

Minutes of the Meeting of the Cabinet held on 12 July 2023 at 7.00 pm

The deadline for call-ins is Monday 24 July 2023 at 5.00pm

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

Apologies: Councillor Anderson

In attendance:

Mark Bradbury, Interim Director of Place
Asmat Hussain, Interim Director Legal and Governance and Monitoring Officer
Jackie Hinchliffe, Director of HR, OD & Transformation
Steven Mair, Interim Chief Financial Officer
Dr Dave Smith, Chief Executive and Managing Director Commissioner
Ewelina Sorbjan, Assistant Director Housing Management
Ian Wake, Corporate Director of Adults, Housing and Health
Jonathan Wilson, Interim Director Finance and S151 Officer
Rhiannon Whiteley, Senior Democratic Services Officer

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

141. Minutes

Councillor D Arnold stated that she had requested further information regarding paragraph 4.1.3 (Appendix 2) of the Appointment of Outside Bodies item regarding trustees of a trust being personally liable to third parties because unlike a company a trust has no separate identity. Councillor D Arnold requested that members be provided with assurance around this, that the wording be strengthened and confirmation provided that there is an insurance policy in place for this. The Leader confirmed the Monitoring Officer will respond to this outside of the meeting.

Councillor D Arnold highlighted that her comments in relation to the Adult Social Care items were not included in the minutes. The Chief Executive and Managing Director Commissioner clarified that the comments were contained within the exempt minutes.

Councillor D Arnold also queried that she had not received a response with regard to her request for more information about the adult social care tender

process and in particular a more detailed rationale around the scores given and why one provider was chosen over another. Councillor G Coxshall apologised that feedback had been received but had not been shared with Cabinet yet and this would be rectified.

The minutes of the Cabinet meeting held on 14 June 2023 were approved as a correct record.

Action 1 – The Monitoring Officer to respond to Councillor D Arnold regarding her query around paragraph 4.1.3 (Appendix 2) of the Appointment of Outside Bodies report.

142. Items of Urgent Business

There were no items of urgent business.

143. Declaration of Interests

No interests were declared.

144. Statements by the Leader

The Leader confirmed that he will not be making any remarks tonight as there is a heavy agenda. The Leader also noted that members of the public were present and he therefore proposed to bring the item on the Call-in for Thurrock's supported Bus Service forward on the agenda to be discussed first.

145. Briefings on Policy, Budget and Other Issues

There were no briefings on policy, budget or other issues.

146. Petitions submitted by Members of the Public

No petitions had been submitted by members of the public.

147. Questions from Non-Executive Members

No questions had been submitted by Non-Executive Members.

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

Other than those items already contained in the agenda, no items had been referred to the Cabinet for consideration by an overview and scrutiny committee.

149. Call-In to Cabinet Decision 110643 Thurrock Supported Bus Service - Report to follow

The Leader confirmed that the decision has already been made by Cabinet and the report recommendations are to note the decision made by the Planning, Transport and Regeneration Overview and Scrutiny Committee. The Leader noted that there was a number of members of the public present at the meeting and interested in this item and therefore he would permit them to choose someone to speak on their behalf.

A resident from East Tilbury Village addressed Cabinet and explained that her son had special educational needs and used the 374 bus to attend USP Palmers college. She commented that this was an important part of his independence and other transport options would take longer and be significantly more expensive and therefore were not an option for her family. The resident also highlighted that other elderly and vulnerable residents without access to a car were dependent on the bus service to get their shopping and attend hospital appointments.

The Leader responded that the Cabinet member for Adult Social Care was present and noted that they will look into her son's eligibility for travel training and be in touch.

RESOLVED:

- 1.1 Note the decision made by the Planning, Transport and Regeneration Overview and Scrutiny Committee to take no further action in relation to all call-ins submitted in relation to Cabinet Decision 110643: Thurrock Supported Bus Services. The original cabinet decision will be progressed.**
- 1.2 Acknowledge and consider the public question submitted to the Planning, Transport and Regeneration Overview and Scrutiny Committee, as outlined in section 3.7 of this report, during its debate on this report.**

A second resident was also given permission to speak and she expressed concern for the vulnerable residents of East Tilbury.

The Leader clarified that the debate had taken place previously and it was the end of the matter.

150. Housing Capital Programme Contract Modifications (Decision: 110656)

Councillor B Johnson introduced the report and confirmed that the report sets out a recommendation for the Contract Modification to the Refurbishment of Non-Traditional Construction Properties contract awarded to Wates Property Services. The original term of the contract ran until 30 April 2023. An extension is required to increase the length of the contract term and value of the overall contract sum.

The requested increase to the value of the contract sum of approximately 1.7 million and timeframe is due to the following factors:

- Increased scope of work due to additional structural requirements
- Incorporation of new retrofit standards (PAS 2035)
- Inflationary price changes (beyond predicted levels)
- Availability of accredited supply chain

Councillor B Maney noted that the Council does need to invest in its housing stock and raised that many properties have defects. He queried that the report before Cabinet only related to a select number of properties and he would like to see more information after the meeting to confirm what is being done to ensure that all Council properties meet the legal standards.

Councillor B Johnson commented that the word 'defect' could refer to a multitude of issues but he agreed that he will get that information for Councillor B Maney.

RESOLVED:

- 1.1 Approve the Modification to Contract to increase the contract sum by £1,757,471.74 to the total of £5,272,415.**
- 1.2 Approve the Modification to increase the Contract term for the Refurbishment of Non-Traditional Construction Properties to April 2024.**
- 1.3 That Cabinet agrees to delegate authority to the Corporate Director of Adults, Housing and Health in conjunction with the Portfolio Holder and Section 151 Officer, to sign the contract variation.**

*Reason for the decision: as outlined in the report
This decision is subject to Call-in*

151. Lower Thames Crossing Development Consent Order Update and Planning Performance Agreement (Decision: 110657)

The Interim Director of Place introduced the report and confirmed that Cabinet has received regular updates from the Lower Thames Crossing Task Force on the Council's continued challenge to the crossing and to ensure any proposal benefits Thurrock's residents and businesses. He confirmed that The National Highways (NH) submission of its Lower Thames Crossing (LTC) application for a Development Consent Order (DCO) was formally accepted by the Planning Inspectorate (PINS) in October 2022. The Interim Director of Place further confirmed that the Examination commenced on 20th June and is

scheduled to be completed by 20th December 2023. The Council continues to be represented in that process.

The Interim Director of Place explained that the report seeks approval to enter into a Planning Performance Agreement. Some of the previous challenge by Thurrock Council was covered by a PPA and this covered around 50% of the costs. Officers have negotiated a new agreement to go through to December 2023, it is an improved agreement and will cover 80% of the costs except for Kings Counsel's advice and attendance at any examination hearings.

The Leader commented that it was good to hear that nearly 80% of the costs will be recovered and whilst the Council continues to object to the road going ahead in the current form proposed, if it does go ahead, it is important that the people of Thurrock get the mitigation they deserve.

Councillor Snell noted the Commissioner's commentary in the report that '*Unless properly mitigated, the LTC presents a significant risk to Thurrock, in terms of economic, environmental, and social impacts*' and stated that they all know it will be disastrous for the borough and he cannot see that any mitigation is going to make much difference to the negative impact it is going to have. Councillor Snell stated that we have to fight as much as we can to get the least bad outcome and that in his opinion Highways England have been obstructive.

The Leader agreed this was also his experience of Highways England during his time on the Lower Thames Crossing Task Force.

Councillor B Maney thanked officers for fighting the Council's corner on this and protecting residents from paying the bill for challenging something they don't want. The Leader echoed Councillor Maney's comments.

RESOLVED:

- 1.1 That Cabinet notes the DCO pre-examination process and draft examination timetable and the ongoing role of the Lower Thames Crossing Task Force.**
- 1.2 That Cabinet approves entering into a further Planning Performance Agreement with National Highways and delegates authority to the Director of Place to effect this decision.**

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

152. Fees and Charges Policy Review (Decision: 110658)

Councillor Snell introduced the report. He explained that the Council's difficult financial position is by now well-known and the Council is reviewing and

revising all financial plans as a consequence. Councillor Snell confirmed the report proposes a fees and charges policy is adopted, which sets out when they will be reviewed. The Council has around 1099 fees and charges and therefore some of the review process could take up to 3 years to complete. The review process has been broken down into 3 stages. Councillor Snell confirmed that some benchmarking has been completed already. The changes proposed will take effect from October of this year and the aim is for full cost recovery for discretionary services. The fees and charges in stage 2 of the review will take effect in April 2024. Councillor Snell confirmed that the feedback from the Overview and Scrutiny Committees was that the fee increases were not universally welcomed although the recommendations were passed through majority voting. Objections were mainly that members did not want to put any more costs on to residents who had already had a 9.99% increase to their Council Tax. Councillor Snell commented that due to previous administrations avoiding increasing fees in the past and desperately trying to find alternative forms of revenue that the Council finds itself in this position.

Councillor Carter commented that he attended the relevant Overview and Scrutiny Committee and it was noted that Thurrock are not charging as much as neighbouring Local Authorities for the same services and Thurrock has a lot less fees and charges overall. Councillor Carter noted that Thurrock may not be charging for services that other Local Authorities are charging for and queried if the portfolio holder will be looking at this later on in the review.

Councillor Snell responded that they would be looking at this but there were approximately 1000 fees and charges and although the benchmarking work had started it was a very big piece of work.

Councillor B Johnson commented that he welcomed the new policy as the previous one was not fit for purpose and urged officers to complete the review as quickly as possible.

Councillor B Maney commented that the Council should have been doing this anyway and not just because of the financial position the Council is in. If other Local Authorities are doing it, it probably is best practice.

The Leader stated that this is part of the road to recovery for the Council and he welcomed the report and the further work the finance team will be completed. It is about charging the appropriate rate and charging for things the Council should be charging for.

1. RESOLVED:

- 1.1 That Cabinet agree the proposed Fees and Charges policy, Appendix 1, in particular agreeing the commitment to full cost recovery and annual CPI inflation increases as the default.
- 1.2 That Cabinet agree the proposed Fees and Charges increases for the material areas, Appendix 2.

- 1.3 That Cabinet consider the feedback & additional information from all Overview and Scrutiny Committee meetings and additional meetings held in relation to Fees and Charges, Appendix 4.
- 1.4 That Cabinet agree the proposed new Charges in section 8 of this report.
- 1.5 That Cabinet note the requirement for a further detailed review & analysis of remaining Fees and Charges by Quarter 4 2023/24.

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

153. Tender of Insurance and Associated Services (Decision: 110659)

Councillor Snell introduced the report and explained that the current contract ends on 31 March 2024. It is a limited market and an insurance broker has been appointed to manage the tender.

There were no comments or questions from Members.

RESOLVED:

- 1.1 Agree and support the proposal to commission a tender exercise in accordance with the Public Contracts Regulations 2015 for the supply of Insurance and Associated Services; and
- 1.2 Approve delegation to the Section 151 Officer to enter into and award the necessary contracts following the procurement process, in consultation with the Portfolio Holder of Finance.

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

154. Provisional Financial Outturn 2022/23 (Decision: 110660)

The Leader outlined that appendix 7 to the report is exempt and therefore advised Member and Officers not to discuss the contents of it whilst the meeting is being live streamed. The Leader confirmed that recommendation 1.6 is the only recommendation that relates to appendix 7 and therefore this recommendation will be decided at the end of the meeting following a closed session where members will have an opportunity to discuss it.

Councillor Snell presented the report to Cabinet. He confirmed that there remains a budget gap of £434.595m however there has been an improvement to the Council's financial situation by £17.757m. It is a fluctuating position and may change throughout the year.

Councillor Carter commented that in his portfolio of Education and Skills they had a 13% under spend.

Councillor D Arnold commented that this is something that this is going to get harder and harder year on year.

The Leader commented that the Council is in a better position than it was 6 months ago and it sets a clear path for Thurrock Council.

Councillor Snell responded that they are taking a much more analytical approach and things are being properly planned and costed.

RESOLVED:

- 1.1 That Cabinet comment on the 2022/23 forecast funding gap of £434.595m and note this is balanced by the exceptional financial support from central government.**
- 1.2 That Cabinet note that the position continues to be subject to change particularly due to the ongoing assessment of the investment portfolio and pending completion of the audit of the financial accounts from 2020/21 onwards, therefore remains provisional.**
- 1.3 That Cabinet note that the 2023/24 budget remains under review to consider the impact of the 2022/23 outturn position and note the potential for further budget virements. This will form part of the budget monitoring in 2023/24.**
- 1.4 That Cabinet approve the use of reserves as set out in Appendix 3, subject to the finalisation of the audit process relating to financial years 2020/21 and 2021/22 and note balances are subject to change.**
- 1.5 That Cabinet note the use of capital receipts in 2022/23 as set out in Table 5 to partly mitigate the request for exceptional financial support from government.**
- 1.6 That Cabinet endorse the appointment of the Neil Hartley and Rob Crusher as Non-Executive Directors as Pure World Energy Holdings Ltd following the recruitment process set out in section 3.24 to 3.31 of the report and that the Leader or his nominee meets with the successful candidates prior to them taking up their appointments.**
- 1.7 That Cabinet note that further consultation with external audit will be required to finalise the technical accounting treatments relating to the investment valuations and the associated Minimum Revenue Provision transactions.**

1.8 That Cabinet note the position set out in respect of the capital programme and the reported reprofiling as set out in section 4 of the report.

1.9 That Cabinet note the positions on the Dedicated Schools Grant and the Public Health Grant as set out in section 6.

Reason for decision: as outlined in the report

This decision is subject to call-in

155. Review of Mail Room and Print Services (Decision: 110661)

Councillor D Arnold introduced the report and explained that the current fleet of Multi- Functional Devices (MFD's) are now 7 years old and are at end of life. A lot of copiers are not being used enough and therefore they will also be looking to reduce the stock and change their locations. Shared use is being looked at and also change of use and going paperless where possible.

There were no questions from members. The Leader stated that he does plan to meet with the print room staff in the next week as they have requested this.

RESOLVED:

1.1 That Cabinet approves carrying out a combined MFD, bulk printing & mailroom tender exercise for a contract of 3 years with an option for an extension for a further 2 years. Once the tender has been completed this will be brought back to cabinet for a decision on which option to proceed with.

Reason for decision: as outlined in the report

This decision is subject to call-in

156. Procurement of Substance Misuse Service (Decision: 110662)

The Leader explained that the next three items all had exempt appendices. The Leader proposed that all three reports will be introduced and discussed. The meeting will then enter a closed session where the public and press will be excluded to discuss the appendices, the meeting will then resume and the outcome of the recommendations confirmed.

Councillor G Coxshall introduced the report, he confirmed there are currently two separate substance misuse services, one for adults and one for children. He confirmed they are looking for one service to provide for all ages as this is likely to provide a better transition for children and to ensure they are not without service support. The service is funded by the Public Health Grant. Councillor G Coxshall stated that in the future they may be looking at joint commissioning with other Local Authorities across Essex and the new procurement will give them the time to have this conversation.

RESOLVED:

- 1.1 That Cabinet agrees to commence the procurement of the Substance Misuse Service contract for a period of five years with the option to extend for four years in any period combination subject to performance and funding.**
- 1.2 That Cabinet agrees to delegate authority to the Director of Public Health, in conjunction with the Portfolio Holder and Section 151 Officer, to award the contract following completion of the procurement process.**

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

157. Procurement of Sexual Health Service (Decision: 110663)

Councillor G Coxshall introduced the report and confirmed they are looking to go to tender for the sexual health service. It is a statutory duty of the Local Authority. In the future, they will be looking at a County wide solution.

Councillor Snell queried why they are not looking at a County wide solution right now.

Councillor G Coxshall responded that other Local Authorities have recently re-tendered their contracts and therefore this is a long term strategy.

Councillor D Arnold stated it was an incredibly important contract and requested an update is brought to Cabinet as she would like to understand the process more.

Councillor G Coxshall confirmed that the recommendation delegated authority to the Director of Public Health, in conjunction with the Portfolio Holder and Section 151 Officer to award the contract following completion of the procurement process however he would keep Cabinet updated on the tender process.

RESOLVED:

- 1.1 That Cabinet agrees to commence the procurement of the Sexual Health Service contract for a period of five years with the option to extend for four years in any period combination subject to performance and funding.**

- 1.2 That Cabinet agrees to delegate authority to the Director of Public Health, in conjunction with the Portfolio Holder and Section 151 Officer, to award the contract following completion of the procurement process.**

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

158. A13 Dualling Final Outturn Report (Decision: 110664)

Councillor B Maney introduced the report and confirmed that the A13 widening programme is substantially completed. It is an improved piece of infrastructure vital to the Council's ambitions around growth, employment and the Freeport and it is vital to the future prosperity of the Borough. Councillor B Maney confirmed that here was a 50% higher cost to the scheme and Cabinet is being asked to agree a substantial amount of money to settle the Council's liabilities. Councillor Maney stressed the need to learn lessons from this.

The Leader agreed the construction of the road was essential for economic growth and it is a shame it went so far over budget. The Leader confirmed that lessons have been learnt and the Council probably wasn't and probably will not be in a position to take on big infrastructure projects like this. Experts will need to be brought in to deliver close to or on budget.

RESOLVED:

- 1. Note the projected final outturn figure as set out in Table 1 of this report and approve the allocation of £49.637m to meet Thurrock Council's commitment to scheme costs.**
- 2. Delegate authority to the Director of Place, in conjunction with the Portfolio Holder for Regeneration, to conclude the Settlement Agreement and all outstanding compensation claims.**
- 3. Note the lesson learnt recommendations and instruct that these are incorporated into Council's Improvement & Recovery Plan.**

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

The meeting finished at 20.26pm

Approved as a true and correct record

CHAIR

DATE

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