

## **Minutes of the Meeting of the Cabinet held on 13 July 2016 at 7.00 pm**

**The deadline for call-ins is Monday 25<sup>th</sup> July 2016 at 5.00pm**

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**Present:** Councillors Robert Gledhill (Chair), Garry Hague (Deputy Chair), Mark Coxshall, James Halden, Shane Hebb, Brian Little, Susan Little, Deborah Stewart and Pauline Tolson

**In attendance:** Steve Cox, Corporate Director of Environment and Place  
Sean Clark, Director of Finance & IT  
Roger Harris, Corporate Director of Adults, Housing and Health  
Jackie Hinchliffe, Director of HR, OD & Transformation  
Rory Patterson, Corporate Director of Children's Services  
Ian Wake (Director of Public Health)  
Matthew Essex, Head of Regeneration and Assets  
Karen Wheeler, Head of Strategy, Communications and Customer Service  
David Lawson, Deputy Head of Legal & Monitoring Officer  
Kenna-Victoria Martin, Senior Democratic Services Officer

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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.

### **10. Minutes**

The Minutes of Cabinet, held on 8 June 2016, were approved as a correct record.

### **11. Items of Urgent Business**

There were no items of urgent business, although the Leader informed Members that he would be accepting a briefing note on 2015/16 Financial Outturn Position at Item 6, which had been circulated to Cabinet prior to the meeting.

### **12. Declaration of Interests**

There were no declarations of interest.

### **13. Statements by the Leader**

The Leader of the Council advised Cabinet that Councillor Allen had been involved in a road traffic accident and wished him a speedy recover.

Councillor Gledhill then commented that the environment was one of the priorities of this Administration and they were set to clean up Thurrock, so that it was a borough residents could be proud of.

He continued to explain that following a walk around Grays High Street with the Chief Executive a few weeks ago he was pleased that improvements had taken place and the High Street was looking cleaner.

The Leader announced that during the school holidays more frequent grass cutting in parks and open spaces was to commence, as well as routes into the borough including a clean-up of Thurrock's stretch of the A13. It was hoped the Highways Agency would complete the remainder of the A13.

#### **14. Briefings on Policy, Budget and Other Issues**

Councillor Hebb, Portfolio Holder for Finance and Central Services introduced the briefing to Members notifying them that the item was a reflective report on the previous year.

He continued to inform Cabinet he was pleased the budget was balanced, especially given the unplanned pressures (such as the Serco contract which Members had supported the previous administration in bringing back into the Council). Councillor Hebb advised that he had requested the Section 151 officer to complete a review of the reserves budget as a review had not been undertaken for 6 years.

Councillor Halden commented that he had been working with Councillor S.Little on the pressures in Children's Services. He informed Cabinet that a report would be taken to Overview and Scrutiny and he planned to visit the Children Centres within the borough in October.

The Leader expressed that he was pleased with the review into the reserves budget and commented that officers and Members regularly looked over the fees the Council charged and the reserves should not be different.

#### **RESOLVED that the Cabinet:**

- 1. Note that the General Fund Reserve has been maintained at £8m, after funding exceptional items from useable reserves and that a review of this balance will take place and be reported back accordingly;**
- 2. Note that the balance on the Housing Revenue Account Reserve at 31 March 2016 is £1.754m and the Development Reserve has supported the Transforming Homes programme with a remaining balance of £0.634m; and**
- 3. Note that there was a total of £64.430m in capital expenditure and some of the key projects set out in section 4**

**15. Corporate Performance Framework 2016/17 and End of Year Corporate Performance Report 2015/16 (Decision 01104372)**

Councillor Stewart, Cabinet Member for Performance & Communities presented the report, which provided a forward look at priorities for 2016/17 and a final look at how the council performed against its priorities last year 2015/16.

The Cabinet Member further explained she thought Key Performance Indicators (KPIs) were important and therefore she wanted them to be measured smartly and for future KPIs to be marked as either achieving or failing not by rating them red, amber or green.

Councillor Hebb welcomed the report stating that customer focus should be at the top of the framework. He further asked Councillor Stewart if she would include the top complaints as part of the Corporate Performance Framework. Councillor Stewart confirmed to Members that the top 5 regular complaints would be included within the Corporate Performance Framework.

Councillor Halden asked if a review could be undertaken into social values, measuring on how services should work in the best interest of the public. Councillor Stewart explained that officers were in the process of creating a questionnaire to be circulated for the public and businesses to measure what is relevant for residents.

**RESOLVED:**

- 1. To agree a full and thorough review of existing KPIs and other performance tools in 2016 in line with recommendations made by Corporate Overview and Scrutiny in 2015/16**
- 2. To agree the activities for the upcoming year within the Corporate Plan 2016/17 (Appendix 1) and performance framework for 2016/17 (Appendix 2) in the context of a full review in 2016**
- 3. To note the progress and performance against the corporate priorities for 2015/16 – Appendix 3**

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

**16. Petitions submitted by Members of the Public**

There were no petitions submitted.

**17. Questions from Non-Executive Members**

The Leader of the Council advised that two questions had been submitted and that the questions would be taken with the corresponding agenda item.

**18. 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.

**19. Procurement of Disabled Adaptations Services (Decision 01104373)**

Councillor Robert Gledhill, Leader and Portfolio Holder for Housing introduced the report which set out the proposals to procure a contract to provide works and services in residents' homes where disabled adaptations were required.

He continued to inform Cabinet that the contract would be divided into two elements covering supply, installation, maintenance and repair of mechanical aids and major adaptations, such as building works.

The Leader further explained that the contracts would be for a four year period and bring together elements of work into a framework agreement that had previously been organised on a spot contract basis.

**RESOLVED that Cabinet:**

- 1. Agree the proposed process for procurement of the works and services referred to above for a period of 4 (four) years under a framework agreement.**
- 2. Approve delegation to award the contract to the Corporate Director of Adults, Housing and Health in consultation with the Portfolio holder in order to expedite the process for this critical provision.**

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

**20. Thurrock Council Draft Transport Policy (Decision 01104374)**

Councillor Halden, Cabinet Member for Education and Health presented the report, and in doing so explained the report replaced the previous policy and therefore brought the new policy in line with Council services.

He continued to explain the Transport Policy would enable the Council to save money and was flexible allowing testing to be completed. This ensured the service was being provided to residents who required it most.

The Cabinet Member for Education and Health highlighted the following sections of the policy to Members:

- Section 10
- Section 16
- Section 31.2

While highlighting relevant sections Councillor Halden expressed that should parents have any queries when applying for school transport they could

contact the Council as there were exceptional circumstances which may be able to be taken into account.

Councillor Hague commented that it was right that exceptional circumstances were mentioned within the policy as it gave protection to the Council's most vulnerable residents. Councillor Halden agreed with Councillor Hague and further commented that it withdrew issues of singling out children who attended certain schools, such as faith schools.

Councillor S.Little welcomed the report and was pleased to see that local councillors could assist parents when applying for school transport.

**Resolved:**

- 1. That Cabinet consider the Education Transport policy attached to this report and comment upon the content and if satisfied recommend that it be included in Thurrock Council's Policy Framework.**
- 2. That the Exceptional Circumstances Scheme be included in the wider work by elected members to review means tested support.**

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

**21. Environmental Enforcement (Decision 01104375)**

Councillor Tolson, Portfolio Holder for Environment introduced the report advising Members the physical appearance of the Borough was a top priority for the Council.

She continued by stating the Council was committed to implementing measures to address and improve Thurrock's appearance through a 'zero tolerance' campaign in relation to fly tipping.

Councillor J.Kent was invited to ask his question of the Portfolio Holder

*"Recommendation 1.4 is the portfolio holder confident that retrospective fines are possible and legal?"*

Councillor Tolson replied *"Thank you Councillor Kent, the fine is for the non-production when asked of the Duty of Care document and the waste contract. It is not going back in time, it is for when they are not able to produce and there is a certain amount of days they can do that in either by email, post or in person."*

Councillor J.Kent was offered the opportunity to ask the portfolio holder a supplementary question, in which he queried *"I welcome the greater enforcement but in Recommendation 1.3 notes £20,000 will be identified to enhance environmental enforcement resources for the coming year. Yet we are told at 3.18 there is an additional £300,000 would create 5 enforcement*

*officers posts. £20,000 is a third of an enforcement officer. Could the portfolio holder tell us what she expects to achieve with that.”*

Councillor Tolson responded explaining *“the £20,000 is for the trial period at the end of the summer for enforcement officers”*

Councillor Halden thanked the Portfolio Holder for her report, he then commented that by completing the campaign to ‘clean it, cut it, fill it’ it would enable the Council to ‘maintain it’.

Councillor Hebb welcomed the report and stated that Members were residents representing residents.

Councillor Tolson asked that Cabinet agree a recommendation at 1.7 that cabinet receive a further report in October 2016 to address littering and fly tipping on private land.

**RESOLVED that Cabinet:**

- 1. Agrees to implement a scheme for the issuing of fixed penalty notices for the unauthorised disposal of waste, sets the fixed penalty amount at £400 and does not set a reduced amount for prompt payment.**
- 2. Agrees that the environmental enforcement resource be enhanced, requests that costed business cases be prepared for the options set out in the report and that Cleaner, Greener, Safer Overview and Scrutiny consider those options at its October 2016 meeting before being brought back to Cabinet.**
- 3. Notes that £20,000 has been identified from in year back office savings to enhance the environmental enforcement resource in 2016/2017.**
- 4. Agrees to implement a scheme for the issuing of fixed penalty notices for businesses who do not provide on request to the Local Authority, copies of Waste. Transfer Notes for the previous 24 months or, in the case of a newer business, from the date the business commenced trading. The amount for the fixed penalty notice as laid out in the legislation is £300.**
- 5. Agrees to a reduced amount of £180 for the prompt payment, within 14 days of the fixed penalty notice for inability to provide a trade waste contract.**
- 6. Notes that a campaign against littering in Thurrock will begin during Summer 2016 and will include publicity relating to the issuing of FPNs.**
- 7. That cabinet receive a further report in October 2016 to address littering and fly tipping on private land.**

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

**22. Tender of the Council's Insurance and Associated Services (Decision 01104376)**

Councillor Hebb, Cabinet Member for Finance and Central Services presented the report which informed the Cabinet about the current contract for insurance and associated services, which was due to expire on 31st March 2017.

The Cabinet Member further informed Members that the current contract was for an initial period of 3 years, with the option to extend for a further 2 one year periods. He continued to explain that the recommendation allowed the Section 151 Officer to go out to tender for the contact, during which officers would test the market with a further report to be presented to Cabinet for the final decision.

Councillor J.Kent was invited to ask his question of the Cabinet Member

*“Is the Portfolio Holder content that an officer should be given delegated authority to agree a spend of, currently, £1.2 million?”*

Councillor Hebb replied *“Thank you Councillor Kent, I think I was very clear in opposition and will continue to do so in administration. Delegation powers are not the default position we should take as an Authority and Sean and I have had a very clear conversation. This piece of paper here tonight is merely to go to tender, it is not to award nor procure a contract, so yes I am comfortable.”*

Councillor J.Kent further queried *“That answer only covers the eventually of the Section 151 Officer not believing that renewal terms presented by the current provider are favourable. If the Section 151 Officer believes the deal officered by the current provider is in the best interest of the Authority should they also be sent back to Cabinet or at least be agreed in consultation with Group Leaders.”*

The Cabinet Member for Finance and Central Services stated *“Thank you Councillor Kent for your question, and it is a good question, what I would say is the Section 151 Officer, well not the officer, we inherited a contract that gave the Section 151 Officer the power to make that decision. So we are merely carrying over a process where we identify terms which are best in the interest of the Council”.*

**RESOLVED:**

**That Cabinet approve delegation to the Director of Finance & IT to tender the contract for the Council’s insurance programme if renewal terms presented by the current provider are not favourable.**

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

**23. Community Asset Transfer Policy (Decision 01104377)**

Councillor Hague Portfolio Holder for Business presented the report notifying the policy allowed the Council to work closely with the Voluntary, Community and Faith Sectors as key partners when delivering services to residents.

Councillor Coxshall queried as to how the policy would be advertised so that all community groups had the same opportunities. The Portfolio Holder commented that a variety of advertising routes would be used including social media.

Councillor Stewart welcomed the report and asked that the CVS community based groups were included and made aware of opportunities.

**RESOLVED that Cabinet:**

- 1. Acknowledge the work of the Thurrock Community Assets and Management of Assets (COMA) Partnership supported by Locality.**
- 2. Approve the decision making process set out in the Community Asset Transfer Policy.**
- 3. Approve and adopt the Community Asset Transfer Policy.**

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

**24. Local Air Quality (Decision 01104378)**

Councillor Tolson, Cabinet Member for Environment addressed Cabinet informing them the report asked Cabinet to approve the declaration of two new Air Quality Management Areas in Aveley and Purfleet, for which action plans were to be brought for Cabinet Approval in September.

She continued to inform Members that following investigations it was confirmed the annual average air quality for nitrogen dioxide within these areas were likely to be above 40 micrograms per cubic metre.

**RESOLVED:**

- 1. To approve the declaration of two new Air Quality Management Areas Aveley High Street / Ship Lane and Purfleet By-Pass.**
- 2. To note that action plan proposals for these proposals are under development and will be brought to Cabinet for approval in September.**

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

**The meeting finished at 7.55 pm**



Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact  
Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**