

Minutes of the Meeting of the Cabinet held on 11 October 2023 at 7.00 pm

The deadline for call-ins is Monday 23 October 2023 at 5.00pm

Present: Councillors Andrew Jefferies (Chair), Deborah Arnold (Deputy Chair), Adam Carter, George Coxshall, Barry Johnson and Graham Snell

Apologies: Councillor Ben Maney

In attendance:
Mark Bradbury, Interim Director of Place
Asmat Hussain, Director of Legal and Governance and Monitoring Officer
Steven Mair, Interim Chief Financial Officer/Section 151 Officer
Dr Dave Smith, Chief Executive and Managing Director
Commissioner
Ian Wake, Corporate Director of Adults, Housing and Health
Rhiannon Whiteley, Senior Democratic Services Officer

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.

173. Minutes

The minutes of the Cabinet meeting held on 13 September 2023 were approved as a correct record. Councillor D Arnold raised that there was a typo in the last paragraph for the item Progress on Thurrock Council's Improvement and Recovery plan where the word 'love' should be replaced with 'live'.

The exempt minutes of the Cabinet meeting held on 13 September 2023 were approved as a correct record.

174. Items of Urgent Business

Councillor Jefferies invited Councillors J Kent, N Speight and P Arnold who were sitting in the public gallery to come forward and join the meeting if they wanted to ask questions or comment.

Councillor Jefferies confirmed he had agreed to one urgent item of business which is an urgent report titled Resource to Support the Council's Budget Progress.

Councillor Snell introduced the report and explained that it concerned taking on PWC (Price Waterhouse Cooper). Councillor Snell stated that the Council is facing a wide range of financial challenges which it is currently addressing by divesting investments, capital asset sales, reducing the capital programmes and making revenue budget savings. Councillor Snell stated that it is a huge task and it is therefore sensible to procure some short term support in the area of revenue budget savings. Various options have been looked at internally and externally but the decision has been made to procure PWC for 22 weeks to find 5.2 million pounds of savings recurring each year. The cost of procuring PWC is £800,000 and this will come from the Transformation Fund.

Councillor Jefferies clarified that it is spending £800,000 to save 5.2 million pounds every year and they will also be looking at how to save 18.2 million for next year. Councillor Jefferies added that the Finance department is stretched and there is a restructure taking place, PWC have expertise that can be passed on to existing members of staff.

Councillor Speight stated that in recent meetings members and the public have been told that the Council is making progress and is on track to make the savings required and now they are being told the Council will be paying £800,000 to an independent organisation and they might not be able to achieve the savings. Councillor Speight queried if members and the public can believe what they are being told.

Councillor Snell clarified that it is an ongoing project, and the Council is well on its way to finding the 18.2 million pounds of savings for the year 2024/25. However, the finance team is poorly resourced and has been working absolute miracles. External advice has been provided on the investments and assets sales as we don't have that expertise within the Council. We are learning from the experts and ensuring our savings plan for future years is robust now. Councillor Snell stated that it is an £800,000 one off spend and the money is coming from the transformation fund of 12 million pounds. This is exactly what the fund is there for. The Council needs to recover and it needs the best possible help to do that.

RESOLVED:

- 1.1 It is recommended that the Council enter into a contract for services with PWC through to February 2024 for the value specified in the financial implications to support the Council's change and budget process.**

*Reason for the decision: As outlined in the report
This decision is subject to call-in*

175. Declaration of Interests

No interests were declared.

Councillor Speight commented that he did not think Councillor Carter or Councillor Coxshall agreed to the recommendation for the last item concerning the urgent report on Resources to Support the Council's Budget Process. Councillor Jefferies responded that all members of Cabinet had approved the last recommendation.

176. Statements by the Leader

Councillor Jefferies stated that all our thoughts and prayers this evening and for the foreseeable future should be with those involved in the terrible situation in the middle East and we should all hope for a speedy resolution to the difficulties there and hope for less loss of life.

177. Briefings on Policy, Budget and Other Issues

There were no briefings on Policy, Budget or Other Issues.

178. Petitions submitted by Members of the Public

No Petitions were submitted by Members of the Public.

179. Questions from Non-Executive Members

There were no questions from Non-Executive Members.

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

There were no matters referred to the Cabinet for consideration by an Overview and Scrutiny Committee.

181. Delegated Decisions taken since the last meeting

Councillor Jefferies stated that this will be a new standing item on the Cabinet agenda which is being trialled to improve transparency of decision making. At every Cabinet meeting a list of delegated decisions taken in the preceding month will be listed. The ED2 forms are published online and are subject to call in. Councillor Jefferies reiterated that it is a trial and any feedback is welcomed from Cabinet and the public.

Councillor Speight commented that he has received reports from members of the public that when he was talking earlier in the meeting, he could not be heard by those listening to the live webcast online as his microphone was not working. Councillor Speight stated that this was not being transparent.

Councillor Jefferies responded that this was because Councillor Speight did not turn his microphone on and there has been greater transparency since he has been Leader of the Council than there has ever been and he will continue in that vein.

182. Draft Thurrock Design Charter (Decision: 110670)

The Interim Director of Place introduced the report. He apologised that the report in the agenda included the recommendations for the Planning, Transport and Regeneration Overview and Scrutiny Committee to consider. The correct recommendation that should be before Cabinet will be read out at the end of the item.

The Interim Director of Place stated that the Thurrock Design Charter provides an update to the adopted Thurrock Design Strategy SPD (March 2017). The Charter reflects recent changes to national policy, guidance, and best practice in relation to design and place-making as well as aligning with more recent published Council strategies. The development of the Charter and its consultation aligns with the development of the Local Plan and helps inform and provide a baseline for strategic policies on design, including the forthcoming borough-wide design code.

As a Local Planning Authority, the Council is expected to follow the National Planning Policy Framework (NPPF) as a material consideration, which requires Local Plans to set out a clear vision for design, including the preparation of design guides or codes, developed with local communities that reflect local aspirations. Additionally, the Levelling Up and Regeneration Bill intends to make the production and adoption of a design code a statutory requirement for all local planning authorities. The Thurrock Design Charter has been refined to act as a 'vision statement' for a wider design code for Thurrock, preparing for this proposed new statutory duty. Paragraph 2.6 sets out the key differences between the current adopted design strategy from 2017 and this proposed draft.

The Interim Director of Place confirmed the amendments to the recommendation as set out below.

Councillor Coxshall stated that one of the key differences between this design strategy and the last one is the language used was complex and difficult to understand. Councillor Coxshall commented that he was really glad this has been changed in the current strategy as it should be a document that anyone can pick up and read and be able to understand what is trying to be delivered. Councillor Coxshall highlighted that officers should be mindful of this when it goes out to consultation.

The Interim Director of Place confirmed that whilst all the recommendations were accepted by the Planning, Transport and Regeneration Overview and Scrutiny Committee they did encourage officers to consider some of the

language in parts of the report and that will be done before it goes out to consultation.

Councillor Snell agreed with the recommendation and commented that the report is clear and looks uplifting and encouraging however if this report is going out to the public, page 6 was unreadable and needs to be changed.

Councillor Jefferies stated that we have promised a local plan and this is the first step.

RESOLVED:

- 1.1 Cabinet is asked to approve the draft Thurrock Design Charter for public consultation and agree to delegate authority to the Interim Director of Place in consultation with the relevant Portfolio Holder to make any changes resulting from that consultation and to adopt the final version.**

*Reason for the decision: As outlined in the report
This decision is subject to call-in*

183. Direct Payment Support Services (Decision: 110671)

Councillor Jefferies explained that the report does have an exempt appendix and therefore reminded members and officers not to discuss the contents of the exempt appendix whilst the meeting is being live streamed and if anyone does wish to discuss the contents of the appendix the meeting can go into a closed session and members of the public and the press asked to leave. No members indicated they wanted to discuss the exempt appendix.

Councillor Coxshall introduced the report and explained that the council has a statutory duty under the Care Act (2014) to provide support services to eligible direct payment users. This service enables vulnerable adults and children to live within their family home and maximise independence and choice of care provision. The Council currently supports 400 managed adults accounts and 489 active adult and 161 child direct payment users are provided with information and advice.

The Council has used the same provider for the last 9 years. The budget hasn't changed for the direct payment administration since 2013 and the Council does not have the skilled work force or systems in place to deliver this service. The Council is still working to the same budget of close to £70,000 since this was assigned in 2013. There has been a 107% increase in usage of

direct payments and service users are been encouraged to use the direct payments system.

The recommendation is that the Council goes out to market tender with a budget of up to £120,000 per annum to see what the market comes back with. Whilst price is a concern so is quality.

Councillor Jefferies commented that he fully supports that the money gets to the service users themselves, they know best and where to get their services from.

Councillor Arnold highlighted that it is a vital service and the user needs to have confidence in the supplier, whilst it is right to go out to tender there needs to be good consultation with the users of the service to make sure they feel confident especially if there are some changes coming.

Councillor Coxshall responded that they have already consulted with service users and care providers and they are really happy with the current service, it is therefore important that the quality does not slip.

RESOLVED:

- 1.1. That Cabinet agree that the contract be put out to tender with no fixed price point enabling the market to price against the activities required to ensure a sustainable service for the lifetime of a contract (four + one + one years).**
- 1.2. That Cabinet agree that the contract be resourced to ensure statutory obligations can be appropriately met and responsibility for the awarding of any tender be delegated to the responsible Director (Corporate Director for Adults, Housing and Health) in consultation with the Portfolio Holder for Adult Social Care.**

*Reason for the decision: As outlined in the report
This decision is subject to call-in*

184. Revenue & Benefits SaaS (Software as a Service) - Reprocurement (Decision: 110672)

Councillor Arnold introduced the report and explained that the current Revenue and Benefits (SaaS) application provides the system required to operate all matters pertaining to Council Tax, Non Domestic Rates and Housing Benefits; it is one of the largest applications at the Council and has been in operation for nearly 20 years. Councillor Arnold stated that

operationally it seems it was easier to not rock the boat and the contract has run on with extensions for 20 years without going out to tender.

Councillor Arnold confirmed it is not going to be easy and requires a full corporate project to be scoped but it is the right thing to do. Councillor Arnold stated that she is therefore recommending option 2, to seek a short contract of 3 years to keep the ship steady and to allow time for a full tender process.

Councillor Snell stated that you do not know what is out there until you look. To not tender a contract for 20 years is madness. Councillor Snell confirmed he agreed with the recommendation and to take the time to do it properly.

Councillor Jefferies confirmed he also agreed with option 2.

RESOLVED:

That Cabinet

- 1.1 Approve the procurement of a 3 year contract from November 2023 using the Crown Commercial Services Contract (CCS) Framework as set out in section 3.2 of this document**
- 1.2 Approve the commencement of a competitive procurement exercise from November 2023 to enable a 5-year contract (with the option to extend for 5 years) to be in place for November 2026, utilising the CCS Framework or other framework or competitive process.**
- 1.3 Delegate authority to Director of HR, OD and Transformation and the Chief Financial Officer to agree and award a new contract in consultation with the Portfolio Holder.**

*Reason for the decision: As outlined in the report
This decision is subject to call-in*

185. Grays Underpass Update Report (Decision: 110673)

Councillor Jefferies explained that in the absence of Councillor B Maney, the Interim Director of Place will present the report.

The Interim Director of Place confirmed that this is one of three reports tonight which the BVI highlighted as lacking in good project management. The projects are subject to review and updates and recommendations will be provided as to a way forward.

All three reports have been considered by the Planning, Transport and Regeneration Overview and Scrutiny Committee who unanimously supported

the recommendations and welcomed the clarity and openness on the reporting of these projects now.

The review of Gray's Underpass started with understanding the true cost of it. The original budget of £27.4m was approved by Cabinet in 2017. Cabinet approved a further increase in the forecasted budget to £37.3m in 2021. The current budget forecast is £46m based on the latest costings from Network Rail (GRIP 4) design. Forecasted cost estimates have consistently increased as the detailed design for the Underpass have been developed and greater certainty around the implementation impacts on the operational railway. This has resulted in a significantly longer build programme and more expensive technical solutions required to deal with utility diversions, track possessions and changes required for planning. Whilst inflation has been a factor it is clear there was a lack of understanding of the project from the outset. The review acknowledged that the current level crossing is a safety risk and whilst there have been no fatalities the number of 'near misses' has increased. The review recommends that an alternative design and delivery approach is examined based on the development of the Station Quarter concept. This would seek to deliver the new pedestrian crossing over the railway, potentially as part of a new station and mixed-use residential development. It is proposed that Cabinet approve the adoption of this approach and instruct officers to examine the potential for the establishment of a strategic partnership with Network Rail and others, including the drafting of operational principles covering possible design options, partnership arrangements for delivery and roles and responsibilities. A further report on development options, including funding options will be brought back to Cabinet for consideration before the SELEP (Southeast Local Enterprise Partnership) Accountability Board meeting in February 2024.

Councillor Jefferies commented that he agreed with the report and the BVI made it clear that the Council messed up on these things and need to get it right and this report is a step in the right direction. Councillor Jefferies also noted the Planning, Transport and Regeneration Overview and Scrutiny Committees comments and actions requested of officers such as a detailed breakdown of current costs and for the Committee to be updated with regular reports. Councillor Jefferies confirmed he wholeheartedly supported these requests.

Councillor Coxshall echoed Councillor Jefferies comments and agreed with regular reports coming back to Cabinet and Overview and Scrutiny. Councillor Coxshall highlighted that the Council should also be consulting with other partners such as Morrisons and others in the High Street. All stakeholders want to see a regeneration in the High Street.

Councillor Carter stated that Thurrock has always had a lot of ambition to regenerate, it is the follow through that has been the problem. He welcomed the regular reports and the opportunity to look at what went wrong. He stressed that Thurrock still has a lot of ambition and he welcomed it.

Councillor D Arnold commented that whilst it was positive that the Planning, Transport and Regeneration Overview and Scrutiny Committee unanimously supported the recommendations, the minutes of the meeting on the 28 September 2023 were only received today and she would have liked for Cabinet to have had the opportunity to look at them in advance of the meeting. Councillor D Arnold also raised that these are large investments and concern a large amount of money and she queried what actions and learning are being taken forward so the Council knows when to stop.

The Interim Director of Place agreed it was a valid point and confirmed that at this stage they are looking at what the delivery options are and will then be bringing it back to Cabinet. Historically with these projects it was press go and keep on going until somebody asked a question. A report will be brought back through scrutiny and Cabinet at each point a decision is required. It is clear the Council needs to have ambition and vision but it is not likely to be the delivery partner. Network Rail are the right people to deliver this. The Council needs to make sure in any project going forward that the balance of cost is better, the previous proposal placed a small burden on the Rail Authority and the bulk on the Council.

Councillor Johnson stated that all partners need to be brought in to work on this. In the past we have been lenient to partners and they need to know their level of responsibility is just as high as ours

RESOLVED:

CABINET

- 1.1 Agree to cease further development work on the Underpass scheme and withdraw the planning application.**
- 1.2 Delegate to the Director of Place, in consultation with the Portfolio Holder for Regeneration, Strategic Planning and External Relationships and Commissioners authority to implement the development strategy set out in Paragraphs 4.1- 4.3 and to assess operational principles covering a potential Station Quarter development partnership with Network Rail and other strategic partners.**

*Reason for the decision: As outlined in the report
This decision is subject to call-in*

186. Stanford-le-Hope (SLH) Station/ Interchange Update Report (Decision: 110674)

Councillor Jefferies highlighted to the Cabinet members that appendix 2 to the report is exempt however if nobody wanted to discuss the appendix he would propose that the meeting remains in open session.

The Interim Director of Place introduced the report and explained that a review of the project has taken place to understand the current cost of the proposal.

The main aims of the Project are to:

- Develop a Transport interchange that will connect bus, rail, cycle, taxi, and pedestrian modes of transport at Stanford-le-Hope Train station.
- Expand capacity at Stanford-le-Hope Train Station.
- Implement a package of works that meets the requirements of travel plans for London Gateway and unlocks the next phase of development at London Gateway.
- Provide improvements to public transport infrastructure and service reliability to new housing developments and to the major employment growth sites at London Gateway/Coryton.
- Help curb traffic growth and minimise growth in transport emissions in the area through this new transport interchange.

There are several stakeholders involved in the project including UK Power Networks, SELEP, Train Operating Company - c2c, Network Rail and DP World. The Council has actively promoted the redevelopment of the SLH train station building and was instrumental in the demolition of the old station building on the proviso that a new station building would be procured. This is still the expectation of both Network Rail and train operator c2c. Failure to procure the new station building could result in separate financial claims from both Network Rail and c2c. The Stanford-le-Hope train station has been subject to significant design changes since it was originally promoted.

There was a deliverable scheme to bring forward the station but following a tender, cost increases around interest rates meant we were unable to proceed. There is a lot of work to do around how these projects and how they are going to be funded and it is likely the rail operator will be the delivery partner instead of the Council.

Councillor Jefferies reassured the people of Stanford-le-Hope that they have a clear direction now. Councillor Jefferies was pleased to note the comments from the Planning, Transport and Regeneration Overview and Scrutiny Committee thanking officers for their honesty in the report. Councillor Jefferies stated that they will deliver a station for the people of Stanford-le-Hope.

Councillor Snell commented that at a recent Council meeting some doubt was raised as to whether some of the funding from SELEP was used for the correct purpose. He queried if officers were confident that SELEP will regard it as money well spent.

The Interim Director of Place confirmed the funding had been used for the correct purpose and they have a continuing dialogue with SELEP and have reassured them that there is a credible delivery plan. Through working constructively with SELEP around their deadlines they have been able to ensure that they can still use that funding.

RESOLVED:

CABINET

- 1.1 Note the outcomes of the project review process and funding options.**
- 1.2 Approve for Phase 2 SLH Transport Interchange design option and the submission of the planning application.**

*Reason for the decision: As outlined in the report
This decision is subject to call-in*

187. Purfleet-On-Thames Regeneration (Decision: 110675)

The Interim Director of Place introduced the report in Councillor Maney's absence. In order for Purfleet Centre Regeneration Limited (PCRL) to fulfil its role as lead developer and deliver the planned programme set out in the Development Agreement (DA) they are required to access sufficient additional levels of funding (equity, debt and grant) to bring the project forward and a well-resourced team able to effectively manage all workstreams. PCRL has insufficient equity funding and have sought investment from a number of third parties.

The persistent failure by PCRL to secure additional funding and advance the delivery programme has resulted in a ninth Reservation of Rights letter (RoR) to be issued by Homes England (HE) to Thurrock Council and the Back to Back Agreement with PCRL, in relation to the Grant Determination Agreement (GDA), covering the £75m Housing Infrastructure Fund grant.

The Council is concerned that there is a material risk that the development milestones as set out in the GDA cannot be achieved. Given the prolonged and continued default position there is a real possibility that Homes England will invoke provisions with the GDA and withdraw the HIF funding and commence legal proceedings against the Council to clawback grant expenditure to date. Officers have assessed, with external legal support, all legal remedies available to the Council to address this default situation and minimise any financial exposure to the Council. Following this assessment it is recommended that the Council agree to mutual withdrawal, with Homes England, from the GDA. This effectively terminates the Purfleet HIF Grant Determination Agreement with Homes England and the Back to Back HIF Grant Determination Agreement with PCRL. Homes England have confirmed

in writing that it will not demand or seek repayment of any funding in connection with the Funding Agreement. This is subject to the Council agreeing to the mutual withdrawal and entering into the appropriate deed to enact this.

PCRL have continued to attempt to address the funding situation and the Council is mindful to examine alternative funding options; the latest being a proposal involving the English Cities Fund, a consortium of Homes England, Legal & General and Muse. Whilst encouraging, the response from PCRL to the current RoR letter does not contain sufficient detail for the Council to realistically conclude that the scheme can be delivered within the terms or timeframe of the current Grant Determination Agreement. However, following early engagement with PCRL and representatives of the English Cities Fund, officers believe there is merit in examining further the current proposal. Officers are therefore recommending that the Council work with PCRL and ECF, over a period of up to 3 months, to establish whether there are firm proposals.

In summary the HIF funding is no longer available and it will either be withdrawn with possible penalties for clawback or we mutually withdraw. There remains interest in developing the project and conversations with the English Cities Fund are ongoing but other options will also be looked at.

The Chair of the Purfleet-On-Thames Community Forum confirmed they had supported the project since its fruition and he is deeply saddened as to where it is now. A great amount of work has been put into the project and now they don't know what is going to happen. Purfleet is at the end of the borough and there are a lot of houses but no social infrastructure. He explained that he had been a resident in Purfleet for 43 years and since then there has been a new senior school built and a new health centre however it is not fit for purpose as it is not big enough. In 1980 there were 4000 residents and there are now 12000. There has been all these developments and they have not brought any infrastructure to make things better and green spaces have been lost by the bucket load. The project was a way to rectify this. There was 75 million pounds to help support the infrastructure, 27 million has been spent and there is still no infrastructure and he wanted to know why. The Chair of the Purfleet Community Forum stated that he hopes the new Interim Director can wave a magic wand and get the project back on track.

Councillor Jefferies responded that he is also sad and angry about the project. He commented that he has seen the school and it is fantastic.

The Interim Director of Place stated that through discussions with the English Cities Fund, Homes England want to continue to support but the HIF didn't allow them to do it through that vehicle. It is recognised that the community has played an enormous role and the infrastructure is key to the Communities ongoing involvement.

Councillor Coxshall commented that he used to be a resident of Purfleet and there wasn't much there in the way of infrastructure. Out of all 3 projects this

one shocks him the most. There has been talk of Purfleet getting a town centre for years. It is unacceptable that what has been promised has not been delivered. He confirmed he is glad Homes England are still committed and stressed that they need to get this over the line.

The Interim Director of Place confirmed that a significant amount of the expenditure can be used going forward such as the land acquisitions, remedial works and there are project designs which can potentially be taken forward.

Councillor D Arnold commented that she remembered the Chair of Purfleet Community Forum addressing a Council meeting 9 years ago speaking with the same tenacity as he did this evening about Purfleet being called Purfleet-on-Thames. Councillor Arnold urged him not to lose that tenacity. Councillor Arnold stressed that Community based decision making is what is needed.

The Vice Chair of the Purfleet Community Forum sought reassurance that any new development will not just be houses but shops and hotels and other forms of infrastructure.

The Interim Director of Place confirmed that this is the intention.

Councillor Jefferies added that the local plan is being developed now and it is not just about building houses, the administration wants to build communities that have all those things.

RESOLVED:

CABINET

- 1.1 Notes the financial risk assessment and delegates authority to the Director of Place, in consultation with the Director of Law and Governance and the Portfolio Holder for Regeneration, Strategic Planning and External Relationships and Commissioners (1) to endeavour to negotiate a tripartite exit agreement with Homes England and Purfleet Centre Regeneration Limited and if that is not a viable option to agree a mutual withdrawal, with Homes England, from the Purfleet Housing Grant Determination Agreement which will lead to the determination of the Back to Back GDA with Purfleet Centre Regeneration Limited and (2) to take all steps necessary to terminate the Development Agreement and other associated agreements following the termination of the Grant Determination Agreement and the Back to Back GDA if he is satisfied this is the best option for the Council.**
- 1.2 Agree to examine the development option being proposed by PCRL and English Cities Fund and delegates authority to the Director of Place, in consultation with the Director of Law and Governance and the Portfolio Holder for Regeneration, Strategic**

Planning and External Relationships to negotiate and bring back to Cabinet an alternative development proposal no later than 13th March 2024 Cabinet Meeting.

*Reason for the decision: As outlined in the report
This decision is subject to call-in*

The meeting finished at 8.07 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**