350 of which will be affordable and/or potentially council owned properties.**

Reason for decision – as stated in the report.

This decision is not subject to call-in (Chapter 5, Part 1 – Article 8, paragraph 10.5).

**100. Medium Term Financial Strategy And Draft Budget Update (Decision 0110461)**

Presenting the report, Councillor Hebb announced that Thurrock Council's budget, and the ability to provide the same services, would be protected by two and a half years. Following years of Labour's excessive public borrowing, the Conservative Party had taken part in funding reductions to reduce the national deficit from £165 billion down to £45 billion. He went on to state that there would be no top-down cuts to services over the next two and a half years. From the Cabinet's economic plan, there would be flexibility for a real service reform instead.

Through a Council Spending Review, the grant-funding deficit has been closed and a bottom-up look had been taken to view the way services were run and funded. This ensured market parity and the Treasury Management Strategy which would secure a sound rate of return. The investment approach taken was delivering and provided the Council with extra cash to spend on the community:

- Clean It Cut It had nearly half a million pounds extra;

- Fill It saw nearly £1 million extra;
- Lower Thames Crossing had £380,000; and
- Anti-social behaviour which was a well needed investment had a quarter of a million.

The house building delivery vehicle mentioned in the previous report would provide an income to the Council's treasury which would enable the funding deficit in the years 2020/21 and 2021/22 to be negligible and managed to be achieved by internal budget management. This would also be put forward in the February budget meeting at Full Council.

Councillor Hebb continued by saying that the Cabinet would be extending the two and a half years solvency to at least three and a half to four years. All that had been achieved in the past 18 months had been done without taking advantage of a 2.99% general tax increase but he thanked the Local Government Ministry on recently announcing that councils could levy a 2.99% council tax increase. He stated that the Cabinet would not be doing this as they wanted Thurrock's residents to keep as many pounds in their pockets as possible and that the increase was unnecessary for the Council's economic plans. Therefore recommendation 2 would be the proposal of a 1.99% increase and not 2.99%.

The Cabinet would also be supporting the need to provide more funding into Adult Social Care to reduce issues of isolation and enable the elderly to maintain busy and involved lifestyles. This would prevent cases to grow in the years to come.

Councillor Hebb finished his report by thanking all that had been involved in the delivery of the Council's vision. The budget would see that Thurrock become the place that it could be, one that would work for everyone living in the Borough.

Councillor Halden praised the work done stating that it was evident that the plan was working because the Cabinet had not taken the additional tax offer. There were greater investments, new IMCs and no council tax increases to the maximum unlike other councils.

From the setting of the Treasury Management Strategy, the Leader could see this had enabled the Medium Term Strategy to be set. He agreed that the Cabinet had not taken the 2.99% council tax increase because their plan had worked well to enable them not to need it. The proposed increase of council tax was modest and asking for the 3% council tax increase to provide funding to Adult Social Care was justified and necessary. No other Local Authority was able to reject the maximum council tax increase and achieve a strong five year budget plan as Thurrock Council did. Nor did Thurrock have to make cuts to services due to the excellent Treasury Management Programme and Officers who were looking outside the Borough to look at how to save money through investments into Thurrock. He hoped that the other Political Parties would support the Cabinet with the recommendations to be put forward at the Budget Council meeting in February.

The Leader went on to say that the 40% increase in the Reserve Fund was great as no other Local Authority could say the same thing. He mentioned that the Council Spending Review was not just something the Cabinet did as this was done across Parties. For this, he thanked the Parties for attending and stated that everything discussed was transparent to ensure all Parties understood what the Cabinet was doing and why. He said that there may be a question of why council tax was increasing when there was extra money available. This extra money had been gained through good financial planning and would be used to fund other projects and improve services e.g. reducing service costs, to fight the Lower Thames Crossing etc.

**RESOLVED:**

**That the Cabinet recommended to Full Council:**

- 1) That the Cabinet propose a 3% council tax increase towards the cost of Adult Social Care;**
- 2) That the Cabinet propose a 1.99% council tax increase to meet the increasing costs and demands of all other services and to move the council towards greater financial sustainability for the medium to longer term; and**
- 3) That the Cabinet agree to the budget proposals set out throughout this report and appendices.**

Reason for decision – as stated in the report.

This decision is not subject to call-in (Chapter 5, Part 1 – Article 8, paragraph 10.5).

**101. Fees and Charges Pricing Strategy 2018/19 (Decision 0110462)**

Councillor Hebb started the report off by announcing that fees and charges formed a critical part of council income. The administration had taken significant steps to ensure market parity in charges for more discretionary services to make it as close to cost recovery as possible. It was important to keep recognised services requiring a fee, competitive and that sustainable services could only be consistent if the economics were right in the Council.

Some key points to note in the Fees and Charges plan for 2018/19 were:

- Thurrock's Conservative Party were proud to abolish charges on personal alarms as part of the Careline service. The Cabinet did not consider assistive technology to be a luxury item but instead something much needed.
- Residential car permit fees would continue to be free for the first two years within a dwelling which would support the parking management

needed within Thurrock's denser areas such as Grays and Stanford-Le-Hope.

- The Cabinet will be abolishing the admin internment fee for all children under 16 years of age instead of the current age of five. This was a small gesture that the Council could provide to bereaved parents and guardians in the tragic loss of a child.

The Leader said that it was good that the Council recognised those terrible situations a parent could be in. He agreed with the abolishment of the fee and congratulated Councillor Hebb and Officers on putting this forward.

**RESOLVED:**

- 1) That Cabinet agreed the proposed fees and charges, including those no longer applicable as per Appendices 1 and 2.**
- 2) That Cabinet approved delegated authority to allow Fees & Charges to be varied within a financial year in response to legal or regulatory requirements, in consultation with the relevant portfolio holder.**
- 3) That Cabinet noted the feedback from all Overview and Scrutiny Committee meetings as per Appendix 1.**

Reason for decision - as stated in the report.  
This decision is subject to call in.

**102. Capital Programme Proposals (Decision 0110463)**

Presenting the report was Councillor Hebb, who introduced the report by saying that heads and investments had turned toward Thurrock since the Conservatives had come into administration. Investments did not happen in places with no hope, instead, this went to perceived and anticipated winners and Thurrock was racing ahead in that race. He went on to say what the Capital Plan included:

- The start of the long awaited improvement programme of Stanford/Orsett/Chadwell A13 road improvements;
- Regeneration programmes in Purfleet, Grays and Tilbury which included a new infrastructure, homes and an underpass in Grays as announced by Cabinet at the end of the last year;
- The long neglected ward of Aveley would be benefitting from a new hub-like facility filled with learning and play;
- The Cabinet had put in circa £67 million investment into building new school facilities for primary, secondary and special needs;
- A new bin collections fleet to replace the current dying fleet which would improve bin collections; and



- A significant upgrade to the Linford Waste Facility which would improve access to the site, reduce manual handling and improve general site safety.

Councillor Hebb added that between 2017/18 and 2020/21, Thurrock would have circa a quarter of a billion pounds spent on it which would make Thurrock the best place to work and play, and live and stay. He was confident in what the Borough could achieve as the Cabinet moved into the next phase of their capital spending agenda.

This year, the Cabinet was apportioning money to allocations which related to their aspirational programme e.g. service reviews, property investments etc. Some of the new schemes proposed directly linked to flagship schemes as well as:

- New bins and receptacles across the Borough;
- New tools and equipment to help the Council clean better and quicker including currently ignored areas;
- Improve war memorials;
- A commitment that Thurrock would join the 21<sup>st</sup> century with the installation of card and cash ticketing machines for car parking;
- A brand new residential care facility for the elderly and those in need of regular social provision;
- New IMCs;
- Investment in technology in the Civic Offices to enable better services, better inter-departmental working and improved working systems to enable Thurrock to serve better.

Councillor Halden said the Capital Plan was important in that it was spent and used. It was working well as more children in Thurrock had got their first choice of school than ever before and working with a group of schools, he had enabled the sign off for three school bids. His department was also looking at a circa of £90 million to be spent on school infrastructures in the next few years and was excited about the expansion of the civic amenity site.

Adding to this, Councillor Coxshall said that more investors were coming into Thurrock and one of them was C2C who were keen to improve in Grays. He went on to say that Grays needed a new look and the Council needed to do their part in this now as the town needed to move forward and in line with the Lower Thames Crossing.

Councillor Watkins said that great things were happening in the Environment department and highlighted the pilot of big belly bins. Referring to the Linford Waste Facility, he agreed that improvements would be coming forward which would benefit the residents. Plans were also going forward to ensure war memorials were at an acceptable standard.

The Leader commented that the only problems with Capital Programme Proposals were concerns from residents and opposition Parties on the amount of money to be spent. Although announcements were made now,

these proposals would not start until two, three or four years' time with completion dates further into the future. These are split out in the proposals but aspirations were needed within the Borough as it grew with more investments coming in so plans were needed which was why the Capital Programme Proposals were put forward. There was a lot of money not yet spent as they were waiting to collect critical masses or to start projects to enable successful deliveries of the proposals. Projects took time but things were on route.

**RESOLVED:**

- 1) That Members considered the approach of general allocations as set out in section 4;**
- 2) That Members commented on the specific proposals set out within Appendix 3 of this report; and**
- 3) That Members recommended these proposals to Full Council.**

Reason for decision - as stated in the report.  
This decision is subject to call in.

**103. Housing Revenue Account - Business Plan and Budgets (2018/19 - 2047/48) (Decision 0110464)**

The Leader introduced the report which would highlight some stories and updates within the Housing department in Thurrock. The report showed a balanced outturn that had been achieved without a decrease in the quality of service despite financial challenges faced by all social landlords. The big three performance indicators for housing management – repairs, rents and void turnaround time, had also seen good progress.

98% of repairs in all categories had been completed within the target timescales and complaints related to Mears Ltd were at an all-time low. Overall, 34% of complaints had been upheld so far this year which was down from 41% last year. It was now below the target of 40%.

Rent collection was at 98% and Financial Inclusion Officers had assisted 500 tenants with budgeting and benefits advice to prevent them from losing their homes. The Voids performance had improved with an average turnaround time that had been below the target level of 30 days for each of the last three months.

Savings on staff costs had been achieved which enabled the staffing budget for the next year to be reduced by £300,000. This had enabled more to be spent on important matters to tenants:

- The Neighbourhood Improvement budget had been protected and increased. The service would be speaking with tenants about how they would like to see the money spent within their local areas.

- Conditions of garages would be improved and the longer-term use of these would also be considered.
- The Sheltered Housing Improvement Project would deliver external and internal improvements to every one of the Council's sheltered housing complexes.
- The spend of £1 million this year on enhanced fire safety measures in response to the Grenfell Tower Fire.

Adding to the last point, the Leader said the department was waiting on results of the empirical tests of the cladding materials in the Council's tower blocks which had been commissioned as a 'double assurance' previously.

The service department would apply the same approach as covered in the Fees and Charges report of looking for efficiencies to the General Fund activities in the service. Additionally, they would soon be consulting on the phased rents increase for traveller sites which had been subject to increasing management and maintenance expenditure costs in recent years. This increase would reflect the real costs that had not been reflected previously and residents would be asked to make a greater contribution to the services they received.

A similar value-for-money approach had prevented an overspend on temporary accommodation for the homeless. The department had made better use of the Council's stock to reduce third party costs and spent less of the flexible homelessness grant. A focus on prevention had helped with this as the number of homelessness cases had dropped to a 25% year on year figure.

The recent outcome for the Stock Condition Survey revealed a significant amount of work to be done and money to be spent on the Council's current housing stock. This would be over the next 30 years which would need to ensure the best value was maximised for the works to be done.

Thurrock's bid for funding through the national Housing Infrastructure Fund has been successful with £538,000 secured to help with the delivery of new social homes at Claudian Way in Chadwell. Through TRL, the Council would be looking to deliver more new affordable homes along with the recent planning permission granted for Belmont Road. This will push Thurrock into a more modern social landlord that would be able to respond to housing pressures and act creatively to face them.

**RESOLVED:**

- 1) That the assumptions included in the HRA Business Plan, as summarised in the report were noted by Members.**
- 2) That the HRA budgets for 2018/19 were agreed by Members.**

Reason for decision - as stated in the report.  
This decision is subject to call in.

**104. Pilot Development of Head Start Housing for Care Leavers & Vulnerable Young People (Decision 0110465)**

The report was presented by Councillor Halden which outlined the Head Start Housing scheme as support to young care leavers. The development of the houses of multiple occupancy (HMOs) had been piloted for quality purposes and the idea was to see the child as a whole person, not a housing or social care case. It would ensure every service that the Council had would be laid bare to care leavers, to prevent them from becoming adult social care cases.

Councillor Halden went on to say that if the Cabinet agreed to exempt care leavers from council tax, this would add to the major package support provided to them. The burden of council tax would be taken off them. Transitional housing would also be looked at to be provided to young care leavers. He finished the report off by thanking Michele Lucas on her hard work in the scheme and individual analysis of care leaver cases.

Echoing the same sentiments to Michele Lucas, Councillor Hebb thought the work had been done well. He said that giving some degree of support to young leavers was great and much needed. He congratulated everyone else who had contributed to the development of the scheme.

Speaking on behalf of Councillor Sue Little, Councillor Brian Little added that this piece of work was important to Councillor Sue Little who had worked with Councillor Halden on it. It was the right way forward to allow young care leavers to continue on with their lives to prevent them from regressing into care.

Councillor Halden said that Councillor Sue Little had asked for comments from specific cases. He read out the second quote from page 181 of the agenda and stated that this was how he wanted other young care leavers within Thurrock to feel.

The Leader felt the quote was a fantastic statement that put things into perspective and it would be great to see more progress as the scheme expanded.

**RESOLVED:**

- 1) That Members approved and supported the ongoing development of the programme to enable more properties to be available for the scheme.**
- 2) That Members approved and supported the development of a transitional housing scheme and would provide personalised support for young people as they enter the aftercare service.**
- 3) That Members approved the joint working approach between Social Care and Housing to improve the offer to care leavers.**

- 4) That Members approved the proposal to exempt Care Leavers from Council Tax between 18-21 and in exceptional circumstances for young people up to 25.**

Reason for decision - as stated in the report.  
This decision is subject to call in.

**105. Appendix 1 - Children Looked After Placement Commissioning**

The Leader stated that this item would not be discussed as it had already been acknowledged within the Children Looked After Placement Commissioning report.

**The meeting finished at 8.30 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**

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<b>14 March 2018</b>	<b>ITEM: 10</b>
<b>Cabinet</b>	
<b>Delivery Of The New Primary Inclusion Units In Thurrock Mainstream Schools. (A Hub And Spoke Model)</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Non-Key
<b>Report of:</b> Councillor James Halden, Portfolio Holder for Education and Health	
<b>Accountable Assistant Director:</b> Michele Lucas, Assistant Director Learning and Inclusion.	
<b>Accountable Director:</b> Rory Patterson, Corporate Director of Children’s Services	
<b>This report is public</b>	

## **Executive Summary**

Working closely with the Regional Schools Commissioners (RSC) following the Ofsted judgement placing the Olive Alternative Provision (AP) Academy in special measures, the council took responsibility and closed the Corve Lane provision (previously part of Olive). This was provision for primary aged pupils up to the age of 11 years and continued under Olive Academy until June 2017 when it finally closed.

From the beginning of the new academic year in September 2017, East Tilbury Primary School, as part of St Clere’s Trust, took responsibility for the Year 6 pupils who were previously being educated by Olive Academy at Corve Lane.

The development of a range of small inclusion units gives the council the opportunity to educated pupils at risk of permanent exclusion or who have been permanently excluded to be placed within our mainstream provision. Too often, under the previous arrangements primary aged pupils at Corve Lane transferred to the secondary AP provision located at the Culver Centre. The new arrangements, if approved, will make provision in up to an additional four new referral units for a maximum of 2 terms before transfer to a mainstream school.

In establishing the “Hub” provision at the old Stanford-le-Hope Children’s Centre run by East Tilbury Primary School, the local authority sought expressions of interest from all Thurrock primary school to develop a new “Hub and Spoke” model with satellite centres in up to 4 additional schools across the borough.

To date, we have received 8 expressions of interest to work with the Hub at East Tilbury and work is on-going to agree the new bases. It is planned to have the full model implemented by the beginning of April 2018 in the new financial year.

**1. Recommendations Cabinet are asked to:**

**1.1 Comment on the planned changes in provision for children at risk of permanent exclusion or who have been permanently excluded.**

**1.2 Acknowledge and comment on the agreement with the Regional Schools Commissioner that the council will take responsibility for the new primary provision for these vulnerable children.**

**2. Introduction and Background**

**Inclusion units**

2.1 Following the inadequate inspection judgement, the Primary Pupil Referral Unit (PRU) at Corve Lane has been closed. As a result the council are currently exploring with all Thurrock primary schools the plan to open inclusion units across the borough to keep children in school settings, as opposed to the traditional primary PRU provision model.

2.2 The authority is continuing to work collaboratively with the main secondary Alternative Provision (AP) Olive AP Academy (*previously Secondary PRU*) and support secondary schools to avoid referrals. The secondary provision, having recently moved to Tilbury was inspected in September 2017 following being placed in Special Measures by Ofsted earlier in the year. Inspectors said there were “green shoots” and that young people were now judged to be safe in the new buildings in Tilbury. Much remains to be done to move the provision to good.

2.3 Following the Ofsted decision to place both the primary and secondary alternative provision provided by Olive AP Academy in Special Measures the council worked closely with the Regional Schools Commissioner (RSC) and the Olive Trust to remove the primary provision and establish the new “Hub and Spoke” model under the leadership of the local authority.

2.4 The functions of the former primary age PRU run by Thurrock Council were transferred to the Olive Academies Trust on 1<sup>st</sup> April 2015 and became part of the Alternative Provision delivered by Olive Academy Thurrock. The primary aged pupils were based in a separate building at Corve Lane. The Primary Unit of Olive Academy Thurrock closed on the 5<sup>th</sup> June 2017 due to the setting being judged inadequate by Ofsted earlier in the year.

2.5 Since that time the provision has been gradually phased out with some children remaining on the roll of Olive Academies Trust and being educated in other



settings and some transferring to mainstream primary settings. At all times, because of the specific needs of the children, their placement in a variety of settings has been driven by a careful assessment of their needs now and in the future.

2.6 Expressions of Interest have been received from a range of primary schools across the borough as we develop the new “Hub and Spoke” model of provision. Currently the following Multi Academy Trusts have expressed an interest in creating the four additional primary satellite inclusion units (see diagram)

- Osborne Co-operative Academy Trust
- South West Essex Community Education Trust (SWECET)
- Catalyst Academies Trust
- Ortu Federation Ltd (Stamford and Corringham Trust)

**The Hub & Spoke Model:**

2.7 Under the direction of St Clere’s Trust the “Hub” has been established under the leadership of East Tilbury Primary School creating an assessment centre to determine the needs of primary aged pupils who have been permanently excluded or are at risk of permanent exclusion.

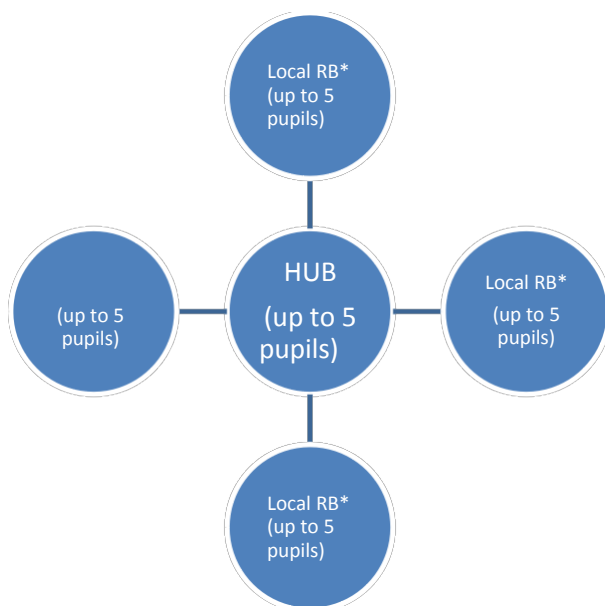
The centre focuses on de-escalation and seeks to:-

- support age appropriate interventions and preventative in-school support, with the intention of providing therapeutic services and turnaround so that pupils are returned to mainstream within 2 terms.

**Resource Base Spokes (locality based, up to 4 pupils in each)**

- Reintegration programme to prepare for mainstream
- Pupils to work in age appropriate mainstream classrooms with the TA
- One-to-one support and mentoring as appropriate to withdraw from mainstream classrooms to de-escalate and re-engage.
- Pupil numbers:
  - Resource bases (4 x 4)      16
  - Hub assessment              5
  - Total pupils    21
- 4 ½ day week curriculum provision (23.5 hours)

## The Hub and Spoke model.



### 3. Issues

- 3.1 Working with the four academy trusts capital funding will be provided, where necessary, to create an inclusion base in one of their primary schools in the borough. The funding will be secured from the basic schools capital fund supported from the SEN capital recently allocated to Thurrock by the DfE.
- 3.2 Revenue funding will be required to staff each of the units making up the Hub and Spoke model. Funding will be provided from the Dedicated Schools Grant. Consultation needs to be undertaken whereby funding follows the pupil from the excluding primary schools
- 3.3 Currently, pupils removed from the roll of an excluding school do not lose any funding in terms of Age Weighted Pupil Unit (AWPU) funding or the associated pupil premium. In addition, to meet the needs of the new model, excluding schools would need to contribute £6k to meet the needs of the excluded pupil located in the new provision. Together with the removed pupil funding and the additional school contribution the new provision will ensure appropriate staffing is in place in the hub and the associated satellite units. Phase two of this initiative will include developing opportunities for short term time out placements this will not involve removing children from the home school roll – funding for this will be met from the home school. The aim of this is to allow schools the opportunity to look at a range of different strategies for when the pupil returns to the home school.

### 4. Reasons for Recommendation

- 4.1 Having established new Alternative Provision for secondary aged pupils in the borough, this proposal, if approved, creates good provision for primary aged pupils for up to two terms before returning to mainstream provision. The schools chosen to deliver the new model will demonstrate very good inclusive practice and will be located geographically in easy reach of every primary

school in the local authority. This will ensure that children remain in good quality provision and enable them to continue their education in a mainstream school.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

5.1 A paper was taken to Overview and Scrutiny in November 2017.

### **Overview and Scrutiny agreed:-**

The planned changes in provision for children at risk of permanent exclusion or who have been permanently excluded and confirmed the agreement with the RSC that the council will take responsibility for the new primary provision for these vulnerable children.

### **The Hub & Spoke Model:**

Under the direction of St Clere's Trust the "Hub" has been established under the leadership of East Tilbury Primary School creating an assessment centre to determine the needs of primary aged pupils who have been permanently excluded or are at risk of permanent exclusion.

The centre focuses on de-escalation and seeks to:-

Support age appropriate interventions and preventative in-school support, with the intention of providing therapeutic services and turnaround so that pupils are returned to mainstream within 2 terms.

## **6. Impact on corporate policies, priorities, performance and community impact**

6.1 Create a great place for learning and opportunity

6.2 Improve health and well-being

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Nilufa Begum**  
**Finance Officer**

There are no direct implications in this report

## 7.2 Legal

Implications verified by: **Lucinda Bell**  
**Legal Officer**

There are no direct implications in this report.

## 7.3 Diversity and Equality

Implications verified by: **Rebecca Price**  
**Community Development**

There are no direct implications in this report.

## 8. Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- N/A

## 9. Risks

- 9.1 The local authority has a statutory responsibility to meet the needs of permanently excluded pupils from both maintained and non-maintained school in the borough. This new model, if adopted will create up to 25 additional places for vulnerable young children to ensure they receive their full educational entitlement. Failure to deliver this new approach will create a significant risk in that the LA will not meet its statutory responsibilities

## 10. Conclusions

- 10.1 Following consultation with primary schools and academies the council will seek to establish the new provision building on the excellent work being undertaken by East Tilbury Primary School as the “Hub” and assessment centre for the new provision.

## 11. Appendices to the report

- None

**Report Author:**

Michele Lucas  
Assistant Director Learning and Inclusion.

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<b>14 March 2018</b>	<b>ITEM: 11</b> <b>Decision 0110466</b>
<b>Cabinet</b>	
<b>2017/18 Capital Monitoring Report – Quarter 3</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Report of:</b> Councillor Shane Hebb, Portfolio Holder for Finance	
<b>Accountable Assistant Director:</b> Not Applicable	
<b>Accountable Director:</b> Sean Clark, Director of Finance and IT	
<b>This report is</b> Public	

## Executive Summary

Cabinet last considered the 2017/18 Capital Programme at its meeting on 13 December 2017 (General Fund and Housing Revenue Account).

Since the last reported position, additional funding from prudential borrowing and other grants has been added to the programme. In addition, budgets have been profiled to realign them with expected spend.

This report reflects these changes and sets out the latest forecasted outturn.

### 1. Recommendation(s)

**That Cabinet:**

- 1.1 Note the General Fund capital programme is projected to have available resources of £10.577m as at 31 March 2018 with this funding carried forward to 2018/19 to fund schemes currently in progress;**
- 1.2 In addition, there is a further £118.266m in the approved programme that is under development and/or dependent on third party actions as set out in paragraph 3.5;**
- 1.3 Note the Housing Revenue Account capital programme is projected to have available resources of £0.065m as at 31 March 2018 with this funding carried forward to 2018/19 to fund schemes currently in progress.**

## 2. Introduction and Background

2.1. This report provides an update to Cabinet on the financial position of the capital programme and highlights significant variances. It is the third monitoring report for 2017/18 and is based on expenditure to the end of month 9 (the period 1 April 2017 to 31 December 2017) and projected expenditure for the remainder of the year.

2.2. Capital schemes and resources are identified in two specific categories:

- Mainstream schemes – capital expenditure funded through prudential (unsupported) borrowing, from capital receipts, from the capital contribution from revenue budget or from earmarked capital reserves.
- Specific schemes – capital expenditure funded through external funding sources, for example, government grants and Section 106 monies which are ring fenced for specific projects.

## 3. General Fund Schemes

3.1. The current position for General Fund schemes for 2017/18 is summarised in Table 1.

Table 1: Capital Programme – Projected Outturn as at Month 9

	<b>Latest Agreed Budget</b>	<b>Projected Outturn to 31/03/2018</b>	<b>Variance against budget</b>
	<b>£'000's</b>	<b>£'000's</b>	<b>£'000's</b>
<b>Expenditure:</b>			
Children's Service <sup>1</sup>	5,279	2,202	(3,077)
Adult, Housing & Health	1,875	1,635	(240)
Housing General Fund	73	50	(23)
Environment and Highways	19,483	17,089	(2,394)
Place	29,479	26,778	(2,701)
Finance and IT	2,356	2,356	0
HR, OD & Transformation	3,723	1,581	(2,142)
Customer Services	45	45	0
<b>Total Expenditure</b>	<b>62,313</b>	<b>51,736</b>	<b>(10,577)</b>
<b>Resources:</b>			
Prudential Borrowing	(30,748)	(24,902)	5,846
Capital Receipts	(283)	(283)	0
Reserves	(107)	(107)	0
Government Grants	(8,425)	(6,004)	2,421

<sup>1</sup> The schools capital budget is designed around academic years and officers are confident that this will be defrayed in full within the current academic year



	Latest Agreed Budget	Projected Outturn to 31/03/2018	Variance against budget
	£'000's	£'000's	£'000's
Other Grants	(19,527)	(18,364)	1,163
Developers Contributions (S106)	(3,223)	(2,076)	1,147
<b>Total Resources</b>	<b>(62,313)</b>	<b>(51,736)</b>	10,577
<b>Forecast Overspend in Resources</b>	<b>0</b>	<b>0</b>	<b>0</b>

3.2 Table 1 illustrates a projected outturn at the end of the financial year of £51.736m, which is £10.577m less than the latest agreed budget for the year. This forecast variance is further analysed in Table 2 below.

Table 2: – Analysis of forecast variance

	Re-profiling of expenditure at Month 9	Capital schemes requiring additional funding	Completed Projects	Forecast variance against budget at Month 9
<b>Expenditure:</b>	£'000	£'000	£'000	£'000
Children's Service	(3,076)	0	0	(3,076)
Adult, Housing & Health	(240)	0	0	(240)
Housing General Fund	(23)	0	0	(23)
Environment & Highways	(2,388)	0	(7)	(2,394)
Place	(2,690)	0	(11)	(2,701)
HR, OD & Transformation	(2,142)	0	0	(2,142)
<b>Total</b>	<b>(10,559)</b>	<b>0</b>	<b>(18)</b>	<b>(10,577)</b>

3.3 Table 2 shows that the forecast underspend is principally due to slippage/budget reprofiling on current schemes (£10.559m). Consequently the funding remains allocated to specific current schemes.

3.4 A list of schemes where the variance is greater than £0.3m is shown in Appendix 2.

3.5 In addition, the following schemes and allocations have Council approval but are dependent on scheme development and/or third parties:

Table 3: Capital Programme – Schemes under development

	<b>Projected Scheme Budget</b>
	<b>£'000's</b>
A13 Widening	73,891
Purfleet Regeneration	18,304
School Improvements	10,873
Grays South Development	10,808
The Central Grays Civic Buildings Optimisation project	4,390
<b>Total Schemes under development</b>	<b>118,266</b>
<b>Resources:</b>	
Prudential Borrowing	(29,250)
Government and Other Grants	(89,016)
<b>Total Resources</b>	<b>(118,266)</b>
<b>Forecast Overspend in Resources</b>	<b>0</b>

#### 4. Housing Revenue Account Schemes

- 4.1 The current position for Housing Revenue Account schemes for 2017/18 is summarised in Table 4.

Table 4: HRA Capital Programme – Projected Outturn

	<b>Latest Agreed Budget</b>	<b>Projected Outturn to 31/03/2018</b>	<b>Variance against budget</b>
	<b>£'000's</b>	<b>£'000's</b>	<b>£'000's</b>
<b>Expenditure:</b>			
Transforming Homes	12,105	12,490	385
Housing Development	1,850	1,400	(450)
<b>Total Expenditure</b>	<b>13,955</b>	<b>13,890</b>	<b>(65)</b>
<b>Resources:</b>			
Prudential Borrowing	(1,290)	(980)	310
Capital Receipts	(790)	(1,035)	(245)
Government & Other Grants	(75)	(75)	0
Major Repairs Reserve	(11,800)	(11,800)	0

	<b>Latest Agreed Budget</b>	<b>Projected Outturn to 31/03/2018</b>	<b>Variance against budget</b>
	<b>£'000's</b>	<b>£'000's</b>	<b>£'000's</b>
<b>Total Resources</b>	<b>(13,955)</b>	<b>(13,890)</b>	<b>65</b>
<b>Forecast Overspend in Resources</b>	<b>0</b>	<b>0</b>	<b>0</b>

4.2 The budget for Transforming Homes in 2017/18 is £12.1m. Spend as at 31 December 2017 was £8.713m.

4.3 During the financial year a number of properties requiring structural improvement works over and above the transforming homes specification have been encountered. The forecast spend on these exceptional works is currently £385k which is outside of the Transforming Homes programme budget. These exceptional works will be funded from the capital receipts "Attributable" debt reserve.

4.4 The projected 2017/18 budgets for HRA New Build Schemes is £1.4m and expenditure as at 31 December 2017 totalling £0.350m. The profile of spend has changed during the year, due to delays in the tendering process as the Council seeks to obtain best value for money. The overall budget remains the same across the life of the schemes.

4.5 The progress on each of the schemes is set out below:

#### 4.6 **Calcutta**

This project was the subject of a tendering exercise in 2017 through a framework that failed to produce a bid within budget. The scheme has been the subject of a value engineering exercise and has been retendered. There have been a positive level of interest in the first stage of the tendering process and a limited number of constructors will be invited to submit a final bid during February/March 2018. Final contractor selection is in April 2018 and provisional start on site is in June 2018 with an anticipated eighteen month construction period.

#### 4.7 **Claudian Way**

Stage 1 of the tender process has been completed and a contractor selected to agree a final price and programme. Enabling works to relocate utilities are anticipated to commence during March 2018. The development period is anticipated to be eighteen months from start on site.

## 4.8 Tops Club

Stage 1 of the tender process has been completed and a contractor selected to agree a final price and programme. The scheme is likely to have a 12 month programme, Demolition and utility diversion works are being brought forward to accelerate commencement on site which is anticipated to be during March 2018.

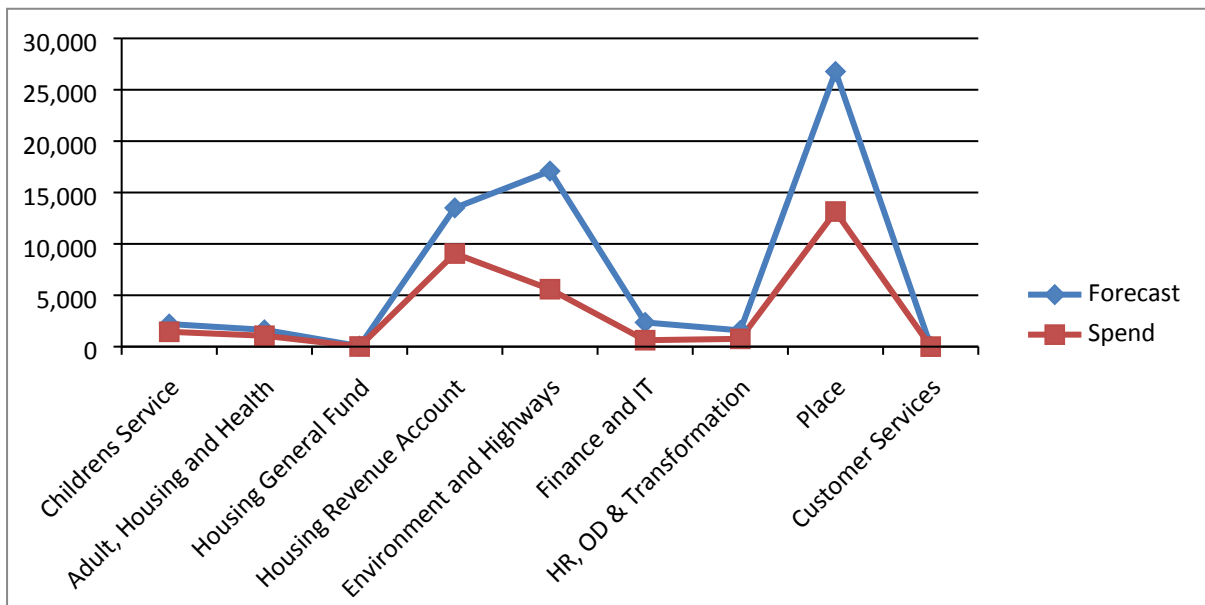
## 5. Thurrock Regeneration Ltd.

5.1 The regeneration project at St Chads is the only active capital scheme currently being undertaken by the wholly owned company Thurrock Regeneration Ltd. This is a £34.9m scheme and is now complete. The project has incurred expenditure of £33.6m up to the end of December 2017 with the remaining £1.3m set to be paid during 2017/18. The scheme is forecast to complete on budget. This is funded by the Council and recovered from the company over the life of the project.

## 6. Issues, Options and Analysis of Options

**Performance Indicator Target for Month 9: 60%**

6.1 The total expenditure to date on the Capital Programme is £31.713m, which equates to 49% of the budgeted spend against the performance indicator of 60%. This is based on the actual payments made to suppliers, so when considering the outstanding payments for works completed but not yet billed, the percentage spent will actually be closer to the target level.



6.2 The programme contains a number of high value schemes (eg A13 widening, vehicle acquisitions) where expenditure is anticipated in quarter 4. Officers are confident the performance target of 90% will be achieved by the financial yearend.

## **7 Reasons for Recommendation**

7.1 The recommendations are to update Cabinet on the current status of the Capital Programme.

## **8. Consultation (including Overview and Scrutiny, if applicable)**

8.1 Officers and Directors' Board have been consulted on this report

8.2 The school capital programme and other identified works have been subject to extensive consultation with key stakeholders. The principle has been agreed with schools and the detailed build content is being agreed with the relevant schools. Consultation will continue with each school and key stakeholders, as each scheme and works develop within the programme.

8.3 The principle has been agreed with schools and any detailed build content will be agreed with the relevant schools. Consultation will continue with each school and key stakeholder, as each scheme and schedule of works evolves within the programme.

## **9. Impact on corporate policies, priorities, performance and community impact**

9.1 The budget provides the finance to support capital projects that meet the corporate priorities. Any changes to the budgets may impact, positively or negatively, on the delivery of these priorities and the Council's performance, with a corresponding impact on the community.

9.2 The improvement in the educational facilities in Thurrock schools is part of the council's delivery of its Education Capital Strategy and supports the council's prioritisation of educational standards and pupil progress by helping to create great places for learning in the borough.

## **10. Implications**

### **10.1 Financial**

Implications verified by: **Sean Clark**  
**Director of Finance and IT**

The General Fund Capital Programme is projected to have available resources of £10.577m at the end of the current financial year and these will be carried forward to fund schemes either in development or currently in progress.

In addition, the programme also includes £118.266m for schemes that are dependent on scheme development and/or third parties.

The Housing Revenue Account Capital Programme is projected to have available resources of £0.065m at the end of the current financial year and these will be carried forward to fund schemes in currently in development.

Through the active management of the programme the Council continues to maximise the resources at its disposal.

## 10.2 Legal

Implications verified by: **David Lawson**  
**Assistant Director for Law & Governance and**  
**Monitoring Officer**

There are no direct legal implications arising from this report. This report provides an update and allows Members to review the adequacy of existing budgets.

The Council has a duty under the Education Act 2006 to ensure the provision of “sufficient schools” for the provision of primary and secondary education in their area.

## 10.3 Diversity and Equality

Implications verified by: **Natalie Warren**  
**Community Development & Equalities Manager**

The report provides an update and allows Members to review the adequacy of existing budgets.

## 11. Background papers used in preparing the report (including their location on the Council’s website or identification whether any are exempt or protected by copyright):

- There are various working papers within directorates and accountancy.

## 12. Appendices to the report

- Appendix 1 – General Fund and Housing Revenue Account Summary
- Appendix 2 – General Fund Reprofitting Variances over £0.3m

### Report Author:

Mark Terry

Senior Financial Accountant

Table 5 – Summary of the 2017/18 General Fund Capital Programme	Approved Budget			Projected Outturn			CY Spend (Dec-17)	% Spend against CY Forecast
	2017/18	2018/19	2019/20	2017/18	2018/19	2019/20		
<b>Childrens Service</b>	£'000 5,279	£'000 16,021	£'000 4,295	£'000 2,202	£'000 19,099	£'000 4,295	£'000 1,445	<b>65.62</b>
<b>Adults; Housing and Health</b>								
Provider Services	940	0	0	940	0	0	716	<b>76.17</b>
Better Care	675	326	0	675	326	0	344	<b>51.00</b>
Community Development	260	0	0	20	240	0	0	<b>0.00</b>
	<b>1,875</b>	<b>326</b>	<b>0</b>	<b>1,635</b>	<b>566</b>	<b>0</b>	<b>1,060</b>	<b>64.83</b>
<b>Housing General Fund</b>								
Community Hubs	20	2645	0	20	2645	0	14	<b>70.00</b>
Private Sector Housing	53	150	82	30	150	82	0	<b>0.00</b>
	<b>73</b>	<b>2,795</b>	<b>82</b>	<b>50</b>	<b>2,795</b>	<b>82</b>	<b>14</b>	<b>28.00</b>
<b>Environment and Highways</b>								
Highways	5,577	462	0	4,335	1,704	0	2,940	<b>67.82</b>
Resident Services	2,886	1,261	0	2,077	2,064	0	1,359	<b>65.00</b>
Environment	11,020	3,566	681	10,677	3,909	681	1,292	<b>12.00</b>
	<b>19,483</b>	<b>5,289</b>	<b>681</b>	<b>17,089</b>	<b>7,677</b>	<b>681</b>	<b>5,591</b>	<b>32.72</b>
<b>Place</b>								
Place Delivery - Highways Major Projects	19,229	40,331	20,613	19,229	40,331	20,613	9,404	<b>48.91</b>
Place Delivery - Regeneration	4,142	20,931	12,242	3,016	22,046	12,242	1,192	<b>39.52</b>
Planning and Transportation	3,445	418	0	1,870	1,994	0	902	<b>48.24</b>
Corporate Buildings	2,663	996	486	2,663	996	486	1,650	<b>61.96</b>
	<b>29,479</b>	<b>62,676</b>	<b>33,341</b>	<b>26,778</b>	<b>65,367</b>	<b>33,341</b>	<b>13,148</b>	<b>49.10</b>
<b>Finance and I.T.</b>	2,356	873	0	2,356	873	0	628	<b>26.66</b>
<b>HR, OD and Transformation</b>	3,723	4,845	0	1,581	6,987	0	760	<b>48.07</b>
<b>Customer Services</b>	45	0	0	45	0	0	3	<b>6.67</b>
<b>Total Expenditure - General</b>	<b>62,313</b>	<b>92,825</b>	<b>38,399</b>	<b>51,736</b>	<b>103,364</b>	<b>38,399</b>	<b>22,649</b>	<b>43.78</b>

Table 6 – Summary of the 2017/18 General Fund Capital Programme, by scheme status	Project Status	Approved Budget			Projected Outturn			CY Spend (Dec-17)	% Spend against CY Forecast
		2017/18	2018/19	2019/20	2017/18	2018/19	2019/20		
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	
	<i>Not yet started</i>	20	0	0	20	0	0	0	
	<i>Design stage</i>	200	3,300	0	0	3,500	0	0	
	<i>Planning decision</i>	600	370	0	23	947	0	23	
	<i>Out to tender</i>	700	1,053	0	50	1,703	0	0	
	<i>Tender evaluation</i>	700	2,251	0	50	2,901	0	22	
	<i>Work commenced</i>	2,155	1,773	295	1,565	2,310	295	993	
	<i>Scheme completed</i>	15	0	0	15	0	0	15	
	<i>Completed retention o/s</i>	333	128	0	333	63	0	302	
	<i>Demand led</i>	500	7,146	4,000	90	7,675	4,000	34	
	<i>Devolved to schools</i>	56	0	0	56	0	0	56	
<b>Total: Childrens Service</b>		<b>5,279</b>	<b>16,021</b>	<b>4,295</b>	<b>2,202</b>	<b>19,099</b>	<b>4,295</b>	<b>1,445</b>	<b>65.62</b>
	<i>Work commenced</i>	804	0	0	804	0	0	463	
	<i>Scheme completed</i>	622	0	0	622	0	0	620	
	<i>On hold</i>	240	0	0	0	240	0	0	
	<i>Demand led</i>	208	326	0	208	326	0	-24	
	<i>Scheme Removed</i>	1	0	0	1	0	0	1	
<b>Total: Adults; Housing and Health</b>		<b>1,875</b>	<b>326</b>	<b>0</b>	<b>1,635</b>	<b>566</b>	<b>0</b>	<b>1,060</b>	<b>64.83</b>
	<i>Not yet started</i>	0	83	0	0	83	0	0	
	<i>Work commenced</i>	2	0	0	2	0	0	2	
	<i>Scheme completed</i>	3	0	0	3	0	0	3	
	<i>Demand led</i>	68	2,712	82	45	2,712	82	9	
<b>Total: Housing General Fund</b>		<b>73</b>	<b>2,795</b>	<b>82</b>	<b>50</b>	<b>2,795</b>	<b>82</b>	<b>14</b>	<b>28.00</b>
	<i>Not yet started</i>	21	0	0	0	21	0	0	
	<i>Design stage</i>	300	2,300	0	300	2,300	0	209	
	<i>Work commenced</i>	8,421	1,538	275	6,376	3,583	275	3,971	
	<i>Scheme completed</i>	343	0	0	361	0	0	361	
	<i>On hold</i>	447	728	0	101	1,050	0	0	
	<i>Demand led</i>	9,951	723	406	9,951	723	406	1,050	
<b>Total: Environment and Highways</b>		<b>19,483</b>	<b>5,289</b>	<b>681</b>	<b>17,089</b>	<b>7,677</b>	<b>681</b>	<b>5,591</b>	<b>32.72</b>
	<i>Not applicable</i>	458	1,000	0	478	1,000	0	0	
	<i>Not yet started</i>	1,594	1,613	8,362	752	2,459	8,362	119	
	<i>Design stage</i>	2,237	8,738	3,056	649	10,315	3,056	6	
	<i>Out to tender</i>	50	2,660	70	50	2,660	70	0	
	<i>Work commenced</i>	21,673	46,850	21,613	21,554	47,023	21,613	10,894	
	<i>Scheme completed</i>	1,110	0	0	1,098	43	0	949	
	<i>Completed retention o/s</i>	1,200	0	0	1,200	0	0	1,075	
	<i>On hold</i>	752	1,682	240	695	1,734	240	23	
	<i>Demand led</i>	320	133	0	297	133	0	77	
	<i>Scheme Removed</i>	85	0	0	5	0	0	5	
<b>Total: Place</b>		<b>29,479</b>	<b>62,676</b>	<b>33,341</b>	<b>26,778</b>	<b>65,367</b>	<b>33,341</b>	<b>13,148</b>	<b>49.10</b>



Table 6 – Summary of the 2017/18 General Fund Capital Programme, by scheme status	Project Status	Approved Budget			Projected Outturn			CY Spend 119	% Spend against CY Forecast
		2017/18	2018/19	2019/20	2017/18	2018/19	2019/20		
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	
	<i>Not yet started</i>	351	813	0	351	813	0	0	
	<i>Work commenced</i>	1,805	60	0	1,805	60	0	568	
	<i>Scheme completed</i>	200	0	0	200	0	0	60	
<b>Total: Finance and I.T.</b>		<b>2,356</b>	<b>873</b>	<b>0</b>	<b>2,356</b>	<b>873</b>	<b>0</b>	<b>628</b>	<b>26.66</b>
	<i>Not yet started</i>	250	4,140	0	150	4,240	0	0	
	<i>Work commenced</i>	2,583	259	0	1,133	1,909	0	747	
	<i>Scheme completed</i>	271	296	0	271	296	0	13	
	<i>On hold</i>	619	150	0	27	542	0	0	
<b>Total: HR, OD and Transformation</b>		<b>3,723</b>	<b>4,845</b>	<b>0</b>	<b>1,581</b>	<b>6,987</b>	<b>0</b>	<b>760</b>	<b>48.07</b>
	<i>On hold</i>	45	0	0	45	0	0	3	
<b>Total: Customer Services</b>		<b>45</b>	<b>0</b>	<b>0</b>	<b>45</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>6.67</b>
<b>Total Expenditure - General Fund</b>		<b>62,313</b>	<b>92,825</b>	<b>38,399</b>	<b>51,736</b>	<b>103,364</b>	<b>38,399</b>	<b>22,649</b>	<b>43.78</b>

Table 7 – Summary of the 2017/18 Housing Revenue Account Capital Programme	Approved Budget			Projected Outturn			CY Spend (Dec-17)	% Spend against CY Forecast
	2017/18	2018/19	2019/20	2017/18	2018/19	2018/20		
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
<b>Adults, Health and Housing</b>								
Provider Services	1,850	26610	2330	1400	27060	2330	350	
Better Care	12,105	0	0	12490	0	0	8713	
<b>Total Expenditure - HRA</b>	<b>13,955</b>	<b>26,610</b>	<b>2,330</b>	<b>13,890</b>	<b>27,060</b>	<b>2,330</b>	<b>9,063</b>	<b>65.25</b>

Table 8 – Summary of the 2016/17 Housing Revenue Account Capital Programme, by scheme status	Project Status	Approved Budget			Projected Outturn			CY Spend (Dec-17)	% Spend against CY Forecast
		2017/18	2018/19	2019/20	2017/18	2018/19	2019/20		
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	
	<i>Out to tender</i>	1,850	26,610	2,330	1,400	27,060	2,330	350	
	<i>Work commenced</i>	11,800	0	0	11,800	0	0	8,483	
	<i>Scheme completed</i>	305	0	0	305	0	0	230	
<b>Total Adults, Health and Housing - HRA</b>		<b>13,955</b>	<b>26,610</b>	<b>2,330</b>	<b>13,505</b>	<b>27,060</b>	<b>2,330</b>	<b>9,063</b>	<b>67.11</b>

<b>Table 9 - Scheme Reprofiting</b>	<b>Reprofiting £000's</b>	<b>Reason</b>
Thurrock On-Line Phase 2	(1,200)	Phases 1 and 2 have been merged into a single project. This will be looking to change the contact centre delivery options and upgrade replacement of current ICT requirements.  Re-profiting of budget to align with expected spend.
Grays South and Rail Station Regeneration	(850)	Early stages of project have commenced and discussions continue with Network Rail. A single preferred solution is being prepared, which will also include the construction costs. Expected completion date in 2022/23.
Leisure Centre Works	(803)	Subject to business case and asset review. If approved, scheme is likely to commence during 2018/19.  Re-profiting of budget to align with expected spend.
Improvement works between Thurrock Park Way and Manor Road	(652)	This project has been delayed due to land acquisition issues.  Re-profiting of budget to align with expected spend.
St Cleres Expansion	(650)	This scheme is currently out to tender and work is expected to commence during 2018/19.  Re-profiting of budget to align with expected spend.
East Tilbury Primary - Expansion	(650)	Multi Discipline Design Team Appointed. Work is expected to commence during 2018/19.  Re-profiting of budget to align with expected spend.
Tilbury Manor Primary Amalgamation Works	(577)	This scheme is being managed by The Gateway Academy.  Re-profiting of spend to reflect expected spend profile.
Temporary Classrooms	(577)	Ongoing costs for hire of temporary classrooms at Aveley & Stifford Clays Primaries.  Reprofiting of budget to align with expected spend.
Bridge Repair and Strengthening	(500)	Contracts have been changed during the year which has resulted in delays.  Re-profiting of budget to align with expected spend.
Other Infrastructure (Drainage)	(392)	Project is currently behind due to land purchase issues.  Re-profiting of budget to align with expected spend.
Illuminated Signage Upgrade	(350)	Design issues and volume of work have caused delay issues.  Re-profiting of budget to align with expected spend.
Grays Riverside Park - Replace Splash Pool & Water Features	(322)	Project is pending discussions with community groups.  Re-profiting of budget to align with expected spend.

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<b>14 March 2018</b>	ITEM: 12 Decision 0110467
<b>Cabinet</b>	
<b>Revenue Budget Monitoring – Quarter 3 December 2017</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Report of:</b> Councillor Shane Hebb, Portfolio Holder for Finance	
<b>Accountable Assistant Director:</b> Not Applicable	
<b>Accountable Director:</b> Sean Clark, Director of Finance and IT	
<b>This report is public</b>	

## Executive Summary

This report presents the forecast outturn position for 2017/18 as at the end of December 2017. The approach to budget management has been reviewed in order to focus attention on high risk areas and introduce a level of self service for smaller lower risk budget areas. Monitoring is structured around the key focus areas – employee spend, income, high risk demand led budgets and delivery of the agreed savings programme.

As at the end of December 2017, current projections indicate a General Fund pressure of £0.223m that must be managed in order to outturn within budget by the 31 March 2018. Identified pressures include Children’s Social Care and Environment primarily due to increasing waste disposal costs. Whilst this forecast shows a projected deficit, officers are confident that continuing action will keep the budget within the agreed budget envelope.

The DSG is forecasting pressures within the High Needs Block but steps are being taken to review the position within the DSG with the service and the Schools Forum in order to address these pressures. The HRA is forecasting a breakeven position.

### 1 Recommendations:

- 1.1 **That Cabinet note the forecast outturn position for 2017/18 and that further mitigation is required to outturn within the agreed budget envelope**

## 2 Introduction and Background

- 2.1 In February 2017, Council agreed the overall General Fund and HRA budgets. The General Fund budget included savings of £6.896m which were identified as part of the Council Spending Review through the Strategic and Transformation Board process.
- 2.2 The report sets out the latest forecast outturn position for 2017/18. The approach to budget management has been reviewed in order to focus attention on high risk areas and introduce a level of self service for smaller lower risk budget areas. Monitoring is structured around the key focus areas – employee spend, income, high risk demand led budgets and delivery of the agreed savings programme.
- 2.3 As well as reporting on the position for the General Fund and HRA, the monitor also includes the position of the DSG and Public Health grant.

<b>General Fund Position by Directorate</b>	<b>Full Year Budget £000</b>	<b>Forecast £000</b>	<b>Variance From Budget £000</b>
Adults, Housing & Health	36,215	36,178	(37)
Housing General Fund	2,179	2,179	0
Children's Services	36,796	38,586	1,790
Environment & Highways	22,565	23,111	546
Place	5,502	5,334	(168)
Finance & IT	9,166	8,569	(597)
HROD	4,465	4,085	(380)
Strategy, Comms & Customer Services	2,597	2,437	(160)
Legal Services	857	971	114
Commercial Services	561	513	(48)
Central Expenses	(7,557)	(8,394)	(837)
<b>Total</b>	<b>113,346</b>	<b>113,569</b>	<b>223</b>

### **3 General Fund Position**

#### **Adults, Housing & Health - £0.037m underspend**

- 3.1 The Adult Social Care forecast position reflects the funding raised through the Adult Social Care precept, the 2017/18 Adult Social Care support grant, and the allocation of Improved Better Care Fund monies for 2017/18. The position should be viewed in the context of well publicised demand pressures across the Adult Social care sector, and the ongoing financial pressures within the Directorate.
- 3.2 One of the major contributing factors to the issues faced within Adult Social Care is the fragility of the domiciliary care market. Despite extra funding being invested into services to strengthen the Domiciliary Homecare market, this area remains under considerable pressure. Several homecare contracts have been handed back to the Council by external service providers within the last 20 months. A further contract was handed back in October due to economic reasons, and whilst the number of hours were comparatively low, it is another pressure on the Councils already stretched internal homecare provision, and demonstrates that external providers are still struggling to meet demand within the current financial constraints.
- 3.3 Central government continues to have the reduction in delayed transfers of care from hospitals (DTOCs) as one of their key objectives, and the domiciliary care market is intrinsically linked to this. This is also one of the main performance indicators contained within the Better Care Fund, and has implications for future funding. Capacity within the market is an ongoing issue and a recruitment and retendering process is on-going.
- 3.4 Demand for residential placements especially for those with Learning Disabilities, autism and challenging behaviours adds additional budget pressures. This is a very volatile area of the budget and deals with a cohort of people with varying levels of complex needs, the packages are based on the individual care needs and outcomes and therefore can be very expensive and in many cases require additional levels of 1:1 support at an additional cost to the service.
- 3.5 Adult Social Care has largely been able to mitigate these pressures in 2017/18 by utilising £0.410m of the one-off Adult Social Care support grant. Demand and complexity of cases remains a key issue going in to 2018/19 and this will need to be addressed in the budget setting process.
- 3.6 The Directorate has a good process in place for identifying upcoming placements and planning appropriate provision but the risk remains and the potential impact of these placements needs to be considered with regards to the demand led nature of the business. Packages are being reviewed and renegotiated where possible and Continuing Healthcare Funding allocated against eligible cases to reduce the impact on the Local Authority's budgets.
- 3.7 Income towards all placements continues to be a potential budget risk due to the constant reassessment of clients' financial situations and their ability to

contribute towards their care packages. This continues to be closely monitored.

- 3.8 It should be noted that Winter Pressures can often put extra demands on Adult Social Care services and the directorate are working closely with Health colleagues to ensure best use of funds pooled within the Better Care Fund, both existing and new funding streams.

### **Housing General Fund - Breakeven**

- 3.9 The service is forecasting a breakeven position. In 2017/18 the Homelessness function received £0.306m by way of the Flexible Homelessness Support Grant. Part of this has been used to offset the reduction in subsidy from the DWP for those in Temporary Accommodation. Without receipt of the Grant in 2017/18 there would be a forecast overspend of £0.177m on Homelessness. The Grant mitigates this overspend with any remainder being earmarked for preventative initiatives.
- 3.10 The number of households in temporary accommodation is shown below and stood at 121 in September. This is part of an overall reducing trend across the year. There is a potential risk within Travellers that continues to be monitored and is offset by a forecast underspend in Private Sector Housing.

<b>Homelessness Placements</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>
B&B (Hotels)	25	24	6	7	5	9	6	5	9
Hostels	24	29	29	23	24	30	29	32	32
Private Lettings (Nightly Lets)	44	48	47	49	49	37	33	31	34
Furnished Lets (Council Stock)	38	37	48	39	34	41	45	50	49
Refuge	5	5	5	5	6	4	3	5	4
<b>Total</b>	<b>136</b>	<b>143</b>	<b>135</b>	<b>123</b>	<b>118</b>	<b>121</b>	<b>116</b>	<b>123</b>	<b>128</b>

### **Children's Services – £1.790m overspend**

- 3.11 The Directorate is forecasting an overspend primarily due to pressures within social care, however, this is partially offset by underspends in Education.
- 3.12 Work continues to manage pressures within social care, however, pressure on placement budgets has increased due a small number of high cost complex placements. This underlying volatility is difficult to manage, however, the Directorate has a programme of work to reduce expenditure including the recommissioning, of placement provision, changes to accommodation in Aftercare and the continued reduction in agency staff. Recruitment delays within social care have contributed to the pressure, however, holding vacancies within the Education budgets is supporting mitigation within the Directorate.



3.13 The main social care pressures are set out below:

<b>Children's Social Care Pressures</b>	<b>£m</b>
Staffing (inc Agency)	0.471
Legal Costs/Support (complex cases)	0.291
Loss of CCG contribution	0.350
Placements	0.811
Aftercare (over 18s)	0.200
Children with disabilities	0.271
Adoption & Fostering	0.222
<b>Total</b>	<b>2.616</b>

3.14 The Corporate Director continues to review high cost residential and fostering placement costs on a monthly basis and where safe to do so are reduced as the service focuses on achieving better value and more appropriate placements for young people. Overall, high cost placement numbers continue to show a reducing trend, however, the changing mix of placement type can impact the forecast position. In the second half of the year there have been a small number of very high cost complex needs cases that have added to the pressure on the services budget. This will have an ongoing impact on the social care position.

3.15 Work continues to manage spend within the aftercare placement budget with action taken to review placements when children reach 18. Individual placement costs have reduced, however, there have been delays in reviewing all placements and finding suitable accommodation. Systems are in place to ensure that a robust response is maintained so that future expenditure can be contained.

3.16 Forecasts indicate that spend on unaccompanied asylum seeking children will not cause a budget pressure this year. This follows continuing reductions after the introduction of the Eastern Regional Protocol. At the existing rate of reduction we anticipate being close to our threshold rate of 28 by the end of the year.

3.17 Pressure on legal budgets is due to the volume and complexity of cases, especially in terms of multiple sibling families. However, reductions in agency lawyers has improved the forecast position. Similarly, action to permanently recruit staff and reduce agency staff levels has improved the position on the Directorates staffing budget.

- 3.18 Education transport forecasts are based on planned work as a part of a service review and a reduction in discretionary awards. Work continues to manage the awards of transport such as adding additional authorisation and providing training for staff. It is important to note that the work in year should support reductions in expenditure next year by simplifying the decision making process and ensuring this is robust and consistent.
- 3.19 Finally, with the CCG withdrawing block funding of financial support towards those high cost placements with complex needs and moving instead to a case by case funding basis, the service has seen a substantial reduction in funding. Discussions continue to explore this further.

### **Environment & Highways - £0.546m overspend**

- 3.20 The Environment & Highways Directorate is forecasting an overspend with the pressure primarily within the Environment service. The most significant pressure is within waste disposal due to additional contract extension costs and a higher cost of disposal due to increasing waste tonnages and reduced recycling.
- 3.21 There are further financial risks within the Directorate which are not currently recognised within this forecast and are being managed by the service. However, may result in additional pressure. This includes the level of spend at the Household Waste Recycling Centre (HWRC) now that it is back in-house and potential further pressures in waste collection and disposal costs depending on tonnage levels. It is important to note that any additional cost regarding the HWRC would have been incurred whether or not this was brought back in house due to there being no external interest in this contract. The service is doing all they can to mitigate such risks including the redevelopment of the site with the introduction of a commercial trade waste service and the introduction of a permitting scheme to reduce trade waste entering the site and therefore decrease disposal costs. The permitting scheme is due to commence in February 2018. As an interim measure following enforcement activity at the site, increased security has been deployed until the permitting scheme is implemented and embedded, adding temporary additional cost, not previously budgeted for. Waste disposal contracts have been re-procured and as anticipated, due to national trends, resulted in increased costs.
- 3.22 Aging vehicles working beyond their life expectancy pose a potential financial risk, this year has seen an increase in vehicle hire to ensure service continuity and the success of route optimisation. 28 new waste vehicles have been procured and are due to be rolled out in March 2018. The winter gritting season has passed with demand for gritting increased on previous years, whilst there hasn't been significant snow fall, there has been a higher than previous years number of frosts which has required road treatment.
- 3.23 The waste service has been under increasing pressure given the level of demographic growth within the borough, and future growth aspirations will only add to waste collection and disposal requirements. The longer term

financial risk this poses will need to be reviewed in order to inform the MTFS and future funding requirements.

**Place - £0.168m underspend**

- 3.24 The Directorate is forecasting an underspend. Analysis of rental income indicates pressure within the property service from one-off backdated rent received in the last financial year. Mitigating action to address this includes restraining spend and reviewing building maintenance to focus on essential health and safety requirements. Current projections indicate an underspend within regeneration mainly due to improved income expectations from the Theatre and a small surplus being forecast within Planning based on expected planning applications.
- 3.25 A further financial risk within Planning and Growth is a possible Class Action regarding planning fees, estimated at £0.180m. This follows the introduction of legislation that means applicants can demand the return of fees if the Council determined historic applications over time, without agreed extensions of time.

**Finance & IT - £0.597m underspend**

- 3.26 The Directorate is forecasting to underspend primarily due to savings within ICT and an underspend within Electoral Services due to there not being a local election in 2017/18, though this is in part set off against the cost of the by-election now called. There is ongoing risk to this position due to pressure on employee spend due to agency staff covering vacant posts and providing much needed capacity. There is also risk to the delivery of savings targets, most notably postage within Revenues and Benefits.

**HROD – £0.380m underspend**

- 3.27 The Directorate is forecasting an underspend position. Pressures arising from additional resource requirements for General Data Protection Regulation (GDPR), Transformation and HR are currently expected to be absorbed or covered by additional income generation.
- 3.28 A provision for a pay claim has also been reduced based on current estimates and recharges.

**Strategy, Communications & Customer Services – £0.160m underspend**

- 3.29 The service is forecasting an underspend. Additional costs in respect of maternity cover and new schools software is being offset by holding vacancies.

**Legal Services – £0.114m overspend**

- 3.30 The service is forecasting an overspend position due to pressures on income budgets. Income and staffing projections continue to be reviewed as they represent the main risk to delivering the forecast outturn.

### Commercial Services – £0.048m underspend

- 3.31 The service continues to operate within budget with a small underspend due to holding vacancies whilst undergoing recruitment earlier in the year. Good progress is being made on the overpayment recovery project.

### Central Expenses - £0.837m underspend

- 3.32 This budget covers a number of corporate expenditure items including treasury management costs (interest paid on loans and received from investments), the annual contribution to the Essex Pension Fund to meet the current actuarial deficit and the allocation for the Minimum Revenue Provision. The Directorate is forecasting to underspend primarily due to an improved treasury position.
- 3.33 In consultation with the council's external auditors, an agreement was reached on the accounting treatment on an advanced payment to the pension fund that resulted in a £0.106m saving. However, this is partially offset by an increase in the levy charged to Thurrock for the Coroners Court after Essex Police pulled out of the funding agreement.
- 3.34 There is an ongoing pressure from families with no recourse to public funds who have no legal status. Work is ongoing with the Home Office to enable a member of their staff to be seconded to Thurrock so that applications to remain can be processed more quickly.

## 4 Housing Revenue Account

	<b>Full Year Budget</b> <b>£000</b>	<b>Forecast</b> <b>£000</b>	<b>Variance from Budget</b> <b>£000</b>
Repairs and Maintenance	10,510	11,280	770
Housing Operations	12,291	11,171	(1,120)
Financing and Recharges	25,276	25,626	350
Rent and Income	(48,430)	(48,430)	0
Development	353	353	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

- 4.1 As at the end of December the HRA is forecasting a breakeven position. Pressures within Repairs & Maintenance are due to contractual obligations, health and safety works and compliancy work which are being offset by holding posts vacant within Housing Operations. Income is expected to be on budget. The collection rate at the end of December 2017 is 97.8% against a profiled target of 96%. Actual Leaseholder service charge bills for 2016/17 were issued at the end of September 2017.

- 4.2 The HRA Budgets for 2017/18 were revised with effect from Period 6 to reflect the extension of sheltered and other service charges from 2nd November 2017, increasing revenue during this financial year by £0.312m (£0.132m from General Need's tenants and £0.180m from Sheltered). This income partially mitigates the revenue repairs base budget pressure and the budget in this area has been increased. The Council's decision to suspend the introduction of a Grounds Maintenance charge has reduced this potential increase by £0.845m. This continues to limit the amount of capital investment this year, specifically on loft insulation for properties in the Transforming Homes programme and on the external refurbishment of properties with non-traditional construction. None of this expenditure is being or has been previously forecast. The service will work within the constraints of the budget to achieve a balanced outturn for responsive repairs and all other revenue budgets.
- 4.3 The Grenfell Tower fire has resulted in some additional spending on fire safety measures, the total impact of which is £0.745m in 2017/18 to date across revenue spend. A further contingency a total of £0.255m is currently set aside. There is a possibility of larger spending items being required, in particular the retro-fitting of sprinkler systems in all blocks, which may be a potential outcome of the review into the Grenfell fire.

## **5 Public Health**

- 5.1 The Public Health grant received a 3% budget reduction in 2017/18 which equated to £0.286m. The team have worked hard to manage statutory services in the most efficient way, most notably through the re-procurement of the Healthy Families Programme (previously known as 0-19) and other commissioned services.
- 5.2 An element of the Drug and Alcohol service is demand-led and the Public Health team have entered in to a risk sharing agreement with providers to help manage this financial pressure.
- 5.3 Services for sexual health have ongoing issues with cross charging between local authorities. Steps have been taken to make this primarily a provider responsibility and to share the financial risks. However, there is still potential for Thurrock to face legal challenges related to historical claims.
- 5.4 An element of the grant is being paid to deliver the Thurrock Healthy Lifestyle Service which was recently brought back in-house and it is expected this will lead to efficiencies within the service.
- 5.5 Projections continue to indicate a carry forward of £0.345m which is committed towards the 2018/19 programme. This will be carried forward as part of the ringfence to help offset further reductions to the grant in 2018/19, which has now been confirmed as £11.042m.
- 5.6 Expenditure has increased in year to trial a diabetes pilot for the last quarter of the financial year.

<b>Public Health</b>	<b>£000</b>
2017/18 grant allocation	(11,333)
2016/17 carry forward	(424)
Estimated 2017/18 spend	11,412
<b>Funding committed to 2018/19 programme</b>	<b>(345)</b>

## 6 Dedicated Schools Grant (DSG)

6.1 Current projections indicate pressure of £2.355m within the DSG.

6.2 The total allocation for 2017/18 is £145.550m prior to recoupment and £55.120m after recoupment. Therefore, against the £55.120m the council receives, the latest monitoring is forecasting an in-year pressure of £2.355m mainly within the high needs block (HNB). This funding supports provision for pupils and students with special educational needs and disabilities (SEND) from their early years to 25 year of age.

	<b>Budget £000</b>	<b>Recoupmen t £000</b>	<b>Total £000</b>	<b>Forecast £000</b>	<b>Variance £000</b>
Schools Block	112,570	87,040	25,530	25,806	276
High Needs Block	21,750	3,390	18,360	21,430	3,070
Early Years Block	11,230	0	11,230	10,239	(991)
<b>Total</b>	<b>145,550</b>	<b>90,430</b>	<b>55,120</b>	<b>57,475</b>	<b>2,355</b>

6.3 The sub working group from Schools' Forum has been established with representatives from the Forum and officers from the Council. The group has met four times and reviewed expenditure and budget pressure areas from 2016/17, including statutory returns and statistical benchmarking data analysis to assist in the DSG Recovery Plan. The 2016/17 deficit of £1.3m will be recovered via "top-slicing" the DSG allocation for 2018/19, and utilising underspends from the Early Years block for this financial year (2017/18). The 2018/19 deficit will be recovered through further top slices in 2019/20 and 2020/21 as well as virements from other blocks. A model is being designed to control high needs expenditure via a "Capping system" but working in collaboration with schools and colleges.

## 7 Employee Spend

7.1 At the end of Quarter 3, projections indicate an underspend of £0.288m on Employee budgets.

- 7.2 Pressures within Children's Services and Environment & Highways are being offset by underspends across all other Directorates. The position forms part of the reported position earlier within this report.
- 7.3 Managing spend on agency staff continues to be a focus for officers with alternative options considered where possible. Projected spend on agency is broadly contained within underspends on permanent staff budgets.

<b>Employee Spend by Directorate</b>	<b>Full Year Budget</b>	<b>Permanent Staff Forecast</b>	<b>Agency Staff Forecast</b>	<b>Total Forecast</b>	<b>Variance From Budget</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Adults, Housing & Health	15,941	14,107	1,626	15,733	(208)
Housing GF	983	721	102	823	(160)
Children's Services	23,109	19,387	4,193	23,580	471
Environment & Highways	10,324	9,216	1,437	10,653	329
Place	6,538	6,034	242	6,276	(262)
Finance & IT	8,071	7,508	343	7,851	(220)
HROD	4,406	4,148	71	4,219	(187)
Strategy, Comms & Customer Services	3,210	3,072	124	3,196	(14)
Legal Services	1,379	653	761	1,414	35
Commercial Services	713	598	43	641	(72)
<b>TOTAL</b>	<b>74,674</b>	<b>65,444</b>	<b>8,942</b>	<b>74,386</b>	<b>(288)</b>

## 8 External Income

- 8.1 As at the end of Quarter 3, the full year forecast for external income is a £0.017m surplus.
- 8.2 The shortfall is primarily within Children's Services. This is due to projected shortfalls on crèche income within the nursery service and reduced income expectations at Grangewaters. However, both services are expected to recover their costs through income generation and are reporting balanced positions overall due to reduced expenditure projections compensating the pressure on income.

- 8.3 The Place Directorate is projecting an overachievement on income due to improved positions within both the theatre and public protection. There is a small net income pressure within Environment and Highways due to pressure on highways maintenance and parking income based on current trends. In order to manage the wider strategic ambitions for Parking and Highways Maintenance they are incorporated as part of the Cross Cutting Transport Service Review that commenced in January 2018.

<b>Directorate</b>	<b>Last Year Outturn 16/17 £000</b>	<b>Full Year Budget 17/18 £000</b>	<b>Forecast Outturn 17/18 £000</b>	<b>Budget Variance 17/18 £000</b>
Adults	(384)	(336)	(350)	(14)
Children's	(940)	(1,182)	(1,011)	171
Environment & Highways	(1,522)	(1,899)	(1,871)	28
Place	(3,266)	(2,695)	(2,932)	(237)
Housing GF	(153)	(377)	(341)	36
Finance & IT	(3)	(1)	(2)	(1)
<b>Total</b>	<b>(6,268)</b>	<b>(6,490)</b>	<b>(6,507)</b>	<b>(17)</b>

## **9 Reasons for Recommendation**

- 9.1 The Council has a statutory requirement to set a balanced budget annually. This report sets out the budget pressures in 2017/18 along with actions to mitigate these pressures and deliver a breakeven position.

## **10 Consultation (including Overview and Scrutiny, if applicable)**

- 10.1 This report is based on consultation with the services, Directors' Board and portfolio holders.

## **11 Impact on corporate policies, priorities, performance and community impact**

- 11.1 The implementation of previous savings proposals has already reduced service delivery levels and the council's ability to meet statutory requirements, impacting on the community and staff. There is a risk that some agreed savings and mitigation may result in increased demand for more costly interventions if needs escalate particularly in social care. The potential impact



on the council's ability to safeguard children and adults will be kept carefully under review and mitigating actions taken where required.

## **12 Implications**

### **12.1 Financial**

Implications verified by: **Carl Tomlinson**  
**Finance Manager**

The financial implications are set out in the body of this report.

Council officers have a legal responsibility to ensure that the Council can contain spend within its available resources. Regular budget monitoring reports continue to come to Cabinet and be considered by the Directors Board and management teams in order to maintain effective controls on expenditure during this period of enhanced risk. Measures in place are continually reinforced across the Council in order to reduce ancillary spend and to ensure that everyone is aware of the importance and value of every pound of the taxpayers money that is spent by the Council.

### **12.2 Legal**

Implications verified by: **David Lawson**  
**Assistant Director of Law & Governance**

There are no direct legal implications arising from this report.

There are statutory requirements of the Council's Section 151 Officer in relation to setting a balanced budget. The Local Government Finance Act 1988 (Section 114) prescribes that the responsible financial officer "must make a report if he considers that a decision has been made or is about to be made involving expenditure which is unlawful or which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency to the authority". This includes an unbalanced budget.

### **12.3 Diversity and Equality**

Implications verified by: **Becky Price**  
**Community Development and Equalities**

There are no specific diversity and equalities implications as part of this report.

**12.4 Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

There are no other implications arising directly from this update report.

**13 Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

There are various working papers retained within the finance and service sections.

**14 Appendices to the report**

- None

**Report Author:**

Carl Tomlinson  
Finance Manager

<b>14 March 2018</b>	<b>ITEM: 13</b> Decision 0110468
<b>Cabinet</b>	
<b>Purfleet Centre Update</b>	
<b>Wards and communities affected:</b> West Thurrock and South Stifford	<b>Key Decision:</b> Key
<b>Report of:</b> Mark Coxshall, Portfolio Holder for Regeneration	
<b>Accountable Assistant Director:</b> Steve Cox, Corporate Director, Place	
<b>Accountable Director:</b> Steve Cox, Corporate Director, Place	
<b>This report is</b> Public	

## **Executive Summary**

The Purfleet Regeneration programme has been the subject of a number of Cabinet decisions since 2011. With the recent submission of the outline planning application for the masterplan the project is now moving into the delivery stage. This positive forward step has triggered the need for a new set of approvals to ensure that delivery can be progressed with the development partner Purfleet Centre Regeneration Ltd (“PCRL”) and that the Council is in a position to fulfil its obligations under the Development Agreement (the DA)

This report highlights recent progress on the project and considers the next steps required. Under the terms of the DA the Council is responsible for leading on the land assembly to secure the site for redevelopment. Considerable focus is therefore given to the Compulsory Purchase Order (CPO) process as this is a significant decision for the Council to make. Using CPO powers should not be taken lightly but in this scheme it is likely that use of the powers will be required to complete the land assembly process and it is thought that a compelling case in the public interest can be made. Cabinet are asked to resolve, at this stage as a matter of principle only, that the Council is prepared to use its CPO powers on the basis that more detailed reports will come forward at a later date when approval to make the order is required and further work on the relevant documentation has been completed. In the meantime the Council will continue to progress negotiations to secure remaining land parcels by private treaty.

The report also describes the good progress being made on securing an Integrated Medical Centre as part of the scheme and on wider project decisions that will be forthcoming in the coming months.

**1. Recommendations.**

**1.1 Cabinet are asked to:**

- a) **Note progress on the Purfleet Centre Project;**
- b) **Agree these recommendations on the basis that a full Compulsory Purchase Order (CPO) can only be made by Cabinet at a future Cabinet meeting.**
- c) **Resolve as a matter of principle, that the Council is prepared to use its compulsory purchase powers pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 to acquire land to deliver the comprehensive regeneration of Purfleet Centre;**
- d) **Note that the regeneration team is progressing negotiations to acquire the land and interests required by private treaty and to delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration to approve and enter into agreements with the owners and/or occupiers of the land so as to facilitate its acquisition;**
- e) **Note the progress on the land referencing exercise and, if required, delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration and Assistant Director of Law and Governance to issue requisitions for information pursuant to section 5A of the Acquisition of Land Act 1981 to persons who have a potential legal interest in or who occupy the area in respect of which compulsory purchase powers are proposed to be used;**
- f) **Authorise the regeneration team under the direction of the Corporate Director, Place to undertake the work needed to prepare for the making of a possible Compulsory Purchase Order(s)(CPO) together with the associated documentation;**
- g) **Delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration to finalise and enter into the CPO Indemnity Agreement;**
- h) **Resolve that any land acquired by the Council by private treaty within the area shown red on the plan at Appendix 1 in order to facilitate the Purfleet Centre Project shall be acquired for planning purposes pursuant to section 227 Town and Country Planning Act 1990;**
- i) **Note that pursuant to sections 203 and 204 of the Housing and Planning Act 2016, land acquired under sections 226 or 227 of the Town and Country Planning Act 1990 may then be developed and used in accordance with planning permission for the proposed scheme notwithstanding any interference**

**with any subsisting interests, rights or restrictions (subject to the payment of compensation calculated in accordance with sections 7 and 10 of the Compulsory Purchase Act 1965);**

- j) In the event that Blight Notices under section 150 of the Town and Country Planning Act 1990 are served upon the Council, delegate authority to the Corporate Director for Place, in consultation with the Portfolio Holder for Regeneration and the Director for Law and Governance to acquire land or reject the Blight Notices as appropriate;**
- k) Delegate authority to the Corporate Director for Place, in consultation with the Portfolio Holder for Regeneration, the Assistant Director for Law and Governance and the Council's section 151 Officer to grant any approvals necessary in order to allow the Purfleet Centre Project to progress.**

## **2. Introduction and Background**

- 2.1 The aim of the report is to provide an update on the Purfleet Centre Project and to secure a range of approvals to ensure that the Project can continue into the next stage.
- 2.2 Purfleet is one of the six Growth Hubs in the Borough as identified within the Council's Economic Development and Regeneration Strategies and the Local Development Framework. Whilst the majority of the Borough's growth is 'private sector' led; the Purfleet Centre Project is the largest regeneration programme which the Council is directly involved with, owing to the use of its significant land holding in the area. The Council has set out a vision to create a destination in Purfleet, a new town centre to support the development of more housing but also to address existing deficiencies in services and facilities and to maximise the benefit of Purfleet's riverside location.
- 2.3 Previous Reports have secured approvals from Cabinet to progress a number of workstreams relating to the Project. Specifically, the Council resolved on 9<sup>th</sup> November 2011 to support, in principle only, the use of compulsory purchase powers should it become necessary. Further, in October 2015, Cabinet approved a recommendation to award the contract for the delivery of the Project to Purfleet Centre Regeneration Limited ("PCRL"). Subsequent to this, a Development Agreement was entered into between PCRL and the Council in January 2016. Given the time that has passed and the evolution of the project since the previous Report, Members are being asked to reconfirm their support for the Project, to give further delegated authority to Officers to take decisions which would enable the Project to be delivered and specifically to reconfirm their support for the likely use of compulsory purchase powers.
- 2.4 There has been significant, positive progress on the Project in recent months. A change to the internal structure of PCRL has seen Swan Housing Association take over the Project Manager, Construction Manager and Guarantor roles previously held by L&Q New Homes. This has created

renewed momentum in the Project and, working as the new team, PCRL submitted an outline planning application for the Project in December 2017.

2.5 As Masterplan designs have been crystallised through the development of the planning application, PCRL requested that a number of changes be made to the Concept Scheme. These changes were approved by the Council prior to the submission of the planning application and include:

- increasing the size of Phase 1 enabling significant infrastructure (such as the replacement of the level crossing at Purfleet Station with a vehicle and pedestrian bridge, upgraded station facilities, developing the town centre and providing a new, Integrated Medical Centre) to be delivered earlier in the development programme than was originally anticipated;
- Identifying a site for the Integrated Medical Centre which can be delivered in line with the Council and Thurrock Clinical Commissioning Group's aspirations for an operational facility in 2020.
- increasing the density of the proposed residential accommodation around the town centre and railway station, making a valuable contribution to the Council's housing targets; and
- including provision of 30% of the residential units in the first phase of the Project to be delivered as Shared Ownership properties.

2.6 Site investigations, not requiring planning permission, started on site in early December. This work will inform the future detailed design work and is a visible indicator to the local community that the Project is progressing.

2.7 As is stated above, an outline planning application for the Project was submitted in December 2017. The application seeks to secure outline consent for up to 2850 new homes, retail, commercial, health and education uses, upgraded station facilities, a film and tv studio complex and associated infrastructure such as new roads, open space and river wall works. The full description of development is included at Appendix 2.

2.8 The proposed development is considered by the Council in its role as development partner to be broadly consistent with the proposals for the area set out in the adopted Thurrock Core Strategy. The Core Strategy was adopted in December 2011 and subsequently amended in January 2015. The Core Strategy designates the site of the proposed development as a Key Regeneration and Growth Location Area, including as a location suitable for new housing, education, community and retail facilities, employment uses and other appropriate forms of development.

### **Integrated Medical Centre (IMC)**

2.9 The DA includes provision for a 'health facility' as part of the development. The Council and CCG have been working together to develop strategic proposals to address the local GP shortage, enhance outcomes for patients

and improve the quality of health care infrastructure. A network of four Integrated Medical Centres which bring together GP facilities, wider health care services and complementary support such as housing and employment services are proposed. The Centres will integrate these services to respond to multiple issues with a single, coordinated offer to patients.

- 2.10 The Council and CCG want the Purfleet Integrated Medical Centre to be within the Purfleet Centre regeneration boundary and have been working in partnership to develop a brief for the facility and to work up a programme to secure the necessary approvals from NHS England. To this end, the Council and CCG jointly commissioned Currie and Brown to develop a Schedule of Accommodation for the IMC. This information has been shared with PCRL to ensure that the aspirations for the scale and scope of this facility are understood and can be accommodated within the development. Based on the Schedule of Accommodation, PCRL have reviewed their proposals and identified a site which can accommodate the scale of accommodation required and which can be delivered in the anticipated timescale (with the centre being operational in 2020). This location is reflected in the outline planning application and further details will come forward in a reserved matters application in 2018.
- 2.11 Whilst proposals around the funding of the IMC and its long term management need to be further developed there are clear advantages to including the IMC in the PCRL development and using a single developer partner. PCRL see the facility as an integral part of their proposals and are happy to take on the Developer role. Given the tight timescale for delivery, using PCRL who have an architectural team in place and an established programme to secure planning permission is thought to be the most expedient delivery route.
- 2.12 It is proposed that an outline business case to secure NHS approval for the IMC's will be developed in 2018. This business case will include further details on floor layouts, capital cost, delivery timescales and head leaseholder arrangements.

### **Land Assembly**

- 2.13 The delivery of the Purfleet scheme will require the Council to acquire land interests and rights within the area identified on the plan at Appendix 1. The Council, and its appointed surveyors (CBRE) have been in discussions with those parties who have an interest in or occupy the land for many years. A number of acquisitions have been achieved and at present the Council owns around 30 hectares of the 58 hectares required.
- 2.14 Discussions are ongoing with the landowners and occupiers who hold interests in the remainder of the site. Of the outstanding acquisitions the majority of the sites are in industrial usage but three residential properties remain as well as the Network rail land and a few small slithers of land which have been detached from previous developments.

- 2.15 Heads of terms have been agreed on two of the outstanding sites and acquisitions are expected to complete in 2018. CBRE, on behalf of the Council, is in very advanced discussions on an option agreement to secure a significant site in Botany Quarry.
- 2.16 The Council has submitted an application to Land Registry to register a number of unregistered land parcels within the red line. A decision is currently awaited.
- 2.17 PCRL have signed a Basic Asset Protection Agreement (BAPA) with Network Rail which is a positive first step to commencing meaningful discussions with Network rail on acquiring their land that is within their ownership.
- 2.18 Several of the industrial owners have suggested that they would be willing to sell their sites if they can find a suitable alternative location. In line with Department for Communities and Local Government (DCLG) Compulsory Purchase (CPO) guidance the Council has provided undertakings to several owners to cover the costs of site search agents to assist with this process.
- 2.19 It should be noted that many of the land owners have been in discussions with the Council, and previously with the former Development Corporation, for many years. There is some scepticism that the project will happen which is making them reluctant to sell their interests. The submission of the outline planning application and first reserved matters application, this report to support in principle a CPO, the positive press statements that have recently been issued and the visible presence of PCRL in Purfleet will reinforce the Council and PCRL's commitment to delivering the scheme and may help to move some discussions forward.
- 2.20 In the event that it is not possible to acquire the land and interests in land by negotiation then, under the terms of the Development Agreement, the Council is required to consider the use of its compulsory purchase (CPO) powers to assemble the land to deliver the Purfleet Project, subject to there being a compelling case in the public interest to use CPO powers.

### **3. Issues, Options and Analysis of Options**

#### **CPO Powers**

- 3.1 In the event that CPO powers are to be used, the appropriate power would be Section 226(1)(a) of the Town and Country Planning Act 1990. This enables acquiring authorities with planning powers to exercise their compulsory acquisition powers if they think that acquiring the land in question will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired.
- 3.2 The wide power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or



improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility.

- 3.3 DCLG Guidance, “Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” (2015), (“the Guidance”) sets out guidance for local authorities regarding the making of CPOs. The Guidance includes key policy tests which need to be satisfied before a CPO can be confirmed. Crucially, before progressing a CPO, members must be satisfied that there is a compelling case in the public interest for making and promoting a CPO, that the use of the powers is necessary and proportionate, and that the public benefits associated with the proposed regeneration will clearly outweigh the interference with the rights of those affected. These matters are referred to below, and will be considered further in detail in any future report to Cabinet to seek authority for any CPO to be made.
- 3.4 The objectives of the Purfleet Centre scheme and the public benefits that it will realise are of critical importance to the economic, social and environmental wellbeing of the area. Accordingly, whilst any case for making a CPO will be rehearsed in a future report to Cabinet, officers are of the view that a compelling case in the public interest for making and promoting a CPO(s) could be made out; the use of the powers could be seen as both necessary and proportionate; and the public benefits associated with the proposed regeneration are likely to outweigh the interference with the rights of those affected.
- 3.5 An indicative CPO timetable is included below which outlines the steps necessary to be undertaken prior to the making of any compulsory purchase order, and an estimated timetable from then on until the acquisition of land pursuant to a compulsory purchase order. It can be seen that the preparatory work before making a CPO requires a minimum of 6 months. Once a CPO has been made, if objections are received and a public local inquiry is required, there is approximately a 16 month period from making a CPO until the date that the land may be acquired compulsorily as a minimum.
- 3.6 An Indicative CPO Timetable

<b>Task</b>	<b>Date</b>
Outline planning application submitted	15 <sup>th</sup> December 2017
Phase 1A Reserved Matters submission	February 2018
CPO request notice	March 2018
CPO Indemnity Agreement	March 2018
Land referencing including service of statutory requisitions if required	March 2018-June 2018

Prepare Statement of Reasons	March 2018-June 2018
Prepare draft CPO, CPO Plan, and CPO schedule	April 2018 – June 2018
Report to Cabinet seeking formal approval to the making of a CPO	July 2018
Make CPO	July 2018
Notice of Making of CPO is served	July 2018
CPO objection period ends	August 2018
Estimated date of CPO Public Inquiry	January 2019
Estimated date of Secretary of State's decision to confirm CPO	July 2019
Publish and Serve Notice of Confirmation and Notice of Intention to make a General Vesting Declaration (GVD)	July 2019
CPO 6 week challenge period expires	August 2019
Earliest date for execution of GVD	August 2019
Earliest date land can vest in the Council (3 months after GVD)	November 2019

3.7 Compulsory purchase orders include a Schedule of interests which should include the names and addresses of every party that has an interest in the land proposed to be acquired, including all freehold owners, tenants, other occupiers, and anyone else with a legal interest in the land such as an easement or covenant. In order to establish the parties who should appear in the Schedule, an initial land referencing process was commenced by the Corporation and is now being updated by the Council. Depending on when the Order is made this may need further review. The plan at Appendix 1 shows the current site boundary deemed to be required for the Purfleet scheme. The final land area to be included in the CPO must be clearly shown on a plan when the Order is made. Until this point there remains some flexibility and the boundary can be amended if required.

3.8 The scheme as currently envisaged is divided into four phases described below:

- Phase 1 – area to the west and south of the railway station to Cory's Wharf jetty

- Phase 2 – Southern area of Botany Quarry
- Phase 3 – Northern area of Botany Quarry
- Phase 4 – Area to the East of Cory's Wharf jetty

The partnership is currently considering whether a single phase CPO encompassing all four phases or a multi-phase CPO delivering the site in more than one parcel is the most appropriate mechanism to secure the ownership of the required area.

- 3.9 For a CPO to be successful there must be a level of evidence that the entire scheme is deliverable. The point at which this evidence can be demonstrated is likely to be different for the residential and more commercial elements of the scheme. The availability of this evidence as well as the proposed development programme and the combined public benefit will inform the decision on whether to pursue a single phase or multi-phase CPO. The rationale for this will need to be clearly justified in the documentation which will accompany the making of the CPO(s). At this stage Cabinet is only asked to approve the principle of using CPO powers - full details on the number of CPOs, the areas to which they relate and the future uses of the acquired land will come forward in a later report to Cabinet seeking formal approval to the making of a CPO(s).

#### **Public Interest**

- 3.10 Whilst this report only seeks an 'in principle' decision from Cabinet that it is prepared to authorise the use of CPO powers to facilitate the Purfleet Scheme, officers would provide the following guidance at this stage on the implications of pursuing CPO action. The Guidance confirms that *'an acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.* The United Kingdom is party to and bound by the ECHR, which was incorporated into domestic legislation by the Human Rights Act 1998. Accordingly, the Council is required to take into account such rights when making its decision. The implications will be dealt with in full in a subsequent report requesting approval for the making of the proposed CPO.
- 3.11 Before deciding whether to authorise any CPO, Cabinet will need to consider the balance and compatibility between the compulsory powers sought and the rights enshrined in the ECHR and whether there is a compelling case for a CPO in the public interest which means that the acquisition of land to enable the scheme to proceed will bring benefits to the area, which could not be achieved without the use of compulsory purchase powers.

## **Alternative Options**

- 3.12 If the Council decides not to commence preparations for a possible compulsory purchase order at this stage, this could call into the question the Council's commitment to the delivery of the Purfleet Centre scheme. This could undermine the Council's private treaty negotiations with owners, its relationship with PCRL, and discussions with other key stakeholders. In turn, this could give rise to uncertainty and delay to the delivery of the Purfleet Centre project and the much needed economic, social and environmental well-being benefits that it will realise.

## **Wider Project Decisions**

- 3.13 The submission of the outline planning application in December 2017 was a significant step forward in the delivery of the Purfleet scheme. This marks the start of the delivery phase of the Project and the Council will therefore have to make a number of decisions over the coming months and years.
- 3.14 Each Phase of development requires Phase Proposals, reserved matters applications and viability assessments to be submitted to the Council for approval prior to land draw down. In addition, certain masterplan elements (such as the IMC and the Primary School) require Council specifications to be developed. These elements have dedicated workstreams established and approvals will be required to progress their delivery.
- 3.15 Any approvals required under the Development Agreement are subject to the agreed review and approval process which, on most occasions, gives the Council 30 days to approve or reject submitted items. As these timescales will not fit with Cabinet decision making schedules this report requests delegation to the Corporate Director, Place in consultation with others to make the decisions necessary to ensure that the project can progress through the delivery phase.

## **4. Reasons for Recommendation**

- 4.1 Whilst significant progress has been made to date by the Council with private treaty negotiations, and discussions with landowners and occupiers will continue, Officers consider that it is unlikely that all necessary interests can be acquired through negotiation. Furthermore, there are a number of unknown ownerships and title anomalies which could prejudice the delivery of the scheme and may not be capable of satisfactory resolution without the exercise of CPO powers. Officers are therefore of the view that the use of compulsory purchase powers may be necessary to facilitate the development of the Purfleet Centre site.
- 4.2 It is proposed at this time that the Council approves, in principle only, to use compulsory purchase powers pursuant to section 226 of the Town and Country Planning Act 1990 if it becomes necessary to do so. A further report will be brought back to Cabinet should a CPO be required and the Council will need to consider at that time whether there is a compelling case in the public interest to make such an order.

- 4.3 Section 227 of the Town and Country Planning Act 1990 provides that a Council may acquire by agreement any land which they require for any purpose for which a local authority may be authorised to acquire land compulsorily under section 226. Officers consider that any land within the area edged red on the plan at Appendix 1 that may be acquired by negotiation from now on should be held by the Council for planning purposes, consistent with the purposes for which that land would be held by the Council were the land to be acquired compulsorily pursuant to section 226. Land referencing involves a detailed investigation into the identity of all owners, tenants, occupiers and others with legal interests in the order land. This exercise must be carried out thoroughly as errors in the schedule cannot readily be remedied later without the consent of any affected owner/occupier. It may subsequently become expedient for formal requisitions for information to be issued by the Council in order for the Council to satisfy itself before the making of any CPO that reasonable and diligent enquiries have been made to seek to identify all those persons with an interest in the relevant land. Cabinet is therefore requested to delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration and Assistant Director of Law and Governance to approve the issuing of requisitions for information served under the provisions of section 5A of the Acquisition of Land Act 1981 to all potential owners of legal interests within the proposed CPO area.
- 4.4 The costs of progressing the CPO process will be borne by PCRL under the terms of an agreed form CPO Indemnity Agreement which is appended to the Development Agreement dated 11<sup>th</sup> January 2016. Cabinet is therefore requested to delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration to finalise and enter into the CPO Indemnity Agreement.
- 4.5 Other project decisions will need to be taken on Phase Proposals, Reserved Matters Applications and potentially other items. To ensure that the Council can fulfil its obligations under the DA and meet the prescribed approval timelines it is requested that Cabinet delegates authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration, the Director of Law and Governance and the s.151 Officer to take any further decisions that may be required by the project.

## **5. Consultation**

- 5.1 This update was presented to Planning Transport and Regeneration Overview and Scrutiny Committee on the 16<sup>th</sup> January 2018.
- 5.2 As highlighted previously significant negotiation has taken place with affected landowners with a view to acquiring land by private treaty wherever possible. Landowners are aware that previous in principle resolution to pursue a CPO has been approved by Cabinet and that Officers will be seeking to renew this approval.
- 5.3 A significant amount of public consultation has been undertaken in relation to the Project. Some of these elements are highlighted below:

- **Community Design Panel:** 20 volunteers met regularly with PCRL during the design process to identify issues that should be addressed in the development and to input into the design process. The panel last met in January 2018 prior to the submission of the outline planning application;
- **Community Consultation Workshops:** 7 open community consultation workshops were held between April 2016 and February 2018 allowing local people an opportunity to feed into and comment on the masterplan development;
- **Digital engagement and consultation:** Social media channels were set up to encourage people who would not take part in a community consultation to engage with the design team.

5.4 Support from the public is generally high and local residents are excited to see new amenities being planned for their area.

## 6. Impact on corporate policies, priorities, performance and community impact

6.1 Purfleet Centre is referenced in the Council's Economic Development and Regeneration Strategies and the Local Development Framework. The proposals under consideration will make a significant contribution to achieving the Council's vision for Purfleet and will be of great benefit to new and existing residents.

## 7. Implications

### 7.1 Financial

Implications verified by: **Mark Terry**  
**Senior Financial Accountant**

The financial return generated by the Project will be received as the development Phases are completed. The mechanism for calculating the return is set out in the DA. Initial details of the first financial return due to the Council were provided in the first Phase Proposal. The Council's advisors, CBRE, will ensure that information provided by PCRL is in line with the agreement, satisfies the viability tests and is based on reasonable inputs and forecasts. At each phase the Council must be satisfied that the Phase is viable before reserved matters applications are submitted to the Local Planning Authority. The DA sets out a defined budget held by the Council for land assembly costs. Once this budget is expended the responsibility to cover future land assembly costs moves to PCRL. The CPO Indemnity Agreement obliges PCRL to cover the costs of a CPO process. It is in agreed form as an annex to the DA but will only be signed following the submission of a CPO request notice under the DA and its acceptance by the Council. The Council will not commence CPO proceedings until this is in place.

Through the DA and the CPO Indemnity Agreement the Council has sufficient protection against costs arising out of the Project. Future returns will be quantified at the relevant Phase Proposal stages. When making value for money decisions in relation to the scheme the Council will take into consideration the financial and non-financial benefits (new housing, new infrastructure, placemaking impact etc.) of the Project.

## 7.2 Legal

Implications verified by: **Benita Edwards**  
**Interim Deputy Head of Law (Regeneration)**

Eversheds Sutherland are providing detailed legal advice to the Council on its approach and legal issues and in so doing, they have assisted with the preparation of this report. If a CPO is pursued Eversheds Sutherland will be retained to advise the Council throughout.

Legal Services have also advised in relation to governance and other matters arising in this report and will continue to do so in partnership with Eversheds Sutherland.

### **Making a CPO**

As noted in the report, in due course, Cabinet may be asked to authorise the making of the CPO for the purpose of facilitating the comprehensive redevelopment of the land in accordance with the scheme outlined in the report, which officers consider will make a major positive contribution to the economic, social and environmental well-being of the area. At this stage, approval is sought for preparatory steps, acquisition of land by private treaty and connected matters.

The making of a compulsory purchase Order under S.226 (1) (a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 is a function which Cabinet may exercise in accordance with the provisions of the Council's Constitution.

Section 226 of the Town and Country Planning Act 1990 enables a local authority to exercise its compulsory purchase powers:

- i. If it considers that acquiring the land in question will facilitate the carrying out of development, redevelopment, or improvement on, or in relation to, the land being acquired (s.226(1)(a)); and
- ii. Provided that it considers that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area (s.226(1A)).

The Council must therefore be satisfied on both counts. In addition, it must take into account any human rights implications as well as the public sector equality duty in section 149 of the Equality Act 2010.

## **Confirmation of a CPO and Acquisition of the Land**

If, following consideration of a further detailed Report, the Council resolves to make the CPO, the Order must be submitted to the Secretary of State for confirmation, notified to those persons affected by it and advertised in the local press. Any party who wishes to object to the making of the CPO has 21 days within which to do so from the date of notification. All statutory objectors have a right to be heard at a public inquiry although it is possible for the Secretary of State to deal with objections in writing. Although any Inquiry will be held on the earliest possible date, typically this could be six months or more after submission of the Order to the Secretary of State.

The Council cannot actually exercise its compulsory purchase powers until such time as the CPO has been confirmed by the Secretary of State or the Secretary of State permits the Council itself to confirm the CPO.

Following confirmation of a CPO the Council has three years within which to exercise the CPO powers. Once the interests included in the proposed CPO area have been acquired for planning purposes, the site will benefit from the operation of Section 203 of the Housing and Planning Act 2016, which (subject to the payment of compensation) extinguishes all existing third party rights that could prevent the development or use of the land from proceeding. The same applies with respect to any land acquired by agreement under section 227 of the Town and Country Planning Act 1990. In both cases, the costs of compensation will be limited to the statutory basis as provided by section 204 of the 2016 Act.

### **Legal Challenge**

Decisions made in the Compulsory Purchase context are subject to challenge on public law grounds in the usual way.

## **7.3 Diversity and Equality**

Implications verified by: **Natalie Warren**  
**Strategic Lead, Community Development and Equalities**

The Equality Act 2010 outlines the provisions of the Public Sector Equality Duty (PSED), requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people from different groups; and
- foster good relations between people from different groups.



The broad purpose of this duty is to require the Council to pay due regard to considerations of equality in an appropriate and proportionate manner and to take account of how the Council's decisions might impact on different groups across the administrative area including those identified in equality legislation as having protected characteristics, namely: Age, disability, gender, gender reassignment, marriage, civil partnership, pregnancy and maternity, sexual orientation and religion or belief.

This requires elected Members to satisfy themselves that equality considerations are integrated into day to day business and that all proposals put to committees have properly taken into consideration what impact, if any, there is on any protected group and what mitigating factors can be put in train.

The Purfleet Centre Project has the ability to deliver a significant level of change to Purfleet, with the introduction of employment opportunities together with community facilities and diverse housing types which will provide significant growth to the area. Plans are designed to ensure that the new facilities are accessible to both the new and existing communities and the masterplan has widespread community support.

Implementation of the Project will be informed by statutory equality legislation described above as well as by community equality impact assessments.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

The report highlights a range of positive social and economic implications.

8. **Background papers used in preparing this report** (including their location on the Council's website or identification whether any are exempt of protected by copyright):

- None.

9. **Appendices to the report:**

- Appendix 1: Site Boundary Plan
- Appendix 2: Description of Development

**Report Author:**

Rebecca Ellsmore

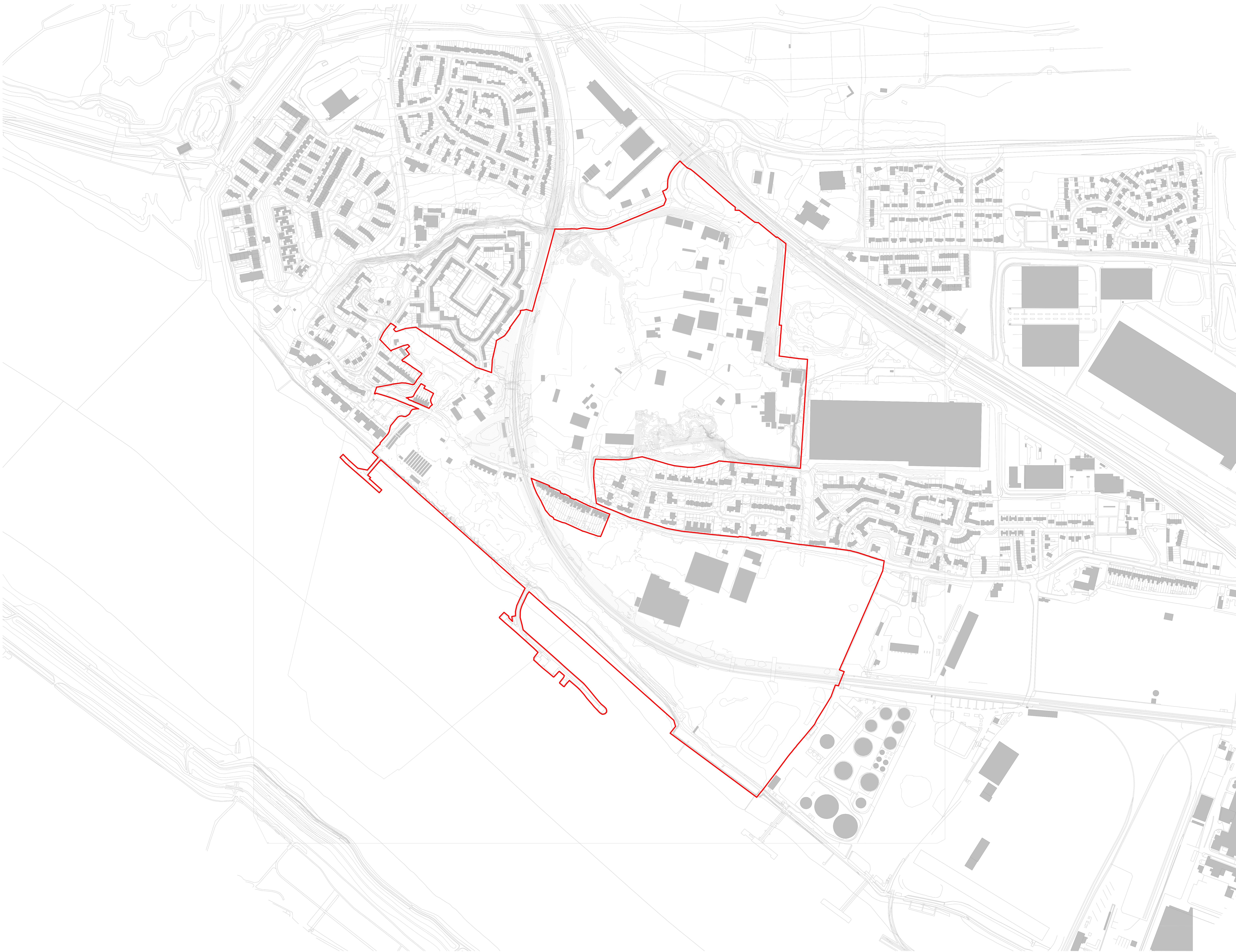
Regeneration Programme Manager (Purfleet)

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 Revisions  
 P01 27.10.17 Issued for Comment KSS

Revision Notes  
 ISSUED FOR COMMENT

General Notes and Legend



LEGEND  
 [Red outline] SITE BOUNDARY  
 [Grey rectangle] EXISTING BUILDINGS

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Client  
**PCRL**

Project  
**PURFLEET CENTRE REGENERATION**

Drawing Title  
**SITE LOCATION PLAN**

Drawing Data & Reference  
 Scale: 1 : 2500 @ A0  
 File Ref: PCRL-KSS-ZZ-ZZ-M3-A-0001  
 Date: 27.10.17  
 Scale Bar: 0m 25 50 100 200

Drawn By: HC  
 Date Drawn: 05.05.16  
 Checked By: DG  
 Date Checked: 27.10.17  
 Status: S2  
 Revision: P01

Project Ref: Originator: PFT - KSS - 00 - ZZ - DR - A - 0001 - 000  
 Drawing Ref: NOT APPLICABLE

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## **Appendix 2: Description of Development**

*Application for outline planning permission, with all matters reserved for subsequent approval, except for means of access, for mixed-use redevelopment involving the demolition of existing buildings and other structures, site preparation works, and the development of up to 2,850 dwelling houses (Use Class C3) comprising a mix of 1, 2, 3 and 4 bedroom units including affordable housing, up to 11,000 sq.m (f/s) of business uses (Use Class B1), up to 8,880 sq.m (f/s) of shops (Use Class A1), up to 5,220 sq.m (f/s) of restaurants and cafes (Use Class A3), up to 900 sq.m (f/s) drinking establishments (Use Class A4), up to 20,000 sq.m (f/s) of hotel accommodation (Use Class C1), up to 18,300 sq.m (f/s) of non-residential institutions uses, comprising a primary school, secondary school and sixth form, medical and community uses (Use Class D1), up to 6,200 sq.m (f/s) of assembly and leisure uses (Use Class D2), up to 135,000 sq.m (f/s together with external backlot production space) film and television production space including ancillary workshops, offices and post production facilities and ancillary infrastructure, together with ancillary car park, provision of temporary railway station facilities, up to 1,600 sq.m (f/s) of upgraded railway station facilities and local waste and power facilities (Sui Generis), all together with associated vehicle parking, open space, landscape and public realm provision, ecological mitigation, highways, pedestrian and vehicular access routes, and other associated engineering, utilities and infrastructure works including but not limited to, rebuilding, repairing, replacing and upgrading of river wall and flood defence wall and associated works of repair and reinstatement of the former Yara Purfleet Terminal jetty and the former Cory's Wharf jetty to facilitate the river wall and flood defence works, the provision of four grade separated railway crossings including a new bridge as part of the re-profiling and realignment of London Road.*

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