

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

Cabinet

The meeting will be held at **7.00 pm** on **13 June 2018**

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

Membership:

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

Agenda

Open to Public and Press

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Queries regarding this Agenda or notification of apologies:

Please contact Lucy Tricker, Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **5 June 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 14 March 2018 at 7.00pm

The deadline for call-ins is Monday 26 March at 5.00pm

Present:	Councillors Robert Gledhill (Chair), Mark Coxshall (arrived at 7.10pm), James Halden and Aaron Watkins
Apologies:	Councillors Shane Hebb (Deputy Chair), Deborah Huelin, Brian Little and Susan Little
In attendance:	Sean Clark, Director of Finance & IT Roger Harris, Corporate Director of Adults, Housing and Health Rory Patterson, Corporate Director of Children's Services Julie Rogers, Director of Environment and Highways Stephen Taylor, Programmes and Projects Manager David Lawson, Assistant Director of Law & Governance Kenna-Victoria Martin, 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.

106. Minutes

The minutes of the Cabinet meeting held on 7 February 2018 were approved as a correct record.

107. Items of Urgent Business

There were no items of urgent business.

108. Declaration of Interests

There were no declarations of interest.

109. Statements by the Leader

The Leader began his statement by offering his condolences to the family of former Councillor and Mayor Ian Harrison, who sadly passed away earlier in the week. He remembered how Ian became Mayor of Thurrock in 2004 and commented that he was the first Conservative Mayor of the Borough since it became a Unitary Authority. The Leader then asked that those present and able to stand for one minute's silence.

Councillor Gledhill updated Members on the Clean it, Cut it, Fill it scheme. In doing so, Members heard how in February 2018 the Council had filled 544 potholes, meaning the year to date figure was 5,653 since April 2017.

He continued by stating an estimated 2,244 tons of waste had been collected since April 2017 and, at present, provisional figures for February included:

- 80,773 bags of litter had been picked;
- 46,205 bins had been emptied;
- 131 fly tips had been removed and;
- 9,325 acres of grass had been cut.

The Leader advised he had asked officers that from April 2018 a running total and a monthly update be provided and made available online, so that it would be clear and transparent as to what the Council was doing in relation to the Clean it, Cut it, Fill scheme.

Councillor Gledhill further commented with regards to Fixed Penalty Notices that he had tasked officers with looking into publishing photographs of those people supplying false names and addresses or those caught on CCTV fly tipping, in the hope that concerned residents could supply correct details to enable appropriate action to be taken.

Members heard the Leader was pleased to announce that the Council had won the Parking Partnership Award at the British Parking Awards on 9th March 2018. He continued to state that for many years Thurrock had been blighted by foreign registered heavy good vehicles parking in residential areas. Damages to grass verges and blocked footpaths had cost over £100,000 per year in repairs and clean ups.

In addition, the Leader provided an update on the Tilbury Ferry, he explained the Thames Swift, operated the service along with its sister ship the Jacob Marley. He further explained that during the Thames Swift annual inspection, the Jacob Marley operated the service, however during storm Emma she was damaged and also required repair.

The Leader advised that the Council was in discussions with Kent County Council, who part funded the service along with Thurrock Council, to resolve the situation.

Finally Councillor Gledhill mentioned that Highways England had installed a temporary barrier on the A126 Dumbbell Roundabout in an attempt to prevent 'car cruising'. He further mentioned that Highways England was continuing to investigate a permanent solution at the junction.

The Portfolio Holder for Education and Health was invited to address Cabinet, and in doing so informed Members that Corringham Primary School had been ranked in the top 20 within the Schools, Students and Teachers network nationally, for Maths, English and Reading.

Councillor Gledhill offered his congratulations to the school for their hard work.

110. Briefings on Policy, Budget and Other Issues

The Leader of the Council addressed Members offering clarification following the meeting of Full Council held on 28 February 2018. It was explained that, although many proposals on the budget were put forward at the meeting, the final decision was to be made by Cabinet at the next available meeting after the election, where all proposals would be taken into consideration.

111. Petitions submitted by Members of the Public

There were no petitions submitted.

112. Questions from Non-Executive Members

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

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

The Leader of the Council informed Members that no matters had been referred to the Cabinet by an Overview and Scrutiny Committee.

114. Delivery of the New Primary Inclusion Units in Thurrock Mainstream Schools. (A Hub and Spoke Model)

The Portfolio Holder for Education and Health addressed Members explaining following the closure of the Primary Pupil Referral Unit (PRU) the Council was currently working with all Thurrock primary schools with the plan to open inclusion units across the borough to keep children in mainstream school settings, as opposed to the traditional primary PRU provision model.

He continued to advise that four inclusion units were to be rolled out across the Borough, within current primary schools, like the unit at Dilkes Academy. This would enable all children to stay within mainstream education which is where they would be best suited.

Councillor Halden mentioned East Tilbury Primary school approached the Council, not only offering to run an inclusion unit within their school but also to host and organise the hub and spoke model of the scheme. He further mentioned the model was to support all children during exclusions whether they be temporary or permanent.

The Portfolio Holder mentioned the new Treetops Free School soon to be opened in the borough which would assist the two current schools supporting children with special educational needs.

Councillor Coxshall thanked the Portfolio Holder for Education for his report and stated he felt there were not enough schools supporting children with

special educational needs. He continued to comment that it was pleasing to see the report and the new facilities being offered for children in Thurrock.

Councillor Watkins welcomed the report remarking on the importance of children remaining in mainstream education. He also commented that it was pleasing to see schools working together to support Thurrock children.

RESOLVED that Cabinet:

- 1. Commented on the planned changes in provision for children at risk of permanent exclusion or who have been permanently excluded.**
- 2. Acknowledged 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.**

115. 2017/18 Capital Monitoring Report - Quarter 3 (Decision 0110466)

Councillor Gledhill presented the report on behalf of Councillor Hebb. Members were advised the report provided a snapshot of the programme at month 9, December 2017. He continued to advise that the Council was on track and had spent £31.7million as of the 31 December 2017; this was against a budget of £62million, with the remainder going forward to complete projects over the next few years.

Members were reminded it was important to remember that the Council was not the only partner involved in the projects and it was often that works would have to be scheduled in with them so delivery times could vary.

The Leader then mentioned the Council was on target to spend 60% of the budget by the end of the financial year and, although the figures given did not include the one off funds set aside from this year's surplus, he felt it was important to update Members although the figures were approximate ones:

- £590,000 to be allocated to resurfacing work, this was processing and was due to be completed by April 2018;
- £310,000 had been allocated for white lining and central reservation bollard cleaning, this was underway and was anticipated to be completed by October 2018;
- £250,000 to be allocated for borough signage, which was now on order and would be implemented over the next few months;
- £345,000 had been allocated for environment equipment and drainage improvements and;
- £380,000 had been allocated to assist with data gathering for the Lower Thames Crossing.

Councillor Gledhill commented the works were additional to those expected to be completed during the current year and would be achievable due to the investments made during the past year.

Councillor Halden commented it was notable to remember those listed within Appendix 2 were the capital projects being run by the council, the list didn't include the projects the Council was part of but didn't hold all of the capital for such as the new Free Schools and the Integrated Medical Centres. These were projects where the Council was working with a number of different partners.

The Portfolio Holder for Regeneration remarked on the £380,000 being allocated to assist with data gathering for the Lower Thames Crossing. He stated that a report would be brought to Cabinet in due course.

RESOLVED that Cabinet:

- 1. Noted 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;**
- 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;**
- 3. Noted 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.**

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

116. Revenue Budget Monitoring - Quarter 3 December 2017 (Decision 0110467)

The Leader notified Members the report outlined the underspends and overspends in the various directorates across the Council as of 31 December 2017.

Councillor Gledhill stated that he had spoken with the Section 151 Officer , who had assured him that by the end of the year the overspend as reported in December 2017 as £223,000 would be less than zero; the council would again finish the current year having underspent. He continued to explain this was partially due to income from investments, in addition to departments continuing to make savings and generate income.

The Leader then touched on the two services which were currently at an overspend. Firstly he spoke of Children's Services, reminding Cabinet that in previous years the department had overspent between £3-6Million. It was discussed how a lot had been done over the past two years, which would assist in the reduction of the overspend of the service.

Councillor Gledhill was pleased to report that previously Thurrock had 4 to 5 times the number of unaccompanied asylum seeker children in their care; this was now reduced from 103 to 31 children by the end of the year, which was closer to the council's threshold of 28.

The Leader secondly touched on the pressures within the Environment directorate, highlighting the largest pressure was the rise in the cost of waste disposal.

Councillor Watkins commented that the new recycling message had been completed and included with resident's council tax letters. The message had also been included on the new waste vehicles as signage. He continued to advise Cabinet that the new permits for the Linford Refuse site were also in place and information had been included within residents Council Tax letters.

Councillor Gledhill congratulated those departments who had come in under budget, thereby assisting those departments with unavoidable overspends.

RESOLVED:

That Cabinet noted the forecast outturn position for 2017/18 and that further mitigation is required to outturn within the agreed budget envelope.

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

117. Purfleet Centre Update (Decision 0110468)

The Portfolio Holder for Regeneration introduced the report highlighting the aim 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.

He continued to highlight the importance of developing on brownfield land, of ensuring infrastructure is delivered at an early point in the scheme and of engaging the community and considered the Purfleet scheme meets these objectives. Phase 1 of programme was to enable significant infrastructure, such as the replacement of the level crossing at Purfleet Station, development of the town centre and providing a new Integrated Medical Centre for 2020.

Councillor Coxshall further highlighted that the 2,850 homes proposed were to be developed on brown field land, and this was to include a secondary school due to open in 2019 and a primary school to follow in due course.

The importance of community involvement was discussed, the Portfolio Holder for Regeneration stated the local community were encouraged and had engaged with the programme from day one.

Councillor Halden congratulated the Portfolio Holder on his report. He continued by seconding the importance of community engagement within the programme. He further mentioned the importance of the council working with other partners to ensure any project was completed on time.

The Leader also commented on the importance of engaging with local communities and residents, when working on a project such as Purfleet. He continued to commend Councillor Coxshall and thanked officers for the report.

RESOLVED that Cabinet are asked to:

- a) Noted progress on the Purfleet Centre Project;**
- b) Agreed these recommendations on the basis that a full Compulsory Purchase Order (CPO) can only be made by Cabinet at a future Cabinet meeting;**
- c) Resolved 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) Noted 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) Noted 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) Authorised 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) Delegated authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration to finalise and enter into the CPO Indemnity Agreement;**
- h) Resolved 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) Noted 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) Delegated 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.**

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

The meeting finished at 7.58pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

13 June 2018	ITEM: 10 Decision 110469
Cabinet	
Delivering our Free School Programme – Land Disposal	
Wards and communities affected: All	Key Decision: Key
Report of: Cllr Mark Coxshall, Portfolio Holder for Regeneration and Cllr James Halden, Portfolio Holder for Education and Health	
Accountable Assistant Director: Michele Lucas, Interim Assistant Director Learning and Skills; Detlev Munster, Assistant Director, Property	
Accountable Director: Steve Cox, Corporate Director of Place; and Rory Patterson, Corporate Director of Children’s Services	
This report is Public	

Executive Summary

Thurrock is becoming a place of choice to live, and demand for school places continues to increase. The Council has a statutory duty to ensure there are enough school places to meet demand and therefore needs to be proactive in ensuring we have high quality school accommodation that provides choice for parents and supports the educational outcomes for our children.

A Council priority is to increase choice of pupil school places by supporting the development of new schools within the borough. This is done by way of supporting Multi-Academy Trusts (MATs) in their bids to the Education Skills and Funding Agency (ESFA). The Council cannot build new schools itself.

This report seeks to gain the approval for the disposal of two Council owned properties to the ESFA in order to deliver the current free schools programme, and ensure there are enough places to meet growing demand.

The sites identified for new school development, detailed in this report are currently unused, but one of the sites is identified for alternative uses.

1. Recommendations:

That Cabinet:

- 1.1 Notes the Free Schools Programme progress to date and the partnership working with the ESFA;**

- 1.2 Approves the disposal of the Treetops site and the Orsett Heath site to the Department for Education (acting through the ESFA) for the purposes of building and establishing new Free Schools on each of the sites;**
- 1.3 Authorises the Corporate Director of Place, in consultation with the Cabinet Member for Education and Health and the Cabinet Member for Regeneration to dispose of (i) the Treetops site and (ii) the Orsett Heath site, if required, at negotiated value or rent, taking into account, as outlined in section 8 of the Report, the need to provide new school places, subject to obtaining the consent of the Secretary of State for Housing, Communities and Local Government if required in either case**
- 1.4 Delegates authority to the Corporate Director of Place in consultation with the Corporate Director of Children’s Services and Assistant Director of Law and Governance, in consultation with Cabinet Member for Education and Health and the Cabinet Member for Regeneration to agree heads of terms for the disposal of the identified sites to the DfE/ESFA and to take all necessary steps to complete the transactions.**
- 1.5 Request Officers urgently bring forward papers to address the Thames Park Free School and the Reach 2 free school for September Cabinet.**

2. Introduction and Background

- 2.1 Thurrock Council has a statutory responsibility to ensure that suitable and sufficient school places are available in Thurrock for every child of school age whose parents wish them to have one. However, local authorities are limited by statute and cannot build new schools.
- 2.2 Thurrock Council received notification of the success of several Free School applications, “Wave 12”, which was confirmed by letter to the Corporate Director of Children’s Services on 12th April 2017.
- 2.3 The successful Free Schools include:
 - 2.3.1 Orsett Heath Academy - mainstream, 8FE, 1,200 place secondary with a sports specialism. The new school would be part of the South West Essex Community Education Trust.
 - 2.3.2 Thames Park - 6FE, 900 place secondary. The new school would be part of the Osborne Trust. A site is yet to be identified for this school and will be the subject of a separate Cabinet Report.
 - 2.3.3 Reach 2 - 2FE, 420 place secondary. The new school would be part of the Reach 2 Academy Trust. The Council is working with ESFA to identify a suitable site for this school, as the proposed site for Brandon Groves is both logistically and strategically problematic and will be the subject of a separate Cabinet Report.
 - 2.3.4 Treetops Special Free School; special, all-through school with 140 places for pupils between the ages of 4-16 catering for Moderate Learning Difficulties and Autistic Spectrum Condition.

- 2.4 In October 2017, a Free Schools project board was formed to include colleagues from Education, Property, Planning and Legal which meets regularly to work together to progress the programme.
- 2.5 The Council is working closely with the ESFA to support the delivery of the new schools within the borough.
- 2.6 The Council is keen to ensure additional pupil places are created in a timely manner so as to meet increasing demand for pupil places. The pressure for pupil places is particularly acute where there is pupil transition from primary to secondary over the coming years.
- 2.7 It is important to note that the delivery of the new schools will not adversely impact on the current schools capital programme as the new schools are required in addition in order to meet future demand.
- 2.8 The Council's priority is to build more capacity, and move to a position where there is more choice for parents and whereby more parents are obtaining their first preference schools.
- 2.9 This year, parental 1st and 2nd preferences for their child's secondary school places increased due to putting in temporary classes in current secondary schools for September 2018. 76.7% of parents were offered their first preference, up from 73.4% in 2017, while second preference offers increased from 10% to 12%. The Council's aim is to further increase these percentages by increasing spaces in 'good' and 'outstanding' schools. Having sufficient places is a crucial part of this.
- 2.10 94% of all primary and secondary schools are judged by Ofsted to be 'good' or 'outstanding', and demand for places remains high.
- 2.11 The current Pupil Place Plan 2017-21 outlines the local need, as well as the ways in which the Council feels each of the bids complements, and does not compete with each other. The plan shows what impact on the demand for school places over the next four years will be and vitally how the Council needs a strategic vision of how the Free School bids will complement the wider need, and not just an ad hoc support of individual bids to alleviate a crisis in under provision.
- 2.12 The new Pupil Place Plan 2018-22 will replace the current Pupil Place Plan dated 2017-21 when it is released in June/July 2018. This new plan will set out the strategic vision, including a forward look at potential and preferred locations. Indicative forecasts based on the autumn school census data show there is a significant demand for pupil places from September 2019 onwards.
- 2.13 The table below sets out the indicative number of pupil places required in year 7 over the next five years based on the latest autumn school census data. The table also includes the whole school (across all year groups) indicative school places required, which includes housing developments and 3% in-year admissions applications.

	2019/20	2020/21	2021/22	2022/23
Year 7 places required	114 - equivalent to 4 FE	146 – equivalent to 5 forms of entry	107 – equivalent to 4FE	227 – equivalent to 8 FE
Whole school places required	329	996	1532	2121

- 2.14 The Council is keen to build more new ‘good’ schools in deprived areas and ensure new schools are located geographically where they are required.
- 2.15 The new Pupil Place Plan 2018-22 indicates that the schools planning area under the most pressure is in the ‘central area’ of the borough, therefore by building the new schools in Grays this will help resolve this forthcoming pressure.
- 2.16 The Council is fully aware of the rising numbers of pupils that are receiving school transport where there is no capacity in the nearest schools to their home address. Many parents are required to travel or seek support from the Council with transport. The Council is committed to increasing capacity across the borough and is currently undertaking a review of school transport in the bid to reduce the financial burden this is placing on the Dedicated Schools Grant (DSG).
- 2.17 The Strategic Housing Market Assessment indicates a need to provide 32,000 new homes in the borough over the next 20 years. Analysis for the local plan also indicates that 24,500 new jobs will be created. The Council’s ambition is for these jobs to go to Thurrock families and ensure that children leave school with the right level of qualifications to place them at the top of the list for jobs.
- 2.18 In addition to new free schools, the Council has also embarked on a number of school expansions to support the growing demand for school places.
- 2.18.1 St Clere’s School is in the process of expanding by 1 FE. This will provide an additional 30 year 7 spaces and a total additional whole school capacity of 150 places. The programme of works is being phased to enable the classrooms to be ready for the Year 7 intake in September 2018.
- 2.18.2 The Ockendon Academy has expanded by 1FE and works are due to complete this month. This will provide an additional 30 year 7 spaces and a total additional whole school capacity of 150 places.

2.18.3 East Tilbury Academy is currently in the process of expanding by 1FE. This will provide an additional 30 Reception spaces and a total additional whole school capacity of 210 places. The programme of works is being phased to ensure delivery of the classrooms for September 2018.

2.18.4 Corringham Primary is expanding by 1FE. This will provide an additional 30 Reception spaces and a total additional whole school capacity of 210 places. The project is currently at detailed design stage with the programme due to complete August 2019.

3. Proposed Development Sites

The ESFA has proposed to locate two of the Free Schools on Council owned land, which are detailed in the tables below and illustrated on the map in Appendix 1.

3.1 Orsett Heath Academy (Secondary)

Plot (Title)	Description
EX214429 And EX242165	Land lying to the North West of Stanford Road, Grays. The land is in the Council's freehold ownership and is currently open space with playing fields on part. These playing fields are currently used by the Thurrock Rugby Club and this arrangement will need to be reviewed. Sports England will need to be consulted regarding the discontinued use of these playing fields.

3.2 Treetops Special School

Plot (Title)	Description
EX746111	Former site of Torrells County Secondary School For Girls, Buxton Road, Grays (RM16 2XW), which closed in 2003 and was subsequently demolished in 2009. The Treetops Special School was built on part of the former Torrells School site and subsequently converted to an Academy on 1 st April 2017

4. Issues, Options and Analysis of Options

- 4.1 The table below provides details of the current pupil capacity as well as information on the size, in acres of each secondary school site within the borough.

Secondary schools in Thurrock – approximate size in acres			
Name of school	Form of Entry	Published Admissions Number	Size of whole site
Gable Hall School	9	272	19.25 + 8.20
Gateway Academy	7	210	43.86
Grays Convent for Girls RC	4	124	3.41+3.46 Shared Playing Field with St Thomas
Harris Academy Riverside	4	120	6.7
Harris Academy C100	6	180	6.7
Hassenbrook	5	150	19.15
Hathaway Academy	6	180	14.48
Ockendon Academy	8	240	22.21
Ormiston Park	6	180	17.16 + 3.97
St Cleres School	7	231	29.38
William Edwards	9	250	25.14

- 4.2 If the Council does not support the disposal of the sites required by the ESFA the Free Schools cannot be delivered. The local authority will then have to consider expanding current schools where feasible to do so in order to fulfil its statutory responsibility to ensure that there are sufficient places available in Thurrock for every child of school age. The consequence of failing to dispose of land, to enable the new schools to be built, will be the financial cost of expanding current secondary schools (where possible). This burden would fall on the Council and prudential borrowing may be required.

- 4.3 However, it is important to bear in mind that the ESFA also has the potential to acquire land from the market. It is not predicated that these schools must be placed on Council land. However, it would appear to be more cost effective and speedier for the ESFA to locate schools on publicly available land where possible.
- 4.4 In relation to Lower Thames Crossing, there is uncertainty at this stage of the overall impact on the Orsett Heath site. Further consideration will need to be undertaken whilst the proposal for the new crossing is being further developed. Initial discussions with Highways England (HE) suggest a willingness to amend the Lower Thames Crossing red line boundary to accommodate the school. This would be a matter for the ESFA and HE to progress.

5. Reasons for Recommendation

- 5.1. Approval to dispose of the required sites is requested to enable the free schools programme to be delivered, so that there are enough school places available to meet demand. The Council is working closely with the ESFA to enable delivery of the current programme. This will place Thurrock in a strong position when the next round of free school bids is announced.
- 5.2. Given the draft nature of the HoTs, it is recommended that delegated authority is given to the Corporate Director of Place in consultation with the Corporate Director of Children's Services and the Assistant Director of Legal Services to finalise the HoTs and enter into the necessary agreements to dispose the sites to the ESFA.

6. Consultation (including Overview and Scrutiny, if applicable)

- 6.1 Public consultation is to take place for the disposal of open spaces in accordance with the recommendations in this report.

7. Impact on corporate policies, priorities, performance and community impact

- 7.1 Approval of this disposal will enable the Council to continue to meet its statutory duty to provide sufficient pupil places under the Education Act 2006.

8. Property Implications

The two sites are owned by the Council within the General Fund as open space, albeit they could be considered for alternative uses.

Section 123 of the Local Government Act 1972 requires the Council to dispose of land for best consideration. In most instances it would be appropriate for the Council to dispose of land at market value, but given the need to provide new school places, the Council could decide to dispose of these sites at less than best consideration. Secretary of State consent will be required if disposal of any of the sites shall be for a price that is more than £2m less than the price achievable as best consideration.

In this regard the Council needs to be mindful of the cost of forgoing the opportunity of other uses. The sites have been independently valued by a registered valuer.

The draft HoTs for the two sites can be summarised as follows:

- 125 year leases for each site;
- ESFA to seek all statutory consents and to apply for planning permissions;
- ESFA to build a new school and ancillary facilities and ensure these properties are fully insured and maintained with no liability to the Council;
- The ESFA will be the client under the CDM Regulations;
- The ESFA accepts the land in its current condition, will be responsible for land remediation and accepts all future environmental liabilities;
- ESFA to provide the Council with all as built plans, operating manuals and to maintain property throughout the term;
- At the end of term, or when properties are yielded up, they are to be returned to the Council in a good condition and with full vacant potential;
- Where appropriate, the playing fields and parking facilities are to be kept open for public use after school hours and are to be insured and maintained by the ESFA for such purposes;
- Assignment or subletting only with the landlord's consent;
- Properties may only be used for education purposes;
- Land for the Orsett Heath School to be disposed at negotiated value
- Land for the Treetops School to be on a peppercorn basis.

The sites will require planning permission and further due diligence work will need to be undertaken by the ESFA.

9. Implications:

9.1 Financial

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

The free schools programme enables investment in the borough by the ESFA to provide additional capacity to meet growing demand. This would otherwise need to be met by expanding current school capacity at additional cost to the council. The additional accommodation required to meet the statutory requirement to provide places for the increasing pupil numbers would have to be funded from a combination of the DfE capital basic needs grant, underspends from the current capital programme and Section 106 monies held for Education provision. In-depth feasibility studies would have to be undertaken and funding requirements quantified and confirmed. This would include any additional funds applied for and successfully obtained from the Education Funding Agency, under the Targeted Basic Need Programme, which supports specific place needs in Local Authorities with exceptional growth. Site

valuations and opportunity costs need to be considered against the alternative cost of provision.

9.2 Legal

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

The Council has a duty under the Education Act 1996 to ensure the provision of “sufficient schools” for the provision of primary and secondary education in their area. Disposal of the sites to the DfE will help the Council meet its statutory duty.

The Council has the power to dispose of its land by either selling the freehold or granting a lease. When doing so, the Council is generally required to obtain the best consideration in accordance with section 123 of the Local Government Act 1972, which will normally (but not necessarily) entail the marketing of the land on the open market. In determining what price would amount to best consideration, it is recommended that advice be obtained from suitably qualified valuers. In the event that the Council decides to dispose of land for an undervalue in excess of £2m, then the Council is required to obtain consent for the disposal from the Secretary of State.

It should be noted that in the event the Council wishes to impose development obligations on the proposed owner of the land, then (depending on how the proposal is structured) that will normally trigger the EU procurement regime, which would necessitate that the proposal be put out to tender. Accordingly, as it is not proposed to go out to tender in this case, the Council will not be able to impose development obligations as part of the proposed transactions.

In addition, it is incumbent upon the Council to comply with its standing orders under the Constitution, in particular the Finance Procedure Rules and the Contract Procedure Rules (the latter of which apply where the procurement rules are triggered). Failure to comply with section 123 of the 1972 Act as well as the procurement regime could lead to challenges on those grounds and might also lead to claims that the Council has granted unlawful State Aid to a third party.

If some or all the land to be disposed of comprises or includes open space land, then prior to any final decision for disposal of the land, the Council is required to consult on the proposed disposal of the open space pursuant to section 123(2A) of the Local Government Act 1972. As provided by section 270 of the 1972 Act and section 336(1) of the Town and Country Planning Act 1990, any land that has been laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground comes within the definition of ‘open space’ land.

9.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development Officer

There are currently no direct diversity and equality implications. However, the new schools will continue to commit to improving learning environments for young people, supporting improvements in standards and raising aspirations to give all children the best possible life chances. The provision of these projects will help to tackle inequality and social exclusion.

Equality legislation places a duty on public bodies to prevent discrimination in all aspects of service provision, including procurement. It provides a clear and positive legal duty to eliminate discrimination and ensure equality of opportunity.

10 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):

10.1 Pupil Place Planning Document 2017-2021

10.2 James Goudie, Essex Chambers: Counsels opinion – exempt

10.3 Kemsley (2018): Valuation Advice for Free School Sites – exempt

The above background document item numbers 10.1, 10.2 and 10.3 while not part of this report are confidential and exempt from publication because they fall within category 3 of rule 10.6 and category 5 of rule 10.6 of the Constitution (Chapter 8 – access to information procedure rules).

11 Appendices to the report

11.1 Appendix 1 - Site plans

Report Author:

Sarah Williams

Education Specialist Services Manager

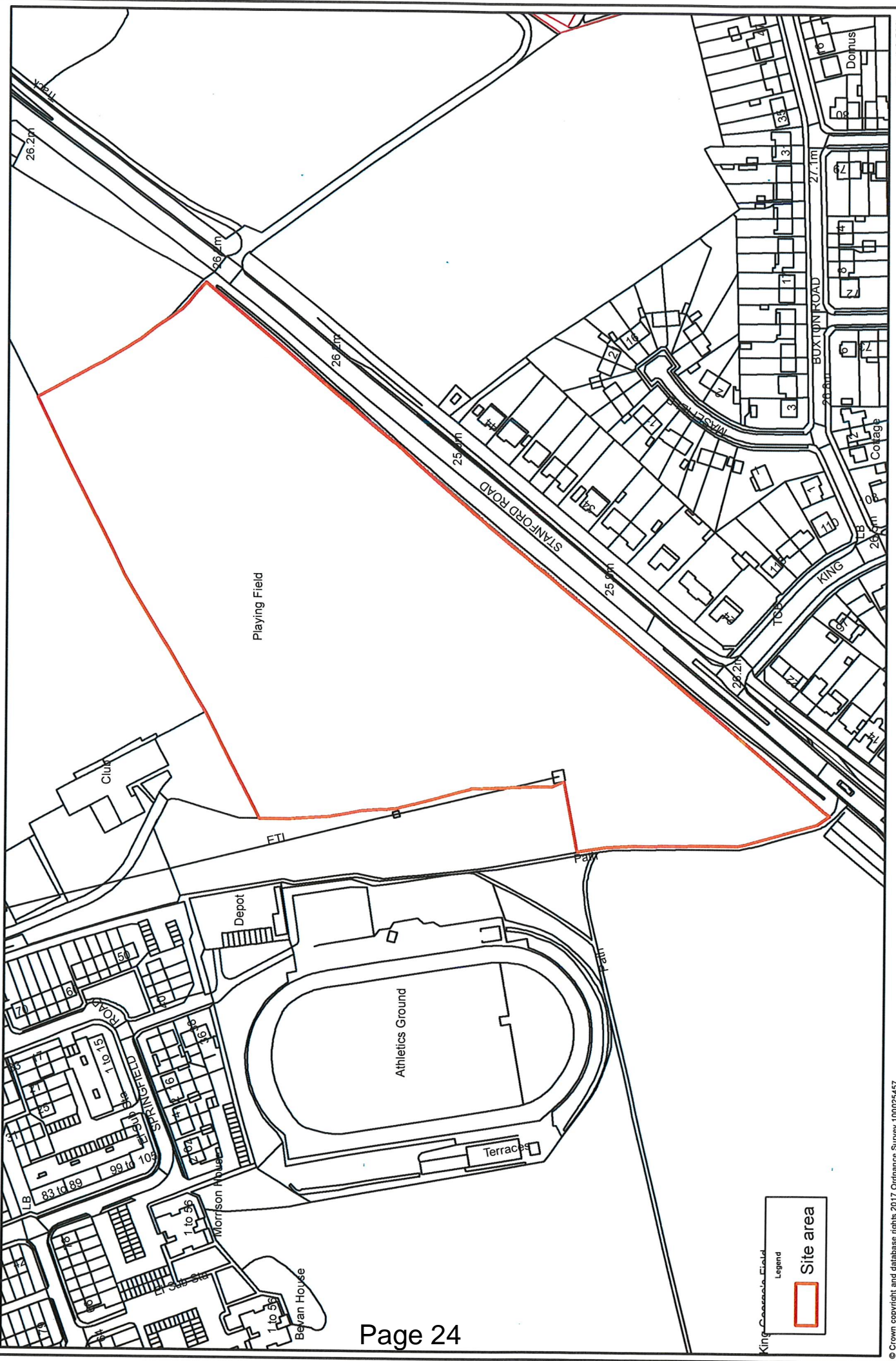
Children's Services



EX746111

Legend

-  Site Outline
-  Access for grass cutting





13 June 2018	ITEM: 11 Decision 110470
Cabinet	
Lower Thames Crossing Task Force Update Report	
Wards and communities affected: All	Key Decision: Key
Report of: Cllr Peter Smith, Chair of the LTC Task Force	
Accountable Assistant Director: John Lamb, Interim Assistant Director – Lower Thames Crossing	
Accountable Director: Steve Cox, Corporate Director of Place	
This report is Public	

Executive Summary

In line with the Terms of Reference, the LTC Task Force is required to report to Cabinet on its work.

1. Recommendation(s)

1.1 That Cabinet notes the work of the Taskforce.

2. Introduction and Background

2.1 The Lower Thames Crossing Task Force has met monthly since September 2017 with the exception of May 2018 as a consequence of elections. Cabinet received a previous update on the 10 January 2018 including Thurrock Council’s response to the ‘Scoping Report’ on what will eventually be included in Highways England’s ‘Environmental Impact Assessment’.

2.2 The Council remains opposed to any new Crossing in Thurrock and the Taskforce has consistently sought to hold Highways England to account. The previously noted concern of obtaining responses and key information has continued. In part this is a reflection of a major scheme that continues to evolve. Highways England has been informed that more would be expected of them leading a project on this scale.

2.3 The Taskforce has been advised that the next stage in the process will be Highways England undertaking Statutory Consultation. This is now unlikely to occur until late summer. Highways England must produce a draft Statement of Community Consultation (SOCC) setting out how it intends to consult. As a local authority consultee, the Council will have an opportunity to comment on the SOCC ahead of public consultation. Once received, the draft SOCC will be considered by the task force.

3. Themes of Taskforce meetings

- 3.1 All task force sessions are audio recorded and available on the Thurrock Council website.
- 3.2 The substantive discussion points have included:

January

Highways England set out the nature upon which Thurrock might be able to shape proposals. Highways England stated that there were certain 'project led decisions' which were non movable however Highways England said that some aspects could be open for detailed input. The task force expressed concern about limiting when and where they and residents were able to influence such a major project.

The Taskforce agreed their high priority areas. The Taskforce agreed that Officers would use these priorities as the basis of more detailed discussions at weekly technical meetings with Highways England regarding the scheme impacts and potential mitigation measures.

February

Highways England were due to present the visual impacts and as this did not occur the meeting was largely devoted to the ongoing concerns that their views were not being listened to and that key detail was not being brought into the public domain for appropriate consideration and comment.

The Taskforce also considered the resources and requirements that Thurrock Council needs as a direct result of this planning application.

March

Highways England presented a brief video clip. It was during this presentation that Highways England advised the closure of Heath Road. There had been no prior notification to the task force or Officers and the task force expressed concern about the quality of the visual details, the accuracy of the material and requested that this be brought back for further consultation and engagement.

April

Highways England announced that they had reversed the decision on closure of Heath Road.

The substantive item on health impacts included presentations from the Thurrock Director of Public Health followed by a presentation from Highways England on how they plan to tackle health impacts. This followed the request by four Directors of Public Health to Highways England to undertake a full health impact assessment.

4. Reasons for Recommendation

4.1 In line with the terms of reference the LTC Taskforce will update Cabinet.

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

5.1 Lower Thames Crossing Taskforce

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

6.1 None

7. Implications

7.1 Financial

Implications verified by: **Carl Tomlinson**
Finance Manager - Management
Accounting

There are no financial implications arising from this report

7.2 Legal

Implications verified by: **David M G Lawson, Solicitor**
Monitoring Officer

There are no legal implications arising from this report

7.3 Diversity and Equality

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

There are no diversity implications arising from this report

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

None

8. 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):

- None

9. Appendices to the report

- None

Report Author:

John Lamb

Interim Assistant Director – Lower Thames Crossing

Place

13 June 2018	ITEM: 12 Decision 110471
Cabinet	
Fly Tipping in Alleyways	
Wards and communities affected: All	Key Decision: Key
Report of: Councillor Aaron Watkins – Portfolio Holder for Environment and Highways	
Accountable Assistant Director: Andy Millard – Assistant Director Planning, Transport and Public Protection	
Accountable Director: Steve Cox – Corporate Director of Place	
This report is Public	

Executive Summary

Over recent years a number of incidents of fly tipping or unauthorised rubbish disposal in private alleyways have been reported to the Council. This is often unsightly and in some cases can present a risk to public health.

There is no formal policy on the approach that should be taken by Council officers to resolve these service requests.

At the meeting of 28 June 2017 the Council passed a motion calling on the Cleaner, Greener and Safer Overview and Scrutiny Committee to conduct a full review of fly tipping in private alleyways in order to:

- Understand the scale of the issue across the Borough.
- Review the impact on residents of the Council’s approach to fly tipping in private alleyways.
- Evaluate potential policy responses, including understanding the cost to the council of taking action and exploring new, more innovative solutions.
- Make recommendations on the best approach to improving the situation.

The purpose of this report is to report back on the findings of the review undertaken in response to the Council motion and present the recommendation of Cleaner Greener and Safer Overview and Scrutiny Committee to Cabinet.

1. Recommendation

1.1 That Cabinet note and comment on the recommendations of the Cleaner, Greener and Safer Overview and Scrutiny Committee found below:

Committee recommendation:

That in instances where fly tipping in alley ways is identified, officers follow the following sequential approach:

- I. Signposting of concerned residents to funding opportunities such as the Community Environment Development Fund, to assist in target hardening or other measures such as gating to reduce the incidence of fly tipping in alleyways.**
- II. Formally request that the occupiers of adjacent premises clear up their alleyway if concerns about non-hazardous alleyway accumulations persist.**
- III. Offer a paid service to clean up alleyway accumulations on a cost recovery basis where the steps above do not result in the fly tipping being removed.**
- IV. As a last resort, pursue enforcement action to ensure the removal of potentially hazardous accumulations against the occupiers of adjacent properties and to charge occupiers accordingly.**
- V. To communicate this sequential approach to residents and provide information to facilitate resident organization, awareness of and participation in community initiatives to combat fly tipped alleyways.**

2. Introduction and Background

2.1 Incidents of fly tipping or unauthorised rubbish disposal in alleyways are generating requests for service from the Council. In the 2017/18 financial year, 502 such requests have been received.

2.2 The de facto position is that where alleyways are in Council ownership these are cleared by the Council. Where the alleyways or other similar spaces are not in Council ownership it is not the Council's responsibility to clear accumulations. The responsibility for clearance in these cases passes to the owner of the land. In the case of alleyways, where no single owner can be identified the Council can require the occupiers of adjacent properties to clean the alley. The power for councils to require adjacent property occupiers to clean alleyways is provided by the Public Health Act 1936. The Council has no formal policy governing its application of the Public Health Act provisions or procedures for arranging clearance in such cases.

2.3 At its meeting of 28 June 2017 Council passed a motion calling on Cleaner Greener and Safer Overview and Scrutiny Committee to conduct a full review of fly tipping in private alleyways and make recommendations for the best approach to improve the situation.

3. Review Findings

- 3.1 The review has now concluded and the findings of the review were presented to the Cleaner Greener and Safer Overview and Scrutiny Committee at its meeting of 22 February 2018. The report to Cleaner Greener Overview and Scrutiny Committee is included as Appendix 1 to this report. The Committee resolved that recommendation 1.1 above be presented to the Cabinet for adoption as Council Policy.

4. Issues, Options and Analysis of Options

- 4.1 The Council requires a policy to guide the actions of officers tasked with addressing fly tipping in alleyways. This will ensure a consistent approach is taken to resolving these matters.
- 4.2 The policy approach recommended by Cleaner Greener and Safer Overview and Scrutiny Committee for adoption by Cabinet on behalf of the Council is intended to balance the interests of the residents of properties adjoining private alleyways to maintain a clean and safe environment with the financial burdens placed on the Council and those residents.

5. Reasons for Recommendation

- 5.1 The issue of fly tipping in alleyways is prevalent in a number of areas of Thurrock and gives rise to an eyesore and in some instances could give rise to public health risks. Mitigation of the effects of alleyway fly tipping is therefore consistent with the Council's priority to promote and protect the green environment.
- 5.2 The Cleaner Greener Safer Overview and Scrutiny Committee after careful consideration have concluded that the proposed policy is the best option available to address the issue of fly tipping in private alleyways.

6. Consultation (including Overview and Scrutiny, if applicable)

- 6.1 The Cleaner Greener Overview and Scrutiny Committee undertook a public consultation exercise as part of its review. The results of this consultation were included in the agenda pack for the meeting of the Committee of 22 February 2018 and are included as Appendix 2 to this report.

7. Impact on corporate policies, priorities, performance and community impact

- 7.1 The recommendation in this report relates to the Council's priority for clean environments that everyone has reason to take pride in.

8. Implications

8.1 Financial

Implications verified by: **Laura Last**
Management Accountant – Corporate Finance

The Cleaner, Greener and Safer Overview and Scrutiny Committee recommendations have a budget implication for the removal of hazardous waste, in instances where cost recovery is not possible.

8.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Deputy Monitoring Officer

The Council is under no legal obligation to remove waste on private land. The Council has powers to require landowners to clear waste from their land and has powers to enter land and clear it, and may seek reimbursement for our costs.

8.3 Diversity and Equality

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

A full Community Equality Impact Assessment would need to be prepared to assist in the implementation of the Cleaner, Greener and Safer Overview and Scrutiny Committee recommendations. This would help consider the impact of a policy decision on people with protected characteristics including vulnerable residents.

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

None identified.

9. 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):

Council motion.

10. Appendices to the report

Appendix 1 – Cleaner Greener and Safer Overview and Scrutiny Committee Meeting of 22 February 2018 Agenda Item 7 Report Fly Tipping Of Alleyways.

Appendix 2 – Cleaner Greener and Safer Fly Tipping of Alleyways – Consultation Results

Report Author:

Gavin Dennett

Environmental Health and Trading Standards Manager

Planning, Transport and Public Protection

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22 February 2018		ITEM: 7
Cleaner Greener and Safer Overview and Scrutiny Committee		
Fly Tipping of Alleyways		
Wards and communities affected: All	Key Decision: Key	
Report of: Gavin Dennett – Environmental Health and Trading Standards Manager		
Accountable Assistant Director: Andy Millard – Assistant Director Planning Transport and Public Protection		
Accountable Director: Steve Cox – Corporate Director of Place		
This report is Public		

Executive Summary

Over recent years a number of incidents of fly tipping or unauthorised rubbish disposal in private alleyways have been reported to the Council. This is often unsightly and in some cases can present a risk to public health.

There is no formal policy on the approach that should be taken by council officers to resolve these service requests.

At the meeting of 28 June 2017 the Council passed a motion calling on the Cleaner, Greener and Safer Overview and Scrutiny Committee to conduct a full review of fly tipping in private alleyways in order to:

- Understand the scale of the issue across the Borough.
- Review the impact on residents of the Council's approach to fly tipping in private alleyways.
- Evaluate potential policy responses, including understanding the cost to the council of taking action and exploring new, more innovative solutions.
- Make recommendations on the best approach to improving the situation.

The purpose of this report is to report back on the findings of the review undertaken in response to the Council motion.

1. Recommendation(s)

1.1 That Cleaner Greener Safer Overview and Scrutiny Committee recommend to Cabinet the following policy approach for dealing with the issue of fly-tipping in private alleyways:

- i. That the Council launch a communications campaign to raise awareness of the responsibilities of all parties in relation to the clearance of alleyways and providing information to facilitate resident organisation of and participation in community initiatives to combat fly tipped alleyways.**

That in instance where fly tipping in alley ways is identified, officers follow the following sequential approach:

- ii. Signposting of concerned residents to the Community Environment Development Fund, to assist in target hardening or other measures such as gating to reduce the incidence of fly tipping in alleyways.**
- iii. Formally request that the occupiers of adjacent premises clear up their alleyway if concerns about non-hazardous alleyway accumulations persist.**
- iv. Offer a paid service to clean up alleyway accumulations on a cost recovery basis where the steps above do not result in the fly tipping being removed**
- v. As a last resort, pursue enforcement action to ensure the removal of potentially hazardous accumulations against the occupiers of adjacent properties and to charge occupiers accordingly.**

2. Introduction and Background

2.1 Incidents of fly tipping or unauthorised rubbish disposal in alleyways are generating requests for service from the Council. So far in the 2017/18 financial year, 348 such requests have been received.

2.2 The de facto position is that where alleyways are in Council ownership these are cleared by the Council. Where the alleyways or other similar spaces are not in Council ownership it is not the Council's responsibility to clear accumulations. The responsibility for clearance in these cases passes to the owner of the land. In the case of alleyways, where no single owner can be identified the Council can require the occupiers of adjacent properties to clean the alley. The power for councils to require adjacent property occupiers to clean alleyways is provided by the Public Health Act 1936. There is no equivalent power to require the owners of adjacent premises to clean the alley. The Council has no formal policy governing its application of the Public Health Act provisions or procedures for arranging clearance in such cases.

2.3 As set out in the report to the previous meeting there is currently no formal policy in place to guide officers in dealing with service requests relating to fly tipped private alleyways. This gives rise to a risk of inconsistent responses to these

requests and budget pressures for departments attempting to get fly- tipped alleyways cleared. The principal options available to the Council for dealing with rubbish in alleyways were identified in the previous report to this committee as follows:

- The Council requires residents to collectively clear the rubbish or pay for its removal and undertake appropriate enforcement action where notices are not complied with. This option would entail action/cost on the part of residents of properties around affected alleyways and could attract criticism from the residents concerned who might feel unjustifiably penalised (notably, if they were not directly responsible for the accumulations). There are also charging and legislative issues that would need to be considered as part of the review.
- The Environment and Highways Directorate undertake the clearance of rubbish in alleyways at the Council's expense. This option would impose costs on the Council's Environment Service as they would have to collect and dispose of fly tipped material or other rubbish reported at these locations. There is no current budget for this work.
- No action is taken by the Council to clear rubbish from these locations and no enforcement action is taken. This option could give rise to alleyways becoming a risk to public health and or unsightly to residents who use them and live in the vicinity. As such it could draw criticism of inaction by the Council.

3. Consultation Feedback

- 3.1 The review consisted of a number of elements. The first was a meeting between officers and the reviews Lead Member to scope out the review. This was followed by a call for comments and suggestions from Cleaner Greener Safer Overview and Scrutiny Committee, the formulation and conduct of a consultation exercise to gauge public attitudes to the issue of fly tipped alleyways and a request for information on the practice with regard to fly tipped alleyways at other local authorities.

Cleaner Green Safer Overview and Scrutiny Committee Comments

- 3.2 The Councillor suggestions are summarised with officer comments in Appendix 1. In general the suggestions from Councillors on the committee indicated a preference for preventative type activity to reduce the problem of fly tipping in alleyways before it occurred. The majority of these suggestions, for example Waste Carrier Licence checks, are being undertaken by various council teams already. In these cases the committee may wish to consider the option to increase funding to undertake more work in these areas. Those suggestions that are not currently the subject of any council activity are Facebook monitoring and subsequent licence checking, the provision of bulky refuse collection points at suitable points around the area and communication with private landlords on their responsibilities for waste. Whilst these suggestions may contribute to reducing fly tipping more generally they do not particularly address the issue of

tipped alleyways and so are not recommended as part of a package of measures to solve this issue.

Public Comments

- 3.3 The consultation exercise results are included as Appendix 2. The feedback provided by respondents to the consultation indicated that:
- **70%** of the people who answered the survey are unaware of who is responsible for maintenance. Could a recommendation be for communications to let residents know where responsibility lies. Whilst residents are unaware of the responsibility they will assume that it is a Council matter and will continue to reflect badly on the Council.
 - **61%** of respondents are not aware of any maintenance that takes place in their alleyway.
 - **65%** of respondents would be willing to be involved in Community Organised Work. This could support use of the Community development Fund for resident led alley gating Schemes/Bids.
 - **87%** of respondents support enforcement action against those who fail to maintain alleyways that they are responsible for.
 - There were 77 respondents to the consultation.

Local Authority Benchmarking

- 3.4 A request for examples of other approaches to dealing with fly tipped alleyways was made via the Association of Public Service Excellence (APSE) portal. To date no responses have been received. If any responses are received Members will be updated orally at the meeting.

4. Issues, Options and Analysis of Options

- 4.1 The Council requires a policy to guide the actions of officers tasked with addressing fly tipping in alleyways. This will ensure a consistent approach is taken to resolving these matters. In addition to the three options previously identified and set out in paragraph 2.3 above, the review has identified further potential approaches that could be adopted either to contribute to the resolution of alley fly tipping issues or as standalone solution.

Collectively the potential options identified are as follows:

- a. Residents to pay for alleyway clearance under legal notice.
- b. Where the Environment and Highways Directorate Service consider the fly tip to be noxious or immediately harmful they may, at their discretion, remove.

- c. No action by the Council.
- d. Additional covert CCTV deployment to gather evidence against fly tippers for prosecution.
- e. Council operate a clear all policy for all land including private alleyways, even though there is no statutory obligation on the Council to undertake such work.
- f. Promotion of community initiatives such as clear up sessions and community action programmes including signposting residents to Community Environment Development Fund to assist with the funding of preventative measures.
- g. Communications campaign.
- h. Council request residents to clean up their alleyway, where reports of accumulations are received.
- i. Council offers a service to residents to clear up their alleyway on a cost recovery basis.

Option a could be used when clearance is not time critical i.e. when there is no immediate risk of harm to residents and so the Council has time to issue legal notices and wait for appeal periods to expire. However, the estimated cost to the Council to fund this option would be £100k per year with only part of this being recovered from residents where they opt for council clearance and thus incur admin charges. The unrecoverable amount is estimated to be £50k.

Option b could be used when prompt clearance reduces potential impacts on public health due to the nature of the fly tipped material or its location. The estimated cost of this option would be £250k per year to cover collection and disposal costs.

Option c has no cost implications but would be likely to lead to public health concerns and criticism of the Council.

Option d could be used to gather evidence and could contribute to combatting fly tipping of alleyways. The estimated capital cost of this would be £75k for the initial purchase of equipment with an ongoing revenue cost estimated at £50k per year to cover installation, redeployment and monitoring of CCTV and processing of evidence obtained by CCTV for prosecution purposes.

Option e this option would provide a comprehensive answer to the issue of fly-tipping but is not a statutory requirement on the Council. The associated costs would be considerable and would almost certainly increase with time as the application of the policy became known to parties who may then feel able to dump whatever they wanted wherever they wanted in the knowledge that the Council would clear it up.

Option f would be a positive step to improve the state of the environment in a locality. This option could provide some input into mitigation against the effects of fly tipping.

Option g would help to inform people about the correct disposal of waste, how to report offenders and how to engage in initiatives to keep their alleyways clear. This is seen as a potential contribution that could be used in conjunction with other options as part of the Councils work on fly tipped alleyways. The Council's communications team could manage suitable communications campaigns at appropriate intervals.

Option h could encourage residents to clear up their alleyway and avoid public health issues or blighting of residents own environment.

Option i would give residents the option to collectively fund a professional clear up of their alleyways.

5. Reasons for Recommendation

5.1 The issue of fly tipping in alleyways is prevalent in a number of areas of Thurrock and gives rise to an eyesore and in some instances could give rise to public health risks. Mitigation of the effects of alleyway fly tipping is therefore consistent with the Council's priority to promote and protect the green environment.

5.2 The options selected recommended from the long-list outlined in section 4 seek to reduce the detrimental effects of alleyway fly tipping whilst working within the existing budget envelope. Collectively they provide concerned residents with a variety of approaches to ensuring that fly tipping instances are effectively and efficiently addressed.

6. Consultation (including Overview and Scrutiny, if applicable)

6.1 An online consultation exercise has been undertaken via the Council's consultation portal. Responses are summarised in Appendix 2.

Association of Public Service Excellence (APSE) consultation via the portal No responses received to date, Members will be updated orally at the meeting on any responses received.

7. Impact on corporate policies, priorities, performance and community impact

7.1 Impact will be dependent on the recommendations taken forward to the Council.

8. Implications

8.1 Financial

Implications verified by: **Laura Last**
Management Accountant – Corporate Finance

The recommendation of this report has a budget implication for the removal of hazardous waste, in instances where cost recovery is not possible.

8.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Deputy Monitoring Officer

The Council is under no legal obligation to remove waste on private land. The Council has powers to require landowners to clear waste from their land and has powers to enter land and clear it, and may seek reimbursement for our costs.

8.3 Diversity and Equality

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

There are none arising directly from this report.

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

None identified.

9. 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):

Council motion.

10. Appendices to the report

Appendix 1 – Cleaner Greener and Safer Overview and Scrutiny Committee Suggestions Summary.

Appendix 2 - Consultation Responses Summary (to be distributed at the meeting).

Report Author:

Gavin Dennett

Environmental Health and Trading Standards Manager

Planning, Transport and Public Protection

Appendix 2

Cleaner Greener and Safer Overview and Scrutiny Committee Suggestions Summary

Cleaner Greener and Safer Overview and Scrutiny Committee Suggestions of Fly Tipping of Alleyways to be considered as part of the review process

Suggestion	Perceived Benefit	Anticipated Costs	Officer Feedback on suggestion
That council workers working outside the office report seeing old furniture and other material likely to eventually become a fly tip in people's gardens.	The opportunity to divert material that could otherwise end up as a fly tip to legitimate disposal.	Admin officer resource to receive and record reports. Waste Education Officers to follow up on reports	This may improve the proportion of waste diverted from fly tipping to legitimate. The council previously had waste education officers who undertook education of residents on waste disposal and campaigns around waste and recycling this role could be revived.
Is there a way we can collect registration numbers for vehicles that are observed carrying waste and then check to see if they have a waste carriers licence.	Disruption of illegal fly tipping activity	Staff cost for this activity.	Environment currently undertake waste carrier licence checks as part of wider work including checking on trade waste agreements.
Is there a practical way of monitoring Facebook for pages advertising house or garden clearance and checking to see if they have a waste collection licence	Reduction of unlicensed waste collectors.	ICT/Communications officer to monitor Facebook pages. Additional staff for increased environmental enforcement operations.	Intelligence provided by monitoring could be used in Environmental Enforcement Operations
If we have a list of private landlords could we write to them and make them aware they have to dispose of old furniture responsibly.	Reduction in fly tipping of alleyways.	Staff to collate private landlord list and produce mail shot	The anecdotal evidence suggests that it is tenants as opposed to landlords who are responsible for fly tipping so targeting landlords may not prove to be effective.
Is there a benefit to having regular drop off points for furniture, electrical goods etc in the areas of Thurrock that suffers the worst incidents.	Reduction in fly tipping	Cost of running additional waste reception facilities and disposal of waste	Cost prohibitive

<p>With regard to building waste, could a condition be added to any planning permission granted requiring the applicant to supply the name of the company who will be disposing of building waste prior to commencement.</p>	<p>Reduction in fly tipping of building and demolition materials.</p>	<p>Planning Officer resource.</p>	<p>Planning officers already work with developers to ensure the inclusion of appropriate conditions by way of a construction environmental management plan for applicable developments and will continue to do so. The issue of fly tipping of alleyways though is less impacted by construction activities requiring planning permission than the fly tipping of remote sites and therefore this is not seen as being a major contributory factor to reducing fly tipping in</p>
<p>Would it be cost effective to have covert mobile cameras that could be deployed as and when required at hot spots, i.e. Prior to removing the fly tip as quite often a fly tip attracts other fly tippers and the camera could catch these.</p>	<p>Increased potential for prosecutions against offenders and associated publicity dissuading would be fly tippers in the area.</p>	<p>Some activity undertaken already using a risk based approach. Further work would need to be separately funded.</p>	<p>CCTV monitoring has mixed success and is one of the ways Thurrock works to counter fly tipping.</p>
<p>Do we have or could we have on our website a list of local companies small as well as large who have waste collection licences, as while we will collect white goods and furniture I don't believe we collect general materials or garden waste.</p>	<p>Facilitate the responsible disposal of waste by residents.</p>	<p>Web resource.</p>	<p>This is currently done via the Environment Page https://www.thurrock.gov.uk/fly-tipping/how-to-dispose-of-large-objects</p>

Adjoining Alleyway - Does your property adjoin an alleyway?	Common issues - Are there any issues common to your alleyway?	other text option - If other, please explain what the common issues are to your alleyway if not listed above?	Alleyway Ownership - Are you aware of the ownership status of your alleyway?	Maintenance activities - Are you aware of any regular maintenance or clearing activities in your alleyway - Either by yourself or by third parties?	Clearing taking place - If no maintenance or clearing of the alleyway is currently taking place, do you think that it is required?	Community Organised work - Would you be prepared to be involved in community organised work with your neighbours to improve the condition and/or security of the alleyway?	Enforcement action Required? - In cases where alleyways are not-maintained to a suitable standard, do you think that Enforcement Action against the parties responsible for maintenance of the alleyway is appropriate?
No	Build up of rubbish / dumping		Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	Yes - now and then I know that some maintenance activity takes place	Yes	Yes	Yes
Yes	No issues with alleyway		Private - Maintained by adjacent property owners	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	No
Yes	Other	Dumping of rubbish and White goods. Urinating. Number 57 Dock road running his roofing business at the rear of the alley way and leaving rubbish. Poorly lit at night time - no street light.	Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	Yes - now and then I know that some maintenance activity takes place	Yes	Yes	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	No issues with alleyway		Private - Maintained by adjacent property owners	Yes - now and then I know that some maintenance activity takes place	No	Yes	Yes
No	Crime and/or Anti-Social Behaviour		Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	Yes - now and then I know that some maintenance activity takes place	Yes	No	Yes
Yes	Build up of rubbish / dumping		Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	Yes - now and then I know that some maintenance activity takes place	Yes	Yes	Yes
Yes	Poor road surface		Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	No
Yes	Build up of rubbish / dumping		Private - Maintained by adjacent property owners	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	Crime and/or Anti-Social Behaviour		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes

Yes	No issues with alleyway		Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	No	Yes	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	Crime and/or Anti-Social Behaviour		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes
Yes	Other	Rubbish and poor surface (couldn't select both)	Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	No
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
No	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	No
Yes	Other	Local alleyways are used by residents to park their cars and vans. This makes it difficult for pedestrians, especially those with prams and pushchairs, and children on bicycles and the elderly. Leaving people having to take an alternative route or having to squeeze past between the vehicle and walls and bushes, blocking a public right of way.	Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
No							
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes
Yes	Build up of rubbish / dumping		Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes

No	Poor road surface		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
No	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes
No	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	Other	Lack of maintenance - issues with weeds and nettles whose roots are causing damage to my fence.	Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place	Yes	No	Yes
Yes	No issues with alleyway		Private - Maintained by adjacent property owners	Yes - now and then I know that some maintenance activity takes place		Yes	Yes
Page Page 47 Yes	Build up of rubbish / dumping		Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	No
Yes	Crime and/or Anti-Social Behaviour		Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place		Yes	Yes
Yes	Other	The alleyway is overgrown with weeds and grass making it impassable.	Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
No	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	Build up of rubbish / dumping		Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	Crime and/or Anti-Social Behaviour		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes

Yes	Crime and/or Anti-Social Behaviour			Yes - now and then I know that some maintenance activity takes place	Yes	No	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place	Yes	Yes	Yes
No							Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes
Yes	Other	Constant rubbish which I clear regularly which recently included laughing gas cylinder along with general rubbish i.e. alcohol bottles/cans	Private - Maintained by adjacent property owners	Yes - I know that regular maintenance activity takes place	Yes	No	Yes
Yes	No issues with alleyway		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place	No	No	Yes
Yes	Other	There seems to be a growing issues with rats in the area!!!	Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place	Yes	No	Yes
Page 48	Crime and/or Anti-Social Behaviour		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes
No	Crime and/or Anti-Social Behaviour		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes
Yes	Crime and/or Anti-Social Behaviour		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place	Yes	Yes	Yes
Yes	Build up of rubbish / dumping		Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	Other	No lighting	Housing Owned - Maintained by Housing Provider at the Providers Expense	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes
No	Other	Dog mess just dumped in and out of bags , empty spirit bottles smashed human escrament done in the alley		Yes - now and then I know that some maintenance activity takes place	Yes	No	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes

Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
No	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes
No	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place	Yes	Yes	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place	Yes	Yes	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place		No	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	Build up of rubbish / dumping		Private - Maintained by adjacent property owners	Yes - now and then I know that some maintenance activity takes place	Yes	Yes	Yes
Yes	Other	Street lights in Alley way never worked since last year despite informing Council several times. Job Ref 3265 given, but Never initiated! Also, rubbish piling up stacked against Post Office wall. Plants overgrown absorber trimmed.. unsavory characters	Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes
No	Poor road surface		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - I know that regular maintenance activity takes place		No	Yes
Yes	Other	Both rubbish dumping and poor Road surface. As I write this there are two black plastic bags of domestic rubbish in the alley and if I picked them up and placed them in my wheelie bin the dustmen would reject them for being plastic bags. "Go figure" !!!	Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place	Yes	Yes	Yes
Yes	Crime and/or Anti-Social Behaviour		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place		Yes	No

Yes	Build up of rubbish / dumping		Housing Owned - Maintained by Housing Provider at the Providers Expense	Yes - now and then I know that some maintenance activity takes place	Yes	Yes	
Yes							
No	Other	The footpath/alleyway between Elm Road and Mill Road in Aveley is very difficult to negotiate because of brambles and nettles	Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	Yes
Yes	Build up of rubbish / dumping		Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	No
Yes	Other	cars parked in alleyway entrances/exits.	Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes
Yes	Crime and/or Anti-Social Behaviour		Unregistered / Un-adopted - not in anyones ownership but maintainable by those who have access rights	Yes - now and then I know that some maintenance activity takes place	Yes	Yes	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	No	No
No						No	Yes
Page 50		Blocking public access by vehicle parking. General littering by public who walk through, with occasional household rubbish dumped. Dog owners failing to clear dog mess. We have frequently cleared and maintained the access since 1980. Unmade surface difficult to maintain.					
Yes	Other		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - I know that regular maintenance activity takes place		Yes	
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place		Yes	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place	Yes	Yes	No
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	Yes - now and then I know that some maintenance activity takes place		Yes	Yes
Yes	Build up of rubbish / dumping		Unsure - I am not aware who is responsible for maintenance and upkeep of the alleyway	No - I am not aware of any maintenance or clearing activity that takes place in the alleyway	Yes	Yes	Yes

13 June 2018	ITEM: 13
Cabinet	
2017/18 Financial Outturn Report	
Wards and communities affected: All	Key Decision: No
Report of: Councillor Shane Hebb, Deputy Leader and Portfolio Holder for Finance	
Accountable Head of Service: Not Applicable	
Accountable Director: Sean Clark, Director of Finance and IT	
This report is Public	

Executive Summary

The 2017/18 financial year saw Thurrock Council achieve, for the first time, four years self-sufficiency which means a balanced budget up until after the 2021/22 municipal year.

Furthermore, over the course of the 2016/17 and 2017/18 municipal years, the council increased its General Fund Balance by 38%, from £8m to £11m. The Housing Revenue Account Balance has been maintained at £2.175m.

Services continue to be protected and Members now have greater choice in what service changes are made. Service Reviews remain a critical component of the self-sufficiency agenda; as well as providing an ability to improve the quality of the services that council provide.

The council has benefited from a recent history of prudent financial management to meet the financial challenges arising that have predominantly related to demand-led social care pressures and additional investment within Environmental Services. Mitigation has included managing demand, further income generation, improving efficiency and reducing non-essential spend. These challenges have been achieved while continuing to support local communities by delivering services in more efficient and innovative ways.

This report provides a high level summary on the outturn for 2017/18 for the General Fund, Housing Revenue Account and Capital.

In summary, expenditure has been achieved within the overall budget envelope and enabled an increase to balances to mitigate future risk.

1. Recommendations

That the Cabinet:

- 1.1 Note that the General Fund net expenditure has been met within the overall budget envelope and the General Fund Balance has been increased by £3.000m to £11.000m;
- 1.2 Note that the balance on the Housing Revenue Account Reserve has been maintained at £2.175m; and
- 1.3 Note that there was a total of £377.258m in capital expenditure and some of the key projects have been set out in section 5.

2. Introduction and Background

- 2.1 Members have received finance reports throughout the year. The month 9 report showed that the council still had a deficit of £0.223m due to pressures in Children's Social Care and Environment & Highways. These pressures have been fully mitigated by further improvements to the council's treasury and MRP position and savings within the support service Directorates. These pressures were all recognised within the budget setting for 2018/19 with additional funding being allocated to each. Through this, the council has increased the General Fund balance to £11m.
- 2.2 The table below summarises the outturn position in line with financial reporting requirements, including the movement in reserves, and the prior year position to allow year on year comparison.

Net expenditure chargeable to the GF and HRA balances

2016/17 £000	Directorate	2017/18 £000
35,118	Adults; Housing and Health	35,351
37,687	Children's Services	37,471
644	Commercial Services	488
18,085	Environment and Highways	20,813
4,716	Place	4,681
9,333	Finance, IT and Legal	9,449
2,974	HR; OD and Transformation	3,446
3,664	Schools	3,751
2,034	Corporate Costs	1,723
2,311	Corporate Strategy & Communications	2,285
116,566	Net Cost of General Fund Services	119,458
(5,012)	Housing Revenue Account	(1,878)
111,554	Net Cost of Services	117,580
(111,997)	Other Income & Expenditure	(120,970)
(442)	(Surplus)/Deficit	(3,390)

(18,139)	Opening General Fund and HRA Balance	(18,581)
(442)	(Surplus)/Deficit in year (per table above)	(3,390)
(18,581)	Closing General Fund and HRA Balance	(21,971)

2.3 The table above shows the total opening and closing usable reserves of the council. This can be misleading as a number of reserves are for specific use and those relating to schools include the end of year balances specific to individual maintained schools.

2.4 The table below sets out the councils reserves by category:

31-Mar-17 £000	Reserve Category	31-Mar-18 £000
(1,430)	Education and Schools	2,193
(1,248)	Adults, Community and Health	(1,867)
(112)	Grant Carried Forward	(200)
(1,024)	Other Earmarked Reserves	(2,453)
(8,000)	General Fund Balance	(11,000)
(6,766)	HRA Related	(8,644)
(18,581)	TOTAL	(21,971)

- Education and Schools – Primarily individual schools balances and Dedicated Schools Grant which are ring-fenced for specific use. This reflects the current deficit DSG position;
- Adults, Community and Health – Primarily Public Health grant and Better Care fund which are ring-fenced for specific use;
- Grant carried forward – ring-fenced grant allocations for specific use as per grant conditions;
- Other earmarked reserves – captures all other earmarked reserves including ring-fenced accounts such as building control, planning and salix. Also includes allocation for transformation activity;
- The General Fund Balance – the balance maintained to protect the council from unmitigated budget pressures; and
- HRA Related – a balance of £2.175m to protect the council from unmitigated budget pressures, Development Reserve of £4.3m, £1.3m Housing Zone funding and Major Repairs Reserve of £0.8m.

3.0 Front Line Service Commentary

3.1 Adults, Housing & Health

3.1.1 Adult Social Care has managed significant pressures throughout the year. One of the major contributing factors has been the fragility of the care market – especially domiciliary care. Despite extra funding being invested into services to strengthen the Domiciliary care market, this area has remained under considerable pressure. Over the past two years several domiciliary care

contracts have been handed back to the Council by external service providers adding additional costs to our in house services.

- 3.1.2 Demand for residential placements, especially for people with Learning Disabilities, autism and challenging behaviours, adds additional pressure. This is a highly volatile area working with a cohort of people with varying levels of complex need. Packages are based on individual care needs and outcomes and so can be very expensive and, in many cases, require additional levels of one to one support.
- 3.1.3 Mitigation has included increasing the amount of early intervention and prevention e.g. through initiatives such as the Local Area Coordinators, utilising the Adult Social Care support grant, working closely with the council's health partners and reviewing and renegotiating packages where possible. Demand and complexity of cases remains a key issue going forward.
- 3.1.4 The level of temporary accommodation placements has increased but has been managed through underspends within private sector housing. This will continue to be monitored closely through 2018/19.

3.2 Children's Services

- 3.2.1 Children's Services continues to operate in a volatile demand led environment. As reported throughout the year, work has been ongoing to manage pressures within social care including the review and re-commissioning of placement provision, changes to accommodation in aftercare and the continued reduction of agency staff.
- 3.2.2 Overall, the number of children in care has reduced, and high cost placement numbers continue to show a reducing trend but the changing mix of placement type has impacted the position. In the second half of the year there were a small number of very high cost complex needs cases that added to the pressure on the budget.
- 3.2.3 Spend on unaccompanied asylum seeking children reduced in 2017/18 following the introduction of the Eastern Regional Protocol. This brought placement numbers down considerably to between 30 and 35 from the previous peak of 103.

3.3 Environment and Highways

- 3.3.1 Presentation of the borough is vitally important to attract the level of planned development and growth required, this has been reflected in the investment in the service in both 2017/18 and 2018/19. Increased growth brings increased service demands in all of the universal service areas, including waste collection and disposal.
- 3.3.2 Pressures within Environment and Highways have been reported throughout the year. The most significant pressure was, and continues to be, within waste

disposal due to additional contract extension costs and a higher cost of disposal due to increasing waste tonnages and reduced recycling, which is being reported nationally. This has been impacted by the Household Waste Recycling Centre (HWRC) moving back in house following no external interest in the contract. Actions to mitigate the ongoing impact continue with the redevelopment of the site, the introduction of a commercial trade waste service and the introduction of a permitting scheme to reduce trade waste entering the site.

3.3.3 Ageing vehicles working beyond their life expectancy led to pressure in year with increased vehicle hire costs, fuel costs and wear and tear. With the roll out of the new fleet it is expected that this will reduce in 2018/19. The winter gritting season saw demand for gritting increase on previous years and significant snow fall at the end of the financial year led to unbudgeted spend on grit, the first year in many when stocks have had to be replenished, and staff time.

3.3.4 Significant savings were applied to the Highways budget in respect of the street lighting LED replacement project. Whilst the majority of the savings were achieved, the service did incur budget pressures due to one-off maintenance requirements. There was also pressure within parking income and public transport services which are not expected to impact 2018/19.

3.3.5 Trade waste performed well delivering a strong income position ahead of budget.

3.4 Place

3.4.1 There has been strong income performance with commercial rents and fees and charges exceeding expectation. This has helped offset wider service pressures. The Theatre performed well and delivered a self-financing position in year.

3.4.2 The ongoing programme of lease renewals could result in pressures for some tenants and impact on the potential of achieving the rental income target. Across the Council's capital programme there have been pressures on construction costs that might impact on spend profiles for 2018/19. Traded services element of Planning and Public Protection continue to perform well and further opportunities are being explored.

3.5 Dedicated Schools Grant (DSG)

3.5.1 Nationally, all local authorities and the education system are struggling with meeting the additional demand for payments in support of children with Statements/Education and Health Care (EHC) plans; out of borough payments; independent special school residential payments and special educational needs and disabilities SEN(D) top up payments. Overspends and reduced payments to schools are common across the country.

- 3.5.2 The DSG outturn for 2017/18 is an over spend of £2.702m which equates to 2% of the total DSG budget. Within the Early Years block, there is a reported underspend on 2 year old funding and slight overspend on 3 and 4 year old expenditure in support of children's growth in numbers.
- 3.5.3 With the ongoing pressure within the DSG, a sub group of the schools forum was established to review expenditure and budget pressure areas, including statutory returns and statistical benchmarking data analysis to assist in the DSG Recovery Plan. The group has met 6 times during the year and agreed a recovery plan that will recover funds going forward already received by the schools in prior years. The 2016/17 deficit of £1.343m will be recovered via the 2018/19 allocation utilising underspends from the Early Years block for this financial year (2017/18). The 2018/19 deficit will be recovered through allocations in 2019/20 and 2020/21 as well as virements from other blocks. A model is being designed to control high needs expenditure through a "capping system" which has been developed in collaboration with schools and colleges.
- 3.5.4 In addition, Head Teachers are working with the local authority to develop an innovative hub and spoke model of provision for children at risk of exclusion and in need of alternative provision. The model will ensure that children in need of additional support are contained within mainstream school provision. This collaborative approach will ensure better outcomes for the children concerned with fewer being moved out of the authority to high cost provision and increased transport costs. This will support the overall strategy to reduce the spend in this area.

3.6 Other Income & Expenditure

- 3.6.1 The council's decision to follow an investment approach has yielded additional returns in 2017/18 which has enabled greater investment in services and improved the level of useable reserves. In addition to this, applying an innovative change to the calculation of the Minimum Revenue Provision (MRP) has provided a one-off use of non-usable reserves enabling an increase to General Fund balances.

4.0 **Housing Revenue Account**

- 4.1 The HRA balance has been maintained at £2.175m. As reported throughout the year, the main pressure was within revenue repairs which has been mitigated by underspends within Housing Operations following the introduction of a revised staffing structure.
- 4.2 A contribution to the Development Reserve has been made in order to ensure the current New Build Programme can be financed and completed in 2019/20. This contribution is equivalent to the difference between the budgeted interest charge and the actual charge following planned works now taking place in 2018/19.

- 4.3 An element of the Transforming Homes planned works have been reprogrammed into 2018/19 and will be delivered under the new contract arrangements. The balance on the Major Repairs Reserve at the end of 2017/18 will be utilised in 2018/19. Over £0.750m was spent on extra fire safety measures following on from the Grenfell fire tragedy.
- 4.4 During the year some new service charges were introduced (e.g. existing sheltered tenants) bringing in extra revenue to the HRA, however, Cabinet deferred and then withdrew the proposed service charge for Grounds Maintenance.

5.0 Capital Programme

- 5.1 Total capital expenditure for 2017/18 amounted to £377.258m. A summary of this expenditure analysed by service, is set out below and also shows the source of financing.

Service	Budget £000s	Total £000s	Variance £000s
Adults; Housing and Health	1,534	1,216	(318)
Children's Services	3,007	2,008	(999)
Environment and Highways	13,509	10,853	(2,656)
Finance and Information Technology	326,859	325,400	(1,459)
Housing General Fund	73	24	(49)
Housing Revenue Account	13,673	13,125	(548)
HR; OD & Transformation	2,741	1,181	(1,560)
Corporate Strategy & Communications	45	5	(40)
Place	26,642	23,446	(3,196)
Total	388,083	377,258	(10,825)

Source of Finance	Budget £000s	Total £000s	Variance £000s
Prudential Borrowing	346,084	336,773	(9,311)
Usable Capital Receipts	2,182	2,011	(172)
Earmarked Usable Capital Receipts	420	494	74
Major Repairs Reserve	11,800	11,174	(626)
Grants	6,835	5,283	(1,553)
Other Grants	18,490	20,114	1,624
Developers Contributions	2,164	1,379	(785)
Revenue Contribution to Capital	0	18	18
Reserves	107	12	(95)
Total	388,083	377,258	(10,825)

5.2 The capital outturn position includes the delivery of the following projects in 2017/18:

- £324.3m spent on long term investments which are classified as capital expenditure as the associated bonds purchased fund the acquisition of capital assets
- £11.6m spent on transforming council homes, with the replacement of kitchens, bathrooms, electrics, boilers, windows and roofs. In addition the alarm call monitoring system, based at Harty Close was replaced.
- Completion of the “Olive Academy” School in Tilbury, with a gross-spend of £4.8m over the period 2015/16 to 2017/18.
- Completion of expansion works to Somers Heath Primary School in South Ockendon, with a gross spend of £2.3m over the period 2015/16 to 2017/18.
- £23.3m spent on improvements to the highways infrastructure, including replacing street lighting with LED lighting, design, land acquisition, land clearance costs for the widening of the A13 between Orsett Cock and Manorway interchanges, further improvement works to Oliver Road in West Thurrock, completion of one way traffic on Towers Road (Globe estate), Lodge Lane safety improvements and works to the Thurrock cycle network.
- £1.2m spent on the improvements to Belhus Leisure Centre
- Works in progress - During the year a number of projects commenced which are expected to be completed during the current or next financial year.

5.3 As at 31 March 2018, the Council had authorised expenditure in future years of £11.2m. In addition a further £184.3m had been previously authorised for use in 2018/19 and 2019/20, giving a total future years’ commitment of £195.5m.

5.4 This includes:

- £62.7m on widening of the A13;
- £29.3m on housing new build developments;
- £18.8m on school expansions;
- £17.3m on the Purfleet redevelopment;

- £10.7m on improvements to Grays South;
- £5.8m on improvements to Stanford Le Hope rail/bus interchange; and
- £4.4m on improvement works to the Civic Offices.

6. Reasons for Recommendation

- 6.1 The report presents the financial outturn position for 2017/18. The position will inform the preparation of the financial statements.

7. Consultation (including Overview and Scrutiny, if applicable)

- 7.1 There has been no consultation on this report. The figures are a matter of fact.

8. Impact on corporate policies, priorities, performance and community impact

- 8.1 This report presents the financial outturn for 2017/18 which supported delivery of the council's priorities.

9. Implications

9.1 Financial

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

Council officers have a legal responsibility to ensure that the Council can contain spend within its available resources. Regular budget monitoring reports will 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.

9.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Deputy Monitoring Officer

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

9.3 **Diversity and Equality**

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

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

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

- NA

10. **Background papers used in preparing the report**

11. **Appendices to the report**

- NA

Report Author:

Carl Tomlinson
Finance Manager
Management Accounting
Corporate Finance

13 June 2018	ITEM: 14
Cabinet	
Appointments to Outside Bodies, Statutory and other Panels	
Wards and communities affected: None	Key Decision: Non-key
Report of: Councillor Robert Gledhill, Leader of the Council & Portfolio Holder for Public Protection and Anti-Social Behaviour	
Accountable Assistant Director: David Lawson, Assistant Director for Law and Governance and Monitoring Officer	
Accountable Director: Lyn Carpenter, Chief Executive	
This report is Public	

Executive Summary

This report requests the Cabinet to consider the nominations made by Group Leaders to Outside Bodies, Statutory and Other Panels for those appointments that are to be made by the Cabinet.

1. Recommendation(s)

1.1 That the nominations to Outside Bodies, Statutory and Other Panels be approved, as set out in Appendix 1 to this report (to be tabled when nominations are received).

2. Introduction and Background

2.1 Both the Full Council and the Cabinet have powers to appoint Members, officers and others to serve on Outside Bodies in a variety of capacities. Chapter 12, Part 2, of the Council's Constitution provides details of those Outside Bodies, Statutory and Other Panels where appointments are to be made by either Full Council or by the Cabinet.

3. Issues, Options and Analysis of Options

3.1 Nominations have been sought from Group Leaders for the appointments to Outside Bodies, Statutory and Other Panels that are required to be made by the Cabinet. Those nominations are set out in **Appendix 1** to this report, which will be tabled when nominations have been received.

3.2 Any changes to the appointments made will require the approval of the appointing body, be this Full Council or Cabinet.

3.3 There is an expectation that Members appointed to represent the Council on Outside Bodies will report back to the Council at least annually.

4. Reasons for Recommendation

4.1 The Cabinet should ensure that it continues to nominate representatives to sit on Outside Bodies, Statutory and other Panels so that its interests can be properly represented, together with those of the wider community.

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

5.1 In the course of seeking nominations, consultation has been undertaken with the Leaders of each of the political groups represented on the Council.

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

6.1 It is important for the Council to nominate to such bodies in order to ensure that it continues to represent the interests of both the Authority and the wider community.

7. Implications

7.1 Financial

Implications verified by: **Dammy Adewole**
Management Accountant, Central Services

There are no financial implications arising from this report.

7.2 Legal

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

It is important that Members are correctly appointed, through the relevant Council meeting, to ensure they are indemnified in certain circumstances.

7.3 Diversity and Equality

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

The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. Therefore attention is drawn to the importance of ensuring that appointments to Outside Bodies, Statutory and Other Panels are underpinned by appropriate training on the statutory equality framework.

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

- None.

8. **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):

- None.

9. **Appendices to the report**

- Appendix 1 - Nominations of political groups to Outside Bodies, Statutory and Other Panels (to be circulated at the meeting).

Report Author:

Kenna-Victoria Healey
Senior Democratic Services Officer
Legal & Democratic Services

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**Cabinet appointments to Outside Bodies,
Statutory and Other Panels 2018-19**

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Organisation	No. to be appointed by Cabinet	Appointees
Anglian (Eastern) Regional Flood & Coastal Committee (1 seat held jointly, bi-annually, with Southend)	1	1. Councillor Insert Name (2017 – Councillor G Rice)
Association for Public Services Excellence	1	1. Councillor Insert Name (2017 – Councillor Gledhill)
Basildon and Thurrock University Hospitals NHS Foundation Trust Board of Governors	1	1. Councillor Insert Name (2017 – Councillor Ojetola)
Essex Partnership for Flood Management	1	1. Councillor Insert Name (2017– Councillor Collins)
Essex Pension Fund Advisory Board	1	1. Councillor Insert Name (2017– Councillor Hebb)
Essex County Traveller Unit	1	1. Councillor Insert Name (2017 – Councillor Gledhill)
Groundwork Trust	1	<i>Body currently reviewing structure of representatives. No nomination is required at present.</i> (2016– Councillor Huelin)
Impulse Leisure	1	1. Councillor Insert Name (2017– Councillor Watkins)
Local Government Association	2	1. Councillor Insert Name (2017– Councillor J Kent) 2. Councillor Insert Name (2017– Councillor Smith)
Opportunity South Essex (Leader and Chief Executive)	1	1. Councillor Gledhill (Leader of the Council) (Leader and Chief Executive appointed for a 5 year term in 2016)
South East Local Enterprise Partnership – Strategic Board	1	1. Councillor Insert Name
South East Local Enterprise Partnership – Accountability Board	1	1. Councillor Insert Name

Organisation	No. to be appointed by Cabinet	Appointees
Thurrock Arts Council	1	1. Councillor Insert Name (2017 – Councillor B. Little)
Thurrock Sports Council	1	1. Councillor Insert Name (2017 – Councillor Watkins)
Thames Estuary 2100 Strategic Programme Board	1	1. Councillor Insert Name (2017 – Councillor Coxshall)

STATUTORY AND OTHER PANELS TO BE APPOINTED

Organisation	No. to be appointed by Cabinet	Appointees
Thurrock Community Safety Partnership	1	1. Councillor Insert Name (2017 – Councillor Tolson then Councillor Watkins)