

Cabinet

Monday, 2 October 2023

7.30 pm

Present:

Cllr John Burden (Chair)
Cllr Shane Mochrie-Cox (Vice-Chair)

Councillors: Emma Morley
Lauren Sullivan
Narinderjit Singh Thandi
Jenny Wallace

Stuart Bobby	Chief Executive
Nick Brown	Director (Environment) & Deputy Chief Executive
Jamie Izzard	Director (Communities and Inclusive Growth)
Daniel Killian	Director (Housing)
Sarah Parfitt	Director (Corporate Services)
Simon Walsh	Head of Democratic Services
Andy Rayfield	Communications Manager
Paul White	Senior Development Manager
Calvin Lee	IT Projects Officer
Carlie Simmonds	Committee Services Manager (Minutes)

32. Minutes

The minutes of the meeting held on Monday 11 September 2023 were signed by the Chair.

33. Declarations of Interest

No declarations of interest were made.

34. Delegated Decisions - Cabinet Members

No decisions other than those already circulated had been made.

35. Order of Agenda

The Chair advised that he would deal with agenda items 6 (Live Streaming Council Meetings) and 10 (Procurement of Build Contract for 8 new homes at Worcester Close, Istead Rise) before dealing with the remaining agenda items in the listed order.

36. Live Streaming Council Meetings

The Cabinet was informed that the live webcasting (or 'streaming') of Council meetings was now common practice in local authorities across the UK including the majority of Councils in Kent. However, Gravesham did not currently stream any of its public meetings.

Since 2020, there had been an increased expectation from the public and press that meetings were streamed online, improving residents access to the decision-making process, thereby providing for more informed and engaged local debate and enhanced transparency.

The Council currently held hybrid meetings (where some participants join remotely) in the Council Chamber for non-statutory committees and events, but the current facilities in place for these were retrofitted. The equipment used was meant for smaller rooms and there continued to be persistent audio issues, stemming from the aging delegate microphones. All the aforementioned would be resolved by investment into the current audio and visual equipment in the Council Chamber.

The report provided an overview of the project and sought Cabinet's endorsement of the project together with recommending to Full Council an in-year amendment to the 2023-24 capital programme to reflect the project expenditure of circa £150,000.

Subject to Full Council approval, the next step will be to undertake a procurement exercise.

The Cabinet was informed that the work within the Council Chamber would take place at a time when the Committee timetable was less busy and the Chamber can be easily booked out for several weeks.

The Cabinet welcomed the proposed audio-visual facilities as it would enhance democracy and improve residents access to the decision-making process.

It was noted that at Kent County Council there was a notice made at the beginning of its meetings to state that participants should notify the Clerk if they do not wish to be shown in the live stream/recording. The Cabinet asked whether this provision would be offered at Gravesham. The Head of Democratic Services and IT Projects Officer advised that they would investigate this further.

It was also requested that the recommendation be amended to give delegated authority, in consultation with the Leader of the Council, to conduct the procurement process, award a contract and enter into the necessary associated legal agreements on behalf of the Council.

Resolved that the Cabinet recommends to Full Council that:-

1. the procurement of products and services be supported to enable the live streaming of Council and Committee meetings and the associated improvements in the audio-visual facilities in the Council Chamber as set out in section three of the report;
2. the AV Equipment Project for the Council Chamber proceeds, and authority be delegated to the Director (Corporate Services), in consultation with the Leader of the Council, Monitoring Officer and Head of Democratic Services to conduct the procurement process, award a contract and enter into the necessary associated legal agreements on behalf of the Council; and
3. an amount of £150,000 is added to the approved capital programme for 2023/24 for the purpose of procuring AV equipment for the Council Chamber.

37. Procurement of Build Contract for 8 new homes at Worcester Close, Istead Rise

The Senior Development Manager presented the Cabinet with a report which sought approval for the use of relevant frameworks to procure and award contracts in accordance with Gravesham's Procurement Strategy, to build 8 new council homes at Worcester Close, Istead Rise.

A resolution to grant planning consent was given at the Planning Committee on 26 July 2023 and, at present, there was a unilateral undertaking being drafted by the Planning Department before the decision notice could be issued.

The Department for Levelling Up, Homes & Communities (DLUHC) Planning Casework Unit had also notified the Council that there was a possibility that the Secretary of State may choose to call in the decision should they recommend it. The DLUHC decision was still pending but the Council was continuing to progress the relevant documentation and notice until such time that a direction to suspend the issuing of the decision notice had been made by DLUHC under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Frankham had been appointed by the Council as Employers Agent to provide pre-contract technical services, project planning, cost reports and analysis of the designs and work up the Council's Employers Requirements (ERs) to be used for the tendering and for the contract to construct the buildings. Frankham had been actively developing the ERs and tender documentation pack for the scheme in liaison with Council officers.

In addition to informing the building designs, the surveys undertaken by the architect had also allowed Frankham to project costs for the scheme to be developed along with the Council's ERs. The budget estimate was based on a recognised industry tender price index and intelligence on similar recently tendered projects and had been used to financially appraise the viability of the site for the Council and budgetary spend using a 'Podplan' appraisal which had been endorsed by the Council's Finance Department. The budget estimate also included an element of contingency as an allowance.

The current construction estimates to develop the approved scheme was £2,140,955 and the total scheme cost including all fees and on-costs was £2,472,441.

The Senior Development Manager advised that the scheme would be funded through a combination of retained Right to Buy (RtB) receipts of £956,492 and loan finance of £1,515,949. The robust financial appraisals undertaken for the scheme showed that the scheme paid back in the requisite number of years. It currently showed a 20-year payback and a positive Net Present Value (NPV). However, this was based on current build estimates and therefore may fluctuate depending on inflation, cost of supplies and materials.

The Senior Development Manager drew Cabinet's attention to sections 3 and 4 of the report which included details on the procurement process, scope of works and awarding of the contracts. The project timeline was detailed at section 4.5 of the report; the tender process was due to begin in November 2023 with the contract being award at the end of January 2024.

The intention will be to engage with two framework providers; Southeast Consortium (SEC) and London Housing Consortium (LHC). To ensure competitiveness, contracts will be let with agreed Key Performance Indicators (KPI's). This approach will facilitate proactive contract management by Frankham and relevant Council officers and will help ensure that contractors perform well throughout the duration of their contract with the Council.

The Cabinet acknowledged that the timeline was subject to change due to the possibility of the decision being called in by the Secretary of State.

Resolved that:-

1. the Director (Housing) in consultation with the S151 Officer and Lead Member be given delegated authority to conduct the procurement process and award a contract for the building of 8 new homes at Worcester Close using a procurement framework by way of mini tender as outlined in the report; and
2. the Director (Housing) in consultation with the S151 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.

38. Corporate Plan: 2023-27

The Chief Executive informed the Cabinet that the Corporate Plan presented the Council's ambition for the Borough over a four-year administrative period. Alongside a suite of corporate objectives and associated policy commitments, the Corporate Plan will set the tone and guiding principles from which all Council activity will be based over the 2023-27 period.

The Council's current Corporate Plan ran for the 2019-23 period. Work had been carried out by officers over the last year to prepare a new plan reflective of; community needs and aspirations, the key ambitions of the elected administration for the borough over the 2023-27 period and, ultimately, the financial position of the authority.

To commence the project, a 12-week public consultation exercise was undertaken between October and December 2022 and over 1,600 responses were received from Gravesham residents, businesses and community groups providing over 6,400 individual pieces of information and intelligence relating to community requests for Council provision and priority intervention. The exercise also enabled participants the opportunity to rank each of the Council's key services in terms of their individual level of perceived importance. The information obtained from this process was collated and analysed and acted as a sound baseline throughout the development of the policy commitments in the draft Corporate Plan.

In addition to the public consultation, the new Corporate Plan had been prepared in full consideration of a base of intelligence relating to community needs as detailed in the Council's Gravesham Community Profile. The comprehensive study included a variety of themes, including information outlining core public health outcomes for the local population and socio-economic material detailing the position of the economy and scale of resident inequality within the borough.

There will be three corporate objectives, each with their own portfolio of activities and initiatives but, importantly, designed to work with and support each other for the benefit of the Gravesham community.

- One Borough: a safe, clean, and attractive living environment, enhanced by a sustainable and increasingly energised local economy.
- One Community: an active, engaged and culturally enriched population, built on the foundations of an affordable and quality local housing offer.
- One Council: a well-run and innovative authority, defined by its skilled and valued workforce, committed to developing its local social impact.

Alongside the development of the new Corporate Plan, a full review of the existing Performance Management Framework (PMF) was undertaken to ensure that the Council continued to effectively measure achievement against its stated objectives and deliver a consistently high-quality services for local residents. The PMF will form the basis of corporate performance reporting to Members during the 2023-27 period.

In accordance with the Council's Constitution, the new Corporate Plan will be presented to the next meeting of Full Council on 17 October 2023 for formal adoption. Following formal adoption, the plan will be officially launched.

The Leader advised that, prior to submission to Full Council, there would be two minor amendments made to the Plan as follows:-

- economic regeneration to feature culture as a driver. Case studies from Manchester, Sheffield, Folkestone etc clearly show that culture can have a positive effect on the local economy plus pioneer wider generation from related businesses, particularly in the nighttime economy which would be a big opportunity for Gravesham; and
- on climate/emissions as well as health and wellbeing, the Council will beef up its commitment to supporting better walking/cycling provision as well as working with partners on improving use of public transport. The Council refers to the riverside as having an opportunity for improved walking/cycling but it equally applies to the outlying villages and the other parts of the borough.

The Cabinet welcomed the new Corporate Plan and thanked the Strategic Policy Manager on the work that had been undertaken to date. The Cabinet also welcomed the new PMF particularly as it no longer included measures that were outside of the Council control.

Resolved that the draft Corporate Plan 2023-27 be endorsed and delegated authority be provided for any further updates to be made, in consultation with the Leader of the Executive, prior to submission to Full Council for formal approval and adoption.

39. Market Procurement

The Director (Communities and Inclusive Growth) presented the Cabinet with a report which detailed the rationale to bring in an external organisation to deliver operational management for the Gravesend Borough Market and sought delegated authority for the Director (Communities and Inclusive Growth) to enter into an appropriate arrangement based on the contents of the report.

The Cabinet was informed that, in 2020 after an extensive public consultation exercise, a cross-party working group was established to develop a market strategy. The strategy aimed to reinvigorate and relaunch the market to be a food and drink led town centre destination. The strategy was unanimously agreed by the Community and Leisure Cabinet Committee and was subsequently launched. The strategy ran from 2020 to 2023 and was attached to the report for Members' information.

Since the launch of the strategy, the market had capital funding to renovate the market to accommodate a greater food offer as well as tables and chairs.

The market had faced a number of significant challenges over the years, notably Covid, which had impacted on the patterns of behaviour affecting the Council's ability to develop a sustained market, despite the best efforts of the team and ongoing financial support from the Council. There also continued to be ongoing high vacancy rates and frequent turnover of businesses; the EU GO Trade funded project which predominantly funded events and activities within the market had ceased; and lack of a consistent offer continued to thwart efforts.

There were currently 7 permanent food businesses trading from the market however they struggle to maintain consistency of opening, due to the pressure of operating 6 days a week with a limited developing customer base.

In line with the current market strategy coming to an end and learning from experience of the service users, business owners in the market and experiences, the Council promoted informal discussion opportunities where interested parties could meet with the Director (Communities and Inclusive Growth), the Head of Service Town Centre & Cultural Services, and the market team to understand more about the current market provision and future opportunities early in 2023. The discussions led to understanding, how an external operational management arrangement could deliver a successful arrangement to achieve the outcomes required. The main vision and outcome being a vibrant successful market.

Discussions were held with 6 organisations and a further expression of interest had more recently been received. From those discussions, along with conversations with organisations who had an interest in similar businesses and researching other venues and markets, a potential model for future operational management arrangements had emerged.

The model being one where the Council would retain ownership and responsibility for the building, but the operator would be responsible for all operational management and associated costs with delivering the activity within the building and for delivering against the existing strategy. The requirements of the operator were detailed in section 4.5 of the report for Members' consideration.

The Director (Communities and Inclusive Growth) advised that the market currently cost the Council £156,130 (excluding central service recharges). Based on the proposed model, the Council could achieve savings of £100,000 in year 1, rising to £126,000 per annum thereafter, against the General Fund, with possible additional returns in future years, depending on any agreed profit / management fee arrangement that would be determined through a tender process.

The arrangement would require a package of support to ensure success of the operation, supporting mobilisation and set up costs. This would run across two years and could be funded between the UK Shared Prosperity Fund and Enterprise Zone.

The Cabinet considered the report and requested that the recommendation be amended to give delegated authority, in consultation with the Lead Member of Community & Leisure Services, to contract an appropriate organisation to deliver Operational Management of the Gravesend Borough Market.

Resolved that:-

1. delegated authority be approved for the Director (Communities and Inclusive Growth), in consultation with the Lead Member of Community & Leisure Services, to contract an appropriate organisation to deliver Operational Management of the Gravesend Borough Market; and
2. expenditure of £70,000 from the UK Shared Prosperity Fund and £200,000 from the Enterprise Zone Fund, as set out in the report, be approved.

40. Rosherville Property Development Limited - Board Structure

The Chief Executive advised that, in line with the Articles of Association adopted by the company in February 2023, the Cabinet had overall authority for the approval of the business case for the establishment of any new subsidiary, which included establishing the Board structure for the company.

The Cabinet was informed that, in June 2023, Full Council was presented with a report which set out a revised Senior Management Structure for the Council. As a result of the restructure, the Assistant Director (Communities) had taken early retirement which had resulted in a vacancy on the Rosherville Property Development Limited (RPDL) Board.

Therefore, the revised structure of the Board was proposed as follows:-

- Assistant Director (Strategic Regeneration) - Chair of the RPDL Board;
- Principal Accountant (Housing & Exchequer); and
- Head of Housing Solutions.

The Chief Executive verbally updated Members that the Assistant Director (Strategic Regeneration) had recently taken on the new title of Assistant Director (Inclusive Growth) and this would be amended accordingly.

The report also sought delegated authority for the Corporate Change Manager, in consultation with the Leader of the Executive, to notify the Board of RPDL and Rosherville Limited as necessary and make the required updates to Companies' House at the appropriate time.

Resolved that

1. the revised Board structure for Rosherville Property Development Limited be approved to reflect the Assistant Director (Inclusive Growth) as the new Chair of the Rosherville Property Development Board and the appointment of the Head of Housing Solutions to the vacant Board member position; and
2. the Corporate Change Manager, in consultation with the Leader of the Executive, to notify the Board of Rosherville Property Development Limited and Rosherville Limited at the next Board meetings.

41. Increase in Fixed Penalty Notices (FPN)

The Director (Communities and Inclusive Growth) advised that the cleanliness of the environment had a significant impact on the quality of life, enjoyment and perception of those who live, visit and work in the borough. This enjoyment can be adversely impacted by people who illegally dispose of their waste and drop litter across the borough. The local community had also raised the issue of fly tipping and environmental crime across the borough therefore the current administration committed to tackling this issue.

As a result, in September 2020, the authority created its first Environmental Enforcement Team (EET) to tackle environmental crime and to deter future offences. The EET take robust action against offenders and where proportionate to do so, will issue Fixed Penalty Notices (FPN) to offenders of fly tipping, littering, and failing in their duty of care.

The creation of the dedicated EET had resulted in an increased number of enforcement action, including the issuing of FPN's.

The media communications package formed an integral part of the Council's Enforcement Strategy and allowed the Council to publicise the excellent work of the EET and to 'name & shame' offenders after successful prosecutions. The Enforcement Strategy and media communications package was also designed to act as a deterrent to anyone who was thinking about committing environmental crime and to make the residents aware that environmental crime of any type will not be tolerated. That being said, a common comment on social media posts, was that the level of fine was not sufficient and should be increased.

Under the Prime Minister's Anti-Social Behaviour Action Plan, the Environmental Protection Act 1990 will be amended to allow increases in the maximum fine amount for FPN's for fly tipping, littering and duty of care. Under the changes, fines can be increased up to the maximum amount as detailed within the report.

The Government had advised local authorities to use the new powers in full and under the Council's Environmental Enforcement Strategy, it states that the Council will use all legislation available to deter and tackle environmental crime, therefore the proposal will be to increase FPN's to the maximum amount allowable. The report also proposed the introduction of discounted rates and the time period for discounted payments to be increased from 10 days to 28 days. Payment must however still be made after 28 days but within 36 days at the higher amount, or court prosecution will take place. The discounted payment will only be offered for a first offence. If further offences were to be committed by the same person, these offences would result in court action rather than subsequent FPN's.

The Cabinet welcomed the increase in FPNs and stated that FPNs would not need to be issued if people did not commit environmental crime. It was hoped that the increase would act as a stronger deterrent.

It was agreed that there would need to be a sensible approach to littering i.e. offering the offender the opportunity to place the litter in the bin prior to issuing a fine. There needed to be an educational approach as detailed within the Environmental Enforcement Strategy particularly in relation to littering outside of educational establishments. The Director (Environment) advised that the Recycling Team currently visited a numbers of schools within the borough and that EET could attend those visits if they wished.

The Cabinet acknowledged that the increase in FPNs was a step in the right direction however felt that the Council should continue to lobby central government for more powers such as full cost recovery.

The Cabinet noted the information contained within the report.

42. Minutes of meeting of Gravesham Joint Transportation Board

The Cabinet noted the minutes of the Gravesham Joint Transportation Board held on 23 August 2023.

Close of meeting

The meeting ended at 8.13 pm.