

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 on **12 October 2022**

This meeting will begin once business from the reconvened 14 September 2022 Cabinet meeting has concluded.

Committee Room 2, CO3, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Mark Coxshall (Deputy Leader), Qaisar Abbas, Deborah Arnold, Jack Duffin, Andrew Jefferies, Barry Johnson, Ben Maney, Graham Snell and Luke Spillman

Agenda

Open to Public and Press

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To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
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Queries regarding this Agenda or notification of apologies:

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

Agenda published on: **4 October 2022**

Information for members of the public and councillors

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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

12 October 2022		ITEM: 9
Cabinet		
Update on Council Borrowing		
Wards and communities affected: All	Key Decision: Non-Key	
Report of: Councillor Graham Snell, Portfolio Holder for Finance		
Accountable Assistant Director: N/A		
Accountable Director: Jonathan Wilson, Interim Director of Finance, Corporate Finance		
This report is public		

Executive Summary

This report provides the Committee with a summary of the impact of the recent intervention by government on the Council's approach to accessing loan finance to support the delivery of the capital programme and investment strategy. This is specifically in response to the wider impacts of directions announced by the Secretary of State on 2 September 2022 which implemented an intervention package at the Council.

From 2010 onwards the Council has largely funded the capital programme and investment strategy through the inter-authority borrowing market. However, since the announcement of the intervention package, access to this market has contracted significantly. Consequently, an urgent solution has been sought to ensure the Council could meet its debt repayments in accordance with the agreed contractual arrangements. This also ensures the ongoing integrity of the inter-authority borrowing market and manage further reputational risk in the sector

Furthermore, the Council is required to work with the appointed Commissioners to deliver specific directions which include the need to deliver sustainable capital, investment, and treasury management strategies. Hence, the revised approach to borrowing aims to create 'breathing space' to meet the directions by developing a sustainable Treasury Management Strategy which supports the longer-term strategic goals of the Council.

1. Recommendations:

- 1.1 **That Cabinet consider and comment on the revised approach to borrowing in the context of the wider intervention by government.**

- 1.2 **That Cabinet note that assurance on the security of funds is being provided to relevant counterparty lenders in the inter-authority market.**
- 1.3 **That Cabinet note the revised approach supports the development of sustainable and affordable capital, investment, and treasury management strategies and recommends that approach to Council.**

2. Introduction and Background

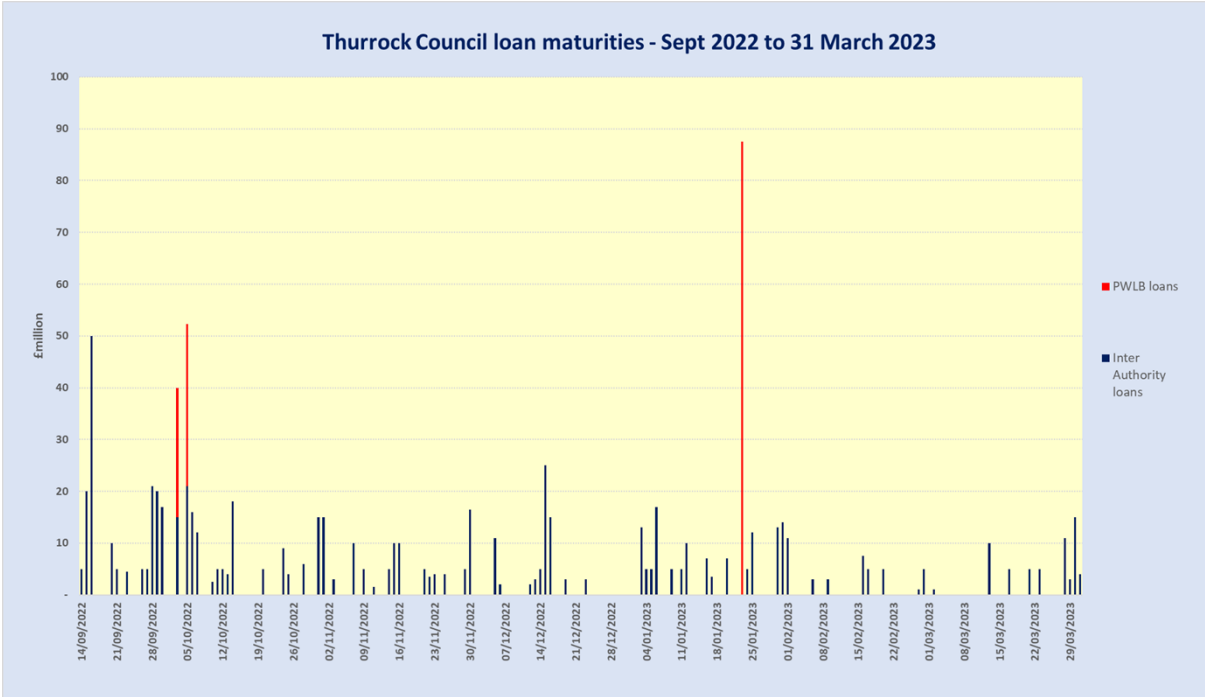
- 2.1 The Council has a Treasury Management Strategy in place that was approved by Council in February 2022. This continued an approach to borrowing which has been operated since 2010 which prioritised the use of short-term funding to support the wider capital and investment strategies of the Council. This funding has been secured in the inter-authority market which, typically provides access to short-term funding (funding taken for up to one year) at rates lower than equivalent PWLB rates. By the end of the 2021/22 financial year short-term funding made up £1.162bn of the total £1.452bn debt held by the Council.
- 2.2 This approach initially funded the capital requirements of the Council but was subsequently expanded to support the funding of investments which was then formalised in the investment strategy agreed by Council in November 2017.
- 2.3 The approach continued into the current financial year but there remained exposure to interest rate risk and an over reliance on the inter-authority market. Furthermore, the prioritisation of short-term funding meant that borrowing was not specifically linked to the lives of the associated capital assets being funded. Finally, the ultimate repayment of circa £1bn of debt was linked to the redemption of investments of the same value and hence the Council accepted significant exposure to capital investment risk of circa £1bn representing the total value of capital debt and investments.
- 2.4 On 2 September 2022 the Secretary of State for the Department of Levelling Up, Housing and Communities (DHLUC) announced directions ordering an intervention package which reflected the scale of the financial and commercial risks potentially facing the Authority. The potential risks attach to the investment portfolio and remain under consideration between the Council, Commissioners and DHLUC.
- 2.5 Following the announcement of the intervention, the Council's access to the inter-authority market contracted and significantly increased the refinancing risk in the short term. Consequently, the Council has needed to work with Commissioners to seek a solution to the issue and provide wider assurance to local authority partners over the security of the funds lent to the Council.

3. Issues and Options

- 3.1 The Council worked with the Commissioners to assess the funding requirements of the Council up to the end of the current financial year (to 31 March 2023). This

confirmed that a total of £836m of short-term funding that was required to meet forthcoming cashflow requirements including the replacement of existing loans from counterparties in the inter-authority market. These total £687.5m of the total with the replacement of existing PWLB loans representing the balance. £177.5m has been repaid as at 4 October 2022.

3.2 A detailed view of the maturity of this debt is shown in the graph below:



3.3 In light of the financial risks faced the Council and Commissioners have been in dialogue with DLUHC to agree a funding strategy that enabled the Council to repay the short-term funding back to wider local authority partners.

3.4 DLUHC have now agreed the funding strategy which provides access to funding from PWLB to replace existing funding. This is taken as a series of loans over one year which also supports the wider objective of providing further time for the Council to develop a response to the following specific directions of the Secretary of State. These require the Council to implement action plans to ensure its:

- Capital, investment, and treasury management strategies are sustainable and affordable.
- Debt is strictly reduced.
- Minimum Revenue Provision (MRP) policy for the repayment of debt is updated in line with all relevant rules and guidelines.

3.5 These actions are inextricably linked and will inevitably take some time to implement. As these directions are addressed the Treasury Management Strategy will then be refreshed.

3.6 The PWLB loans will be taken on a weekly basis and the amount will reflect the projected cashflow needs of the Council including the requirement to repay existing loans. This ensures the Council only borrow just in advance of need, so the overall quantum of debt is managed and the associated interest costs. It also ensures the Council is not exposed to a significant single debt repayment as the PWLB funding matures. It is noted there will be exposure to interest rate movements and this will impact the Council's revenue position in the current financial year initially. The current year impact will be confirmed as part of the Quarter 2 financial monitoring report and the MTFS is being updated to assess the projected longer term impact and will be reported to members as soon as practicable. The current proposed profile is set out below:

Loan	Application date	Settlement date	Repayment date	Principal £m
1	15 Sept 2022	23 Sept 2022	23 Sept 2023	50
2	22 Sept 2022	29 Sept 2022	29 Sept 2023	50
3	26 Sept 2022	03 Oct 2022	03 Oct 2023	100
4	04 Oct 2022	11 Oct 2022	11 Oct 2023	50
5	14 Oct 2022	21 Oct 2022	21 Oct 2023	50
6	25 Oct 2022	01 Nov 2022	01 Nov 2023	30
7	08 Nov 2022	15 Nov 2022	15 Nov 2023	45
8	18 Nov 2022	25 Nov 2022	25 Nov 2023	40
9	30 Nov 2022	07 Dec 2022	07 Dec 2023	50
10	12 Dec 2022	19 Dec 2022	19 Dec 2023	60
11	30 Dec 2022	09 Jan 2023	09 Jan 2024	40
12	16 Jan 2023	23 Jan 2023	23 Jan 2024	100
13	18 Jan 2023	25 Jan 2023	25 Jan 2024	60
14	02 Feb 2023	09 Feb 2023	09 Feb 2024	30
15	20 Feb 2023	27 Feb 2023	27 Feb 2024	45
16	16 Mar 2023	23 Mar 2023	23 Mar 2024	36
				836

3.7 The loan advances have commenced in line with the dates set out above and maturing loans from local authorities are being repaid in accordance with the contracted terms and conditions. The exact timing and amount of each drawdown may vary slightly from the dates set out above, depending on the Council's prevailing cash flow position.

3.8 Agreement of the process provides certainty over loan funding and enables certainty to be provided to existing counterparties in the sector over the security of their funds.

4. Reasons for Recommendations

4.1 The report provides the opportunity for the Committee to comment on the revised approach to borrowing and the wider consequences of this.

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

5.1 This report has been prepared in consultation with the Commissioners and Directors' Board.

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

6.1 The implementation of the updated Treasury Management approach ensures the Council has agreed access to alternative borrowing through PWLB and can therefore meet its outstanding debt obligations. The update amends the existing strategy with a view to implementing the wider directions of the Commissioners. The revised approach to borrowing also enables wider reputational damage in the sector to be mitigated.

7. Implications

7.1 Finance

Implications verified by: **Jonathan Wilson**

Interim Director of Finance

Financial implications are set out in the body of this report. The impact of the revised Treasury Management Strategy will continue to be monitored through the Council's financial reporting mechanisms. This will include direct impacts arising from the replacing the debt as interest rates are volatile and rising and the approach will be monitored in this context while also balancing the wider benefits of the approach.

As the Council addresses the requirements of the directions issued, the Capital Strategy, Investment Strategy and Treasury Management Strategy will be refreshed to ensure they align with the wider strategic direction of the Council. This will then ensure the longer-term approach to borrowing is set in the same context.

7.2 Legal

Implications verified by: **Mark Bowen**

Interim Head of Legal Services

Under Part 1 Chapter 1 of the Local Government Act 2003, a local authority may borrow for any purpose relevant to its functions or for "the prudent management of its financial affairs". Each authority must set a total borrowing limit for itself in accordance with the principles of the Prudential Code.

The adoption and revision of the Treasury Management Strategy is reserved to Council. The proposals contained in this report are broadly consistent with the scope of the Treasury Management Strategy adopted by Council in February 2022. However, it may be prudent to recognise the new approach in a revision to the strategy at an appropriate time.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Smith**

Community Development & Equalities Manager

There are no specific implications arising from the report.

7.4 **Other implications** (where significant – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children)

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

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)

Capital Strategy 2022/23

Treasury Management Strategy 2022/23

DLUHC Directions to Thurrock and associated explanatory papers issued on 2 September 2022

9. **Appendices**

None

Report Author

Jonathan Wilson

Interim Director of Finance