

Minutes of the Meeting of the Cabinet held on 8 November 2023 at 7.00 pm

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

Apologies:

In attendance:

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

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

188. Minutes

The minutes of the Cabinet meeting held on 11 October 2023 were approved as a correct record save that Councillor Carter raised that Councillor Speight did not to his recollection name Councillor Coxshall and Councillor Carter in the Declarations of Interest item. It was agreed the minutes would be amended to say Councillor Speight commented that he did not think two councillors agreed to the recommendation.

189. Items of Urgent Business

There were no items of urgent business.

190. Declaration of Interests

No interests were declared.

191. Statements by the Leader

The Leader raised that it is Remembrance week and therefore Councillors will be attending services on both Saturday and Sunday. The Leader also highlighted that he is delighted that the Government has outlawed gas cannisters. Thurrock has been blighted by them in some areas such as

Blackshots. Hopefully, this will stop the use of them and further young lives being wasted.

192. Briefings on Policy, Budget and Other Issues

There were no briefings on Policy, Budget or other issues.

193. Petitions submitted by Members of the Public

A member of the public had submitted a petition, the Leader invited the resident to present his petition.

This petition is of the Thurrock Residents, by the Thurrock Residents and for the Thurrock Residents.

We demand that the Council hold a public enquiry into the Council's financial collapse. Should any persons be guilty of negligence – evidence attained be handed to the police for criminal action. Why?

The bankruptcy of Thurrock is different from other Councils in the scale of its one and half a billion pounds squandered and the manner in which it was incurred.

This is the Council whose Chief Financial Officer met a businessman in a salubrious London hotel. Why there? Any minutes taken? What agreements were made?

Between 2016-22 who signed off contracts? Him only, The Chief Executive Officer? Others? For the sake of accountability, we need to know, have they gone with golden goodbyes?

Where was the oversight by the Finance and Scrutiny Committees? Were they ignorant of financial risk, incompetent or criminally negligent? Did they see nothing, Hear nothing, say nothing?

Any of them ask what the clucking hell is going on? What the cluck have you done?

The best value report said some members and officers concealed information to avoid public scrutiny. A conspiracy? We need a proper public enquiry residents say.

We residents have a 1.5 billion albatross around our necks. Our rates have gone up 10%. We're paying more for less services. We're angry. The new Sherriff in town, Dr Cutts, means more cuts and asset sales down the line.

The Council borrowed seven times more than its income. Why ? We're paying for the squander. That's why we demand an enquiry.

We know we've been dumped on. Residents said the Council won't listen or do anything. Prove them wrong.

We say to Councillors here and those who are not here buckle up, take a hard look in the mirror, regardless of the team scarf you're wearing, do the moral thing, the right thing, vote for a public enquiry.

Residents deserve openness, transparency and accountability.

Councillor Snell responded that some points raised have been levelled since the Council fell into the problems it is currently having, the petition will be given due regard and responded to shortly.

The Leader thanked Mr Kabul for his petition and his heartfelt words and confirmed the petition will now be handed over to the Democratic Services team for the signatures to be verified and processed in accordance with the Constitution.

194. Questions from Non-Executive Members

Councillor Speight asked the following question to the Portfolio Holder for Finance.

Is the Portfolio Holder for finance completely happy that a robust process has taken place to ensure that Thurrock Council gets best value from its pending commission to PWC and that PWC have delivered value for money in work they have already carried out for the council?

Councillor Snell confirmed the Council has assessed this procurement against various options, in-house, external and hybrid and then where to go to market or use a framework to get the level of support for a best value approach. It is securing a 5.25 million pound of recurring savings in 24/25, and starting to build up 2025/26 also. It is also securing focus on cross cutting savings which are generally more challenging and support in managing budget savings and change at pace. Fundamentally the work is essential at the start of what will be a series of challenging budget rounds in order to benefit early from good practises

It should be noted PWC proposal offers a 10% discount from the published framework rates and is the most economically advantageous solution to the Council.

Councillor Speight responded that he is delighted that the Portfolio Holder is confident that things are going to work out. Councillor Speight requested that it is shared with the Councillors the amount PWC have been paid for the two contracts for the work carried out in July, August and September and explained exactly what it is they were working on.

Councillor Snell responded that both contracts were around £170,000 and the following work was completed by PWC.

1. Held a series of workshops with SLT to shape out future high level strategic operating model for the Council. Documented outcomes from the discussions in a 'future strategic operating model' summary document, for wider discussion and further iteration.
2. Brought experience from elsewhere to assess wide-ranging service volumetrics (eg performance and productivity data). Identified tangible opportunities for improvement across all directorates. Established service areas which should be higher and lower priority areas for operating model changes.
3. Provided check and challenge for existing Thurrock Council business cases, to establish any further opportunities for improvement and financial savings.
4. Identified and documented savings opportunities, which services could then take forward in both FY24/25 and FY25/26. These would then need to be built out as full business cases.
5. Calculated benefits associated with change opportunities and plans for delivery. Supported with areas where the Council previously had challenges in documenting financial benefits and plans for delivery (eg transformation of customer contact management).

Councillor Speight asked a second question to the Leader.

In light of the call-ins being submitted tonight and their subsequent management going forwards, is the leader satisfied that the process in place to appoint senior management is robust and effective and gives the council the very best opportunity to recruit the best available people to senior posts?

The Leader responded that the Council following the General Services approval of the new senior structure of the council, worked with Tile Hill a specialist executive agency to launch a campaign to attract high quality candidates. Tile Hill were briefed on the Council's requirements by the Chief Executive. Tile Hill provided a long list of candidates received by Commissioners and Senior Officers. A technical assessment was completed with external specialists. Following the technical assessment, a shortlist was recommended. Those shortlisted completed a psychometric assessment and the results were shared with the General Services Committee prior to interviews. Over the 2 days of interviews all candidates were seen by 3 panels. A Stakeholder panel comprising Members from all political parties, any relevant stakeholders and chaired by a member of SLT. A workforce panel that comprised of a range of staff, representatives from the staff network and trade union representatives. The third panel was the General Services Panel made up of the Leader and Deputy Leader from the majority and opposition parties, the Commissioners and the Chief Executive. The General Services Committee appointed candidates to each of the senior roles. The process was robust and appropriate and representative of best practice at this level. Commissioners also commended the process.

Councillor Speight responded that at the Council there are at least two interim Directors making important decisions about the future of the borough who were not judged competent enough to make the shortlist. There are also Directors who have been dismissed by the Chief Executive still sitting at their desks making decisions. The Councillor who has accepted blame for the financial catastrophe has now been appointed to the watchdog holding the Council decision making to account. Councillor Speight queried if the Leader really believed in the integrity of the administration and its capacity to oversee an effective and fruitful recovery plan when the clear perception of the public is that you are rearranging the deckchairs on the titanic, whilst reserving places for a select few on the lifeboats.

The Leader responded that the recruitment process was robust, open and transparent. At the General Services Committee everyone had agreed with what was said. The Council has recruited the best people that they can and the Leader stated that he is looking forward to them starting work and helping to create the Council the people of Thurrock want.

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

No matters had been referred to the Cabinet for consideration by an Overview and Scrutiny Committee.

196. Call-in Resources to Support the Council Budget Process (Decision: 110676)

The Leader stated that he was disappointed that the Chair of the Corporate Overview and Scrutiny Committee was not in attendance. The Leader confirmed that he attended the meeting on 1 November 2023 and was looking forward to hearing further from the Chair. The Leader noted that Councillor Gledhill was in attendance to present a Minority report.

Councillor Gledhill stated that in his view the question asked about why the report was not brought to the last Corporate Overview and Scrutiny Committee meeting and why there was a need for urgency were fully answered by Cabinet Members and Officers. The decision was made in favour of openness and the reasons for urgency were valid. Cabinet members, Officers and the Chief Executive made a compelling case that it is not just about spending £800,000 to identify 5.25 million pounds of savings but to upskill staff to identify savings, transform services and implement those savings to minimise the impact on residents. The Council could bring in anyone to reduce budgets and that could result in services being slashed. Councillor Gledhill cited cuts to the Environment Team pre 2016 that left the Council with no operators, equipment, Street Cleaning or Enforcement team and that this should not happen again.

Councillor Gledhill summarised that the decision was proportionate to the outcomes and was made in line with the budgetary framework. For these reasons Councillor Gledhill stated that in his view the Call-in should have been rejected and this was not the outcome as the Chair used his casting vote and this is why he has included the first Minority report at Thurrock Council.

The Leader summarised the outcome of the Corporate Overview and Scrutiny Meeting on 1 November 2023:

- The Committee agreed to accept both call-ins and refer back to Cabinet.
- The Committee ask Cabinet to re-consider the decision based on consistency with the Council's budget framework.
- The Committee arrived at this decision based on evidence to suggest the cabinet report was prepared with short notice and not placed on the forward plan to allow for proper scrutiny. The Committee wanted assurance that there was a planned approach to the use of PWC and that the expenditure was justified and proportionate.

Councillor Snell commented that Councillor Gledhill summed it up well. At the meeting the Chief Executive was asked if delaying the report would cause problems for the Authority and the answer was yes. Councillor Snell queried with Councillor Gledhill if an ED2 would normally go through an Overview and Scrutiny Committee.

Councillor Gledhill responded that in his experience the Leader would sign the ED2 and relevant members and it would be rare to go to an Overview and Scrutiny Committee.

Councillor Snell stated that he agreed reports should be subject to call-in. it was agreed at the Overview and Scrutiny Committee that the process should be different going forward for these types of issues. Councillor Snell summarised that he is happy with the report going forward as originally written.

The Leader confirmed that the opportunity for Councillors to speak was at the Corporate Overview and Scrutiny Committee on 1st November 2023.

All Cabinet members agreed to implement the original decision.

197. Call-in Asset Disposals Programme - Recommended Next Tranche of Properties for Disposal (Decision:110667)

The Leader noted the Chair of the Corporate Overview and Scrutiny Committee was not in attendance at the meeting.

- Committee agreed to accept the call-in and refer back to Cabinet.
- The Committee ask Cabinet to re-consider the decision based on due regard to communities.
- The Committee arrived at this decision because Members expressed uncertainty around the use/value of the land for the local community and the nature of the Member consultation. They acknowledged there was no statutory consultation requirement for disposal of land but they felt that by accepting the call-in it set expectations that Members needed to be made appropriately aware of disposals in future in order to assess community feeling.

Councillor Maney confirmed that he didn't doubt that the call-in was well intended but he was confused by the grounds. The call-in stated that the land is green belt and it is not. It is also not an application for residential development. Whoever buys the land will need to go through the planning process and it is through the planning process that Councillors can object to any proposed residential development. The decision is to put land up for auction that the Council has no use for. Councillor Maney acknowledged that Councillors needed to be notified where they intend to dispose of land. Councillor Maney clarified that the land is partially fenced off and overgrown. Councillor Maney recommended that the original decision is implemented and a capital receipt for the land obtained.

The Leader confirmed that consultation with members needed to improve and they have committed to this.

All Cabinet members agreed that the original decision should be implemented.

198. London Gateway Logistics Park Local Development Orders (Decision: 110677)

Councillor Maney introduced the report and confirmed that he and the Leader visited DP World yesterday with the Chief Executive and Interim Director of Place and this reaffirmed the recognition of the economic benefits it does bring and could bring to the Borough. The right planning apparatus should be in place which negates the need for lots of Planning applications which could be cumbersome and costly. The current Local Development order is due to expire this month, the Council is in the process of preparing a second Development order. Councillor Maney confirmed that Cabinet are being asked to note the progress and recommend to Full Council to adopt LDO2 to the Planning Committee.

The Leader confirmed he has visited DP World twice and there is some fantastic opportunities to create jobs and prosperity for the people of Thurrock.

No Cabinet members asked questions.

RESOLVED:

- 1.1 To note this report, the progress made so far on LDO2 and the future actions and processes necessary to bring LDO2 to a position where is it ready to be adopted.**
- 1.2 To recommend to the Council meeting on 29 November 2023 that it delegates authority on the decision whether or not to adopt LDO2 to the Planning Committee.**
- 1.3 To recommend to the Council meeting on 29 November 2023 that it delegates authority on the decision whether or not to adopt 'LDO1.5' to the Planning Committee.**

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

199. Short Breaks and Support Services for Disabled Children (Decision: 110678)

The Leader explained that the next 3 reports have exempt appendices and therefore reminded members and officers not to discuss the contents of the exempt appendices whilst the meeting was being live streamed. The Leader confirmed that if anyone does wish to discuss the contents of the appendix the meeting would go into a closed session and members of the public and the press would be asked to leave.

Councillor Johnson confirmed the report was a commissioning exercise for a statutory duty to improve outcomes for disabled children to allow parents and carers time out to prevent family breakdown. Councillor Johnson recommended option 1.

Councillor Carter stated that he wished to ask a question about the exempt appendices.

The Leader confirmed that they will move on to the next item and deal with Councillor Carter's question and the recommendation at the end of the meeting.

RESOLVED:

- 1.1 That Cabinet approves proceeding to tender for the provision of Short Breaks and Support Services for Disabled Children with a term of four years.**

- 1.2 That Cabinet agrees to delegate authority to the Corporate Director of Children’s Services, in conjunction with the Portfolio Holder for Children’s Services and Housing, to award contracts following completion of the tender process.**
- 1.3 That due to the nature of the services being procured, Cabinet agrees to delegate authority to the Corporate Director of Children’s Services in conjunction with the Portfolio Holder for Children’s Services and Housing, to directly award contracts without competition in the following exceptional circumstances:**
- **The individual placement cannot be made under one of the contracts awarded as part of this tender exercise; and**
 - **The purchase is required in order that the Council may meet its statutory obligations.**

Reason for the decision: as outlined in the report

This decision is subject to call-in

200. Elizabeth Gardens Procurement for Care and Support (Decision: 110679)

Councillor Coxshall introduced the report. He confirmed that Elizabeth Gardens is the step before residential care so residents can remain independent longer and stay at home with additional support. Elizabeth Gardens is a development of 65 Extra Care flats.

The contract for the Care and Support services is coming to an end (31st August 2024) and requires re-tendering. The report outlines the details of the tender process and the award of the new contract.

The provision of care and support Services at Elizabeth Gardens has two parts, the first is the core service provided through a block contract. The core element of the contract provides 24 hour onsite support, housing support and advice, personal care and support with communal activities. The proposal is that this will be tendered for a five year contract (with an option to extend for a further two years). The recommendation is that providers tendering for the contract propose the value for the core service over the life of the contract. The spend for the core service in the 2022/3 financial year was £314,116.

The second part is spotlight purchasing and is where residents can buy additional hours. The declared hourly rate of £18.89. In the 2022/3 financial year spend was £135,013. This will be a variable amount dependant on the level of needs of the residents. The contract will be for five years with an option to extend for a further two years.

RESOLVED:

- 1.1 That Cabinet agrees to proceed with the retender of the Care and Support services at Elizabeth Gardens.
- 1.2 That the power to award the contract be delegated to the Executive Director for Adults, Housing and Health in consultation with the Portfolio Holder for Health, Adult's Health, Community and Public Protection. This will allow a sufficient window of time between contract award and contract commencement, during which the necessary contract handover actions can take place to ensure a smooth and effective transition to the new service.

Reason for the decision: as outlined in the report

This decision is subject to call-in

201. Procurement of Housing Contracts for Works Through a Partnership Model (Decision: 110680)

Councillor Johnson introduced the report and stated that it was an exciting report. The Council is facing unprecedented challenges in its responsibilities as a social housing landlord, increasing regulation, improving standards of customer care and tenant satisfaction and budgetary pressures to achieve value for money.

The Social Housing (Regulation) Act intends to deliver transformational change for social housing residents by setting out measures to ensure social housing is safe and to make it easier to know how social landlords are performing by increasing transparency and accountability. The Act sets out new requirements for social landlords to address hazards, such as damp and mould within a fixed period. The proposals contained within this report is to transfer a significant element of the functions of the Housing Assets, Repairs and Compliance service to a single supplier. A single supplier can better drive efficiencies and value for money in the delivery of all works for the council and its residents.

The Council will create a new smaller team to manage the works and services of the Delivery Partner. This team will lead on embedding a cultural change in housing services moving from a transactional relationship to a more meaningful relationship with residents and this will also provide savings.

The Leader thanked Councillor Johnson for the report and commented that it is important that the Council get the right contract in place to look after the housing stock. Resident's concerns about repairs should be carried out immediately.

Councillor Coxshall commented that it is really important to get this right and it is exciting to see how they are looking to deliver this partnership model. Once a partner is found they should be able to have some good conversations about how to transform services.

RESOLVED:

- 1.1 Approve the recommendation set out in this report to procure a Housing Works Delivery Partner for a period of ten years, with an option to extend the contract by five years plus a further five years (10+5+5) after the initial ten-year period, subject to performance and funding.
- 1.2 Approve delegated authority for the award of contract for the Housing Works Delivery Partner to the Executive Director of Adults, Housing and Health in consultation with the Leader, Portfolio Holder, Commissioners and Section 151 Officer.
- 1.3 Approve the recommendation set out in this report to procure an Assurance and Audit Partner for a period of ten years, with an option to extend the contract for a further five plus five years (10+5+5) after the initial ten-year period - subject to performance and funding.
- 1.4 Approve delegated authority for the award of contract for the Assurance and Audit Partner to the Executive Director of Adults, Housing and Health in consultation with the Leader, Portfolio Holder, Commissioners and Section 151 Officer.

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

The meeting went into a brief closed session to consider Councillor Carter's question about the exempt appendix to the report under Item 12. The meeting returned to open session to consider the report recommendations for item 12.

The meeting finished at 19.54

Approved as a true and correct record

CHAIR

DATE

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