

Cabinet

Monday, 20 March 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

Nick Brown Director (Environment) & Deputy Chief Executive
Jamie Izzard Director (Communities)
Daniel Killian Director (Housing)
Tersaim Khaira Exchequer and Insurance Manager
Carlie Simmonds Committee Services Manager (Minutes)

76. Minutes

The minutes of the meeting held on Monday 20 February 2023 were signed by the Chair.

77. Declarations of Interest

Councillor Lenny Rolles declared an interest in agenda items 7 - Review of the LATCo Governance Arrangements - revised formal agreements and 12 - Rosherville Business Plan 2023-26 as he is a Director and Chair of the Rosherville Limited Board. Cllr Lenny Rolles left the Chamber during consideration of these items.

78. Delegated Decisions - Cabinet Members

No decisions other than those already circulated had been made.

79. Development of the Corporate Risk Register 2023-2024

The Cabinet was informed that the Risk Management Strategy sets out the approach adopted by the Council for identifying, evaluating, managing and recording risks to which it is exposed. A review of the strategy is carried out annually and, where necessary, presented to the Cabinet for approval if it is subject to any updates and amendments.

The Cabinet was informed that there had been no updates or amendments made to the Risk Management Strategy.

In preparing the draft Corporate Risk Register for 2023-24, Management Team, Senior Officers and Members were contacted and requested to identify and evaluate new risks and analyse existing risks currently recorded in the 2022-2023 Corporate Risk Register.

The risks identified were as follows:-

1. On-going financial viability of the Council.
2. Changes in national priorities and legislation.
3. Organisational capacity/resilience.
4. Cyberattack resulting in data breach or corruption of data.
5. Investment Risk.
6. Adoption and delivery of sound Local Plan.
7. Implementation of the Elections Act 2022 (new risk).

The Cabinet was informed that a risk evaluation and analysis was undertaken and those risks that had generated a “High” residual risk score had been included in the 2023-2024 Corporate Risk Register. The Exchequer and Insurance Manager confirmed that all of the risks listed above had been included.

The Cabinet was informed that the draft Corporate Risk Register was considered at the Finance and Audit Committee on 7 March 2023.

The Exchequer and Insurance Manager advised that progress made against the actions in relation to each risk recorded in the register will be monitored quarterly and progress information will be presented via a half yearly report to the Finance and Audit Committee.

The Cabinet expressed concern regarding those risks which were due to external agencies/factors and out of the Council’s control for example the adoption and delivery of a sound Local Plan.

Resolved that the Corporate Risk Register that had been developed for 2023-24 be approved, prior to it being presented to Council.

80. Review of the LATCo Governance Arrangements - revised formal agreements

Following the agreement by Full Council to form a local authority trading company (LATCo) in December 2019, the Cabinet approved the Articles of Association for the company along with the Shareholders Agreement in February 2020.

Following a review of the governance arrangements in place during 2022-23, Full Council approved a revised governance framework at its meeting in February 2023. As a result of this, the report sought Cabinet’s approval for the appointment of Directors to the new Board structure and updates to the Articles of Association and Shareholders Agreement.

In relation to the Board Structure, it was proposed that the Director (Communities) becomes the Chair of the Board and the Director (Housing) takes on the additional Director role. This change would see the Director (Housing) removed from the Rosherville Repairs & Maintenance Limited (RRML) Board. The role of Chair of the RRML Board would be assumed by the Service Manager (Housing Operations). The replacement of the Director role on the RRML Board would be assumed by the Parks and Open Spaces Manager.

The structure also provided for a Dedicated Commercial Post and recruitment of an independent non-executive Director at a point when Rosherville Limited were in a position to fund these posts. A further report relating to these posts would be brought to Cabinet at the appropriate time.

In relation to the Shareholder Agreement, the Cabinet was informed that it had been updated and was attached at appendix one of the report for consideration. The key changes being:-

- reference made to the new Cabinet Advisory Board established under the revised governance arrangements;
- wording revised to ensure that the company was working for 'commercial interest' to ensure that there were no potential infringements of the Teckal regulations for procurement; and
- reference to the 'New Articles' which will be updated as part of the Shareholder's Agreement, subject to approval of these by Cabinet.

The Cabinet was informed that the new Shareholder Agreement would need to be signed by the Council (as Shareholder) and authorised signatories of all Rosherville entities.

In relation to the Articles of Association, the Cabinet was informed that these had been updated and were attached at appendix two of the report for consideration. The changes to the Articles were relatively minor:-

- reference to elected Members/Councillors within the Articles of Association had been removed; and
- the minimum number of Directors required to form a quorum had been updated to reflect the revised framework for the Board.

The Cabinet was informed that the Articles of Association can only be changed through a Special Resolution which means that they need to be formally signed by an authorised signatory of the Council. It was therefore proposed that delegated authority for signing the agreed Special Resolution be given to the Chief Executive to enable this to be actioned swiftly.

Subject to Cabinet's approval, the above proposals would come into effect from 1 April 2023 and, as such, the details on Companies House would be updated by the Company Secretary.

Resolved that:-

1. the appointment of Directors to the Rosherville Limited Board be approved, in line with the revised governance arrangements, and the revised Board structure for Rosherville Repairs & Maintenance Limited;
2. the draft Shareholder Agreement be approved;
3. the draft Articles of Association be approved; and
4. delegated authority be provided for the Chief Executive to sign the formal agreements on behalf of Gravesham Borough Council.

Note: Cllr Lenny Rolles left the Chamber during consideration of this item.

81. Minutes of meeting of Gravesham Joint Transportation Board held on 8 March 2023

The Cabinet noted the minutes of the Gravesham Joint Transportation Board held on 8 March 2023.

82. Minutes of meeting of Crime and Disorder Scrutiny Committee held on 14 March 2023

The Cabinet noted the minutes of the Crime and Disorder Scrutiny Committee held on 14 March 2023.

83. Exclusion

Resolved that pursuant to Section 100A(4) of the Local Government Act 1972 that the public be excluded during the following item of business because it was likely in view of the nature of business to be transacted that, if members of the public were present during the item, there would be disclosure to them of exempt information.

84. Rosherville Business Plan 2023-26

The Cabinet was presented with the business plan for Rosherville Limited for the period 2023-26.

Resolved that the Business Plan for Rosherville Limited be approved and the request to drawdown the sum of £41,871 be authorised for payment.

Note: Cllr Lenny Rolles left the Chamber during consideration of this item.

85. Procurement of Build Contract for 46 new homes at St Columba's Close

The report sought the Cabinet's approval for the use of a relevant framework to procure and award a contract in accordance with Gravesham's Procurement Strategy, to build 46 new Council homes at St Columba's Close and part of St Patricks Gardens.

The Cabinet welcomed the new homes and was pleased to hear that the local community was supportive of the scheme.

Resolved that:

1. Director (Housing) in consultation with the S.151 Officer and Lead Member be given delegated authority to conduct the procurement process and award a contract for the building of 46 new homes at St Columba's Close/St Patrick's Gardens using a procurement framework by way of mini tender or direct award as outlined in the report; and
2. Director (Housing) in consultation with the S.151 Officer and Lead Member be given delegated authority to negotiate and agree on amendments both contractually and budgetary if required as long as the returned tender price and any subsequent amendments, relative to anticipated rental income, continues to demonstrate the scheme can repay the associated borrowing within a period of not more than 30 years.

Close of meeting

The meeting ended at 8.09 pm.