

Cabinet

Tuesday, 3 January 2023

7.30 pm

Present:

Cllr John Burden (Chair)
Cllr Lee Croxton (Vice-Chair)

Councillors: Shane Mochrie-Cox
Lenny Rolles
Lauren Sullivan
Narinderjit Singh Thandi
Jenny Wallace

Note: Cllrs Gary Harding, Leslie Hoskins and Jordan Meade were also in attendance.

Stuart Bobby	Chief Executive
Nick Brown	Director (Environment) & Deputy Chief Executive
Sarah Parfitt	Director (Corporate Services)
Wendy Lane	Assistant Director (Planning)
Andy Rayfield	Communications Manager
Carlie Simmonds	Committee Services Manager (Minutes)

50. Minutes

The minutes of the meeting held on Monday 7 November 2022 were signed by the Chair.

51. Declarations of Interest

No declarations of interest were made.

52. Delegated Decisions - Cabinet Members

No decisions other than those already circulated had been made.

53. Review of the LATCo Governance Framework

At the meeting of Full Council on 17 December 2019, Members approved the formation of a Local Authority Trading Company (LATCo) and Rosherville Limited was duly registered as a trading company of Gravesham Borough Council (GBC) on 7 January 2020.

The Chief Executive advised that the Rosherville Limited Board currently consisted of five Directors appointed by the Cabinet; three Members and two Council Officers. To date, the Board had played a critical role in the successful implementation of the trading companies and had provided invaluable advice and challenge to ensure all Rosherville entities operated effectively. The three subsidiary companies being:-

- Rosherville Servicing Limited;
- Rosherville Property Development Limited; and

- Rosherville Repairs & Maintenance Limited.

The Chief Executive advised that as the LATCo had now been operational for a number of years, it was felt that it would be beneficial to undertake a review of the governance arrangements in place with a view to ensuring that the LATCo had the best structure in place to ensure that it continued to grow as well as the subsidiaries (and any other new subsidiaries that may be commissioned).

In undertaking the review, best practice regarding the structures of LATCos had been considered, along with exploring how other LATCos were structured and public interest and best value reports that had looked specifically at LATCo governance. This included a review of the Local Partnerships document Local Authority Company Review Guidance which specifically looked at the process for reviewing trading company structures.

The Chief Executive advised that, following completion of the review, it was recommended that consideration be given to revising the structure of the Rosherville Limited Board to reflect best practice. The proposal being to remove Councillors from the Rosherville Board and replacing them with non-executive Directors and a specific Shareholder Representative at an Officer level. It was recognised that the current Members had played a critical role in the company and its subsidiaries however it was felt that it was an opportune time to re-evaluate the role of Members on the Board and remove them from direct involvement in the Rosherville entities. This approach will remove conflicts of interest for Councillors, which had always been a concern for the Board. In addition, with the recent review undertaken by the Boundary Commission, resulting in a reduction of elected Members for GBC to 39, removing Members from the Board will reduce the need for Members to remove themselves from meetings where a conflict of interest may arise and ensure consistency in membership of committees. It will also free up time of Councillors to be involved in other Council-led projects. Members would still have a role to play and this would be exercised through the formation of the Rosherville Shareholder Advisory Board. The Advisory Board will ensure that the company can be held to account by the Shareholder (the Council) with regular reporting to the Advisory Board, rather than the ad-hoc nature at the moment. Reporting to the Council's Finance & Audit Committee would also be put in place.

The Cabinet will continue to maintain the commercial and strategic oversight of the company and its structure.

To support the ongoing development of the company and the Council's commercial interest, it was also proposed that consideration be given to the recruitment of both a specialist manager/Director and an independent non-executive Director. Given the likely salary for such posts, it is anticipated that the Rosherville Group of companies would not be in a position to fund such posts at this stage; however, this should be a future consideration once Rosherville was able to fund these posts directly.

It was reiterated that the review of the governance arrangements and subsequent recommendations were not a reflection on the current Board Members. The Cabinet thanked Cllrs Lenny Rolles, Sarah Gow and Tony Rice for the work that had been undertaken to date. Tribute was also paid to the Officers, in particular Michelle Batstone (Corporate Change Manager), who has and continues to provide support to the Board.

The Cabinet stated that it was essential for the company and its subsidiaries to work to the principles of the Green Book and have the same terms and conditions of local government/GBC.

The Cabinet also stated that the establishment and work of the LATCo was key in generating income for the Council at a time when it continued to face significant financial pressure. It also delivered on the promise of the current administration to make the Council an entrepreneurial authority.

The Leader drew Members' attention to section 5.5 of the report in relation to the Membership of the Advisory Board and advised that the proposed changes would not take effect until 1 April 2023 and that the political balance/split would be for the new administration to determine. The Leader envisaged that the political balance/split would be cross-party.

Resolved that the Cabinet recommends to Full Council that:-

1. The governance framework surrounding the operating model for Local Authority Trading Companies in Gravesham be updated in line with the recommendations made within the report to better reflect best practice;
2. A request be made to Rosherville Limited to amend its Articles of Association in line with the revised framework set out within the report;
3. Subject to the request coming forward from the company, that delegated authority be given to the Chief Executive, in consultation with the Leader of the Executive, the Monitoring Officer, the Section 151 Officer and the Chair of Rosherville Limited to make all necessary amendments to the company Articles of Association and Shareholder Agreement to reflect the agreed changes;
4. Upon amending the Articles of Association and Shareholder Agreement, officers submit these documents to Cabinet to formally approve the changes in March 2023; and
5. The changes outlined in the report formally take effect from 1 April 2023.

54. Formation of the Northfleet Harbourside Steering Group

The Cabinet was informed that the proposed Northfleet Harbourside project aimed to provide a new neighbourhood with Ebbsfleet United Football Club at its heart. The vision for the project being to design a new and vibrant neighbourhood with new homes, shops, cafes, offices, medical services and community venues. This will also include over 3kms of new pedestrian and cycle links through the community and along the River Thames improving connectivity to Gravesham Town Centre, and publicly accessible green spaces across the site.

The planning application for the development site had been submitted to the Council however National Highways had now placed a caveat on the application in that it would not be determined for a period of 3 months, expiring on 6 March 2023, to allow time for the applicant to provide additional information requested by National Highways. As such, it was currently anticipated that the application will be presented to the Planning Committee early in the new financial year.

The Cabinet was informed that the project was being delivered in partnership between Landmarque Property Group and Ebbsfleet United FC and it was proposed that Gravesham Borough Council (GBC) becomes an advisory partner in the project as a whole. Therefore, it

was proposed that a Steering Group be established, involving representatives from GBC, Landmarque Property Group and/or Ebbsfleet United FC in order to ensure that the Council is actively involved in the project, should it receive the required permissions, and that local views are reflected.

The Chief Executive stated that, for the avoidance of doubt, the creation of the Steering Group was in no way to be seen as a pre-determination of the planning application which will go through the normal consideration processes.

The draft terms of reference of the Steering Group were appended to the report for Members' consideration. The Steering Group will have no decision-making powers in its own right. If necessary, a report will be provided to the Council's Cabinet (or other relevant, constituted committee as necessary) for any formal decisions that need to be made.

The Steering Group will be formed as follows:-

- Two Councillor representatives from the Council, one of whom will be nominated as Chair of the Steering Group;
- Two representatives from the developer (Landmarque Property Group and/or Ebbsfleet United FC – development partners); and
- Associate members may be co-opted to the Steering Group during the project as necessary, such as representatives from Homes England, Environment Agency etc. Council officers may also attend to provide support to the Steering Group where this was considered necessary. Additional representatives may be asked to attend the Steering Group as required, with the express permission of the Council's Cabinet.

The Leader reiterated that Members must be mindful of pre-determination and that the intention will be to appoint two Councillors representing GBC. The intention will be to have cross-party representation so one Member from the Labour Group and one Member from the Conservative Group; the nominations being Cllrs Lenny Rolles and Conrad Broadley. The Leader stated that the nominations would be temporary up until the Borough Elections in May 2023 and will be reviewed by the new administration at that time.

Resolved that the formation of the Northfleet Harbourside Steering Group be approved in line with the draft terms of reference appended to the report. In addition, the two Councillors to represent Gravesham Borough Council on the Steering Group were identified as Cllr Lenny Rolles and Cllr Conrad Broadley.

55. Emerging Local Plan - Local Development Scheme

The Cabinet was informed that the Council currently had an adopted Local Plan Core Strategy covering the whole Borough (including the part of Ebbsfleet Development Corporation that falls within Gravesham). It was adopted by the Council in September 2014. Several policies of the Adopted Gravesham Local Plan First Review were saved following approval by the Secretary of State via a Direction issued in 2007. Together with the Gravesham Local Plan Policies Map (adopted in September 2014), they form components of the Development Plan, for which Gravesham Borough Council (GBC) has direct responsibility as part of its Plan Making role.

The Assistant Director (Planning) advised that, following the adoption of the Core Strategy, Officers turned their attention to reviewing the Local Plan Core Strategy, as well as progressing work on the Site Allocations and Development Management Policies Document.

The latter document being the second part of the Council's Local Plan, which allocates additional sites for development, designates sites / land for specific uses and sets out the detailed Development Management policies.

The Council's project plan for bringing forward the emerging Local Plan was set out in the Council's Local Development Scheme, with the most recent Scheme being adopted by the Cabinet in October 2019.

Progress on the emerging Local Plan since the adoption of the Scheme in October 2019, was initially delayed as a result of Covid-19, with the Regulation 18 Stage 2 consultation being undertaken in October-December 2020, rather than January-February 2020.

Subsequent delays to the emerging Local Plan had been directly associated with delays to the availability of Kent County Council's Transport Model, and the time required to undertake highways modelling. The Council cannot move to the Regulation 19 (publication) stage without this modelling.

Kent County Council's Transport Model was originally anticipated to be available in Autumn 2020, however due to a number of reasons its completion took longer than originally envisaged, and therefore availability was pushed back to Spring 2021, then Autumn 2021, to Spring 2022.

There was also a caveat in place in that National Highways must agree to the validated Transport Model due to the lack of capacity on the Strategic Road Network and Lower Thames Crossing. As such, work cannot proceed from one stage to the next until National Highways are content with the modelling.

Upon completion of the modelling, Officers will need to undertake further work on the review of the Local Plan Core Strategy and Site Allocations, prior to these documents being subjected to Sustainability Environmental Assessment (SEA), Sustainability Appraisal (SA), and Habitat Regulations Assessment (HRA).

The report detailed the proposed timetable for preparing the emerging Local Plan in comparison to the timetable adopted as part of the Local Development Scheme in October 2019. The intention will be to publish a revised Local Development Scheme which will include the proposed new timetable.

The Cabinet expressed concern regarding the slow rate of progress with the Local Plan however acknowledged that the delay was now due to external agencies/factors which were out of the Council's control. The Cabinet stated that it was important for the Borough to have a sound Local Plan otherwise the risk will be that development will take place on sites where the local community don't want it to; local people should be able to determine planning based on local need, aspirations and desire for their local area/community.

It was proposed that if there were any further delays towards the end of the new proposed timetable then the Council should consider submitting the Local Plan in its current form at that time as it was felt that any further delays would result in new issues/requirements being raised. If the Local Plan was found to be unsound and, therefore, taking future development out of the Council's control then the Council will need to publicise the reason for that.

The Assistant Director (Planning) advised that the team regularly meets with Kent County Council and the consultants to ensure that the transport modelling stays on track and that

she will request a progress report to confirm that the technical work is providing the Council with the information it requires within the agreed timeframe. A copy of the progress report will be provided to the Leader and Portfolio Holder for Strategic Environment, Cllr Lauren Sullivan.

Resolved that the Assistant Director (Planning), in consultation with the Cabinet Member for the Strategic Environment Portfolio, be delegated authority to publish a revised Local Development Scheme.

56. Minutes of the meeting of the Climate Change Advisory Board held on Wednesday, 12 October 2022

The Cabinet noted the minutes of the Climate Change Advisory Board held on Wednesday, 12 October 2022.

57. Minutes of the meeting of the Crime & Disorder Scrutiny Committee held on Thursday, 27 October 2022

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58. Minutes of the meeting of the Gravesham Joint Transportation Board held on Wednesday, 30 November 2022

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Close of meeting

The meeting ended at 8.34 pm

The Leader informed Members that, following the rollout of iPads and the need to generate savings, hard copies of agendas will no longer be available to Members, except for the Chairs of each Committee. Hard copies will only be available for members of the public in line with legislation.