

## **Minutes of the Meeting of the Corporate Overview and Scrutiny Committee held on 17 September 2015 at 7.00 pm**

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**Present:** Councillors Shane Hebb (Chair), Graham Snell (Vice-Chair), Steve Liddiard, Robert Ray and Deborah Stewart

**Apologies:** Councillor Martin Kerin

**In attendance:** Les Billingham, Head of Adult Services  
Steve Cox, Assistant Chief Executive  
Jackie Hinchliffe, Head of HR, OD & Transformation  
Sarah Welton, Strategy & Performance Officer  
Karen Wheeler, Head of Strategy & Communications  
Stephanie Cox, 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.

### **8. Minutes**

In relation to minute number 7, Councillor Stewart clarified that it was not her intention that any meetings should be delayed in order for members training to take place; rather that training should be scheduled early on in order for members to receive training before the start of the new municipal calendar of meetings.

Councillor Hebb added that this should be considered as part of the members training and development report scheduled for the next meeting.

Councillor Hebb further thanked officers for reporting in more detail all 'red' Key Performance Indicators (KPI's) and asked for an update in relation to the development of a pop-up window on the corporate website that would enable users to provide feedback regarding functionality.

In response the Head of HR, OD & Transformation advised that both the website and communications teams had been working with the Digital Board to develop a system which would work efficiently and that it was hoped it could be implemented in October. Officers explained that this could be reviewed ahead of the next committee meeting.

The Minutes of the Corporate Overview and Scrutiny Committee, held on 25 June 2015, were approved as a correct record.

### **9. Items of Urgent Business**

There were no items of urgent business.

## **10. Declaration of Interests**

Councillor Stewart declared a non-pecuniary interest in respect of Agenda Item 7, 'Month 3/Quarter 1 Corporate Performance Report 2015-16', as she was the owner of a small business in Corringham and paid business rates.

Councillor Snell declared a non-pecuniary interest in respect of Agenda Item 9, 'Thameside Complex Review', as he was the Chair of the Thameside Complex Review Panel.

Councillor Ray declared a non-pecuniary interest in respect of Agenda Item 7, 'Month 3/Quarter 1 Corporate Performance Report 2015-16', as he also paid business rates for three premises in Thurrock.

## **11. Shaping the Council and Budget Update**

The Assistant Chief Executive introduced the report which provided an update on the budget pressures in 2015/16 and 2016/17, and summarised the outcomes from the Budget Review Panel discussions to date.

The Committee were advised of a proposed change to the date included in recommendation 1, so that an additional report would be referred back to the committee in January 2016 instead of December 2016, to which all Members indicated their agreement.

Councillor Liddiard appreciated the comments made by the Budget Review Panel but felt that Area Based Working in Tilbury was not working effectively. He expressed concerns over capability issues as he felt that it was unreasonable for street sweepers to learn new machinery, and added that staff observed that they were less effective when working in a team rather than working on their own.

Councillor Stewart explained that some residents had reported that waste from blue recycling bins and brown garden waste bins were being disposed of in the same refuse collection trucks, and that this sent confusing messages to residents who were advised to keep this waste separate. She added that more needed to be done to communicate to residents how to recycle properly and the matter investigated as to whether both types of waste were combined together.

Officers explained that this matter would be investigated outside of the meeting.

The Chair stated that it would be irresponsible of the committee not to review in more detail an £8 million deficit of the Essex Pension Board to which the Assistant Chief Executive clarified that the financial liability that related to Serco's pension position within the Essex Pension Fund was still uncertain, but a potential projected deficit was £3.4 million and that the General Fund Balance totalled £8 million.

The Committee were advised that a decision pending from the Essex Pension Fund was expected mid-September and that Group Leaders, Deputy Group Leaders and the Shadow Portfolio Holder would be notified once received.

The Chair observed that the Budget Review Panel process was a good wish-list but felt that was no definitive plan, and added that he would like to see a terms of reference, objectives, details of the timeliness of the meetings, what was considered to be a success and what support was needed for the Budget Review Panel in order for Members to determine whether it was a mechanism worth investing in. He further stated that the process so far had been a step in the right direction but requested a new recommendation be added that a complete terms of reference and scope for the Budget Review Panel process be drafted and referred to the next meeting of Corporate Overview and Scrutiny Committee for consideration and comment.

Councillor Snell explained that the Budget Review Panel had been an information gathering exercise up until this stage but agreed that going forward a definitive plan would need to be in place.

Councillor Ray indicated his scepticism regarding the Budget Review Panel and felt that the opposition groups were assisting the ruling party, which could in turn keep them in power.

The Chair explained his initial scepticism but stated that the panel were examining the budget for two years' time and all three group leaders had been invested in the process.

Councillor Liddiard through the Budget Review Panel process had been smart, to establish a common sense view of the budget savings faced and not to create divisions on party lines. He added that he would like to see a vision for community hubs to set out where improvements and savings could be made.

The Assistant Chief Executive explained that the Budget Review Panel process had served its purpose but that agreement would need to be reached on the next steps. He reported that the broader public ownership of hubs would be strengthened and that it was important the Council ensured buildings were in a fit state and in an appropriate form that the community could run.

The Assistant Chief Executive informed Members that a vision of Community Hubs had been developed in consultation with the community and that this would be shared with the Committee.

Councillor Stewart requested a list of statutory and discretionary services so that Members could be more informed of impact of the budget savings, in response the Assistant Chief Executive advised that this information had been documented on a slide pack used during the Budget Review Panel process

and that this could be shared with Committee Members to provide further detail.

Members voted unanimously in favour of the recommendations, including the additional recommendation proposed by the Chair.

**RESOLVED:**

- 1. That Corporate Overview & Scrutiny Committee understands the current financial position and potential pressures in both 2015/16 and 2016/17 and agrees to an additional report in January 2016 to update on the options to address the pressures following Cabinet consideration in the Autumn.**
- 2. That the Committee support the governance arrangements for the Serco transition, including the role of the Member Governance Group as set out in paragraph 3.12 and notes that a further update report will be brought to Cabinet in October.**
- 3. That the Committee provide any feedback on the Budget Review Panel discussions to date to inform the 'wrap-up' session on 21 September 2015.**
- 4. That a Terms of Reference and Scope for the Budget Review Panel process be drafted and referred to the next meeting of the Corporate Overview and Scrutiny Committee for comment.**

**12. End of Year Progress and Performance Report 2014/15**

The Strategy and Performance Officer introduced the report which set out the performance against the corporate scorecard with progress against the related deliverables as outlined in the Year 2 Corporate Delivery Plan, agreed by Cabinet in March 2014.

The Committee were informed that at the end of the year, 92% of these indicators either met or were within an acceptable tolerance of their target and 100% of Year 2 (2014/15) deliverables progressed in line with projected timelines or within tolerance.

Councillor Snell questioned who determined the acceptable tolerance and asked for clarity as to how performance was measured against it.

The Committee were informed that Key Performance Indicators (KPI's) were given a 'Red', 'Amber' or 'Green' status and that 'Amber' KPI's were better than the previous year but did not hit the set target, however the measurement of key deliverables was more subjective and determined internally by service area.

Councillor Snell felt that if a KPI did not meet target it should be classified as 'Red' and questioned the accuracy of measuring deliverable performance if it was self-determined by service area.

Councillor Hebb commended the work of the Elections, Legal Services and Regeneration teams, who had demonstrated excellent performance, but also challenged the 'Red, Amber, Green' (RAG) Status reporting method and proposed that its use should be abolished and instead replaced with a Red and Green system with any performance in 3 a month decline being placed into 'intensive care' for targeted work to be undertaken.

Councillor Liddiard was concerned of the cost impact and ability to change the current reporting system and felt that officers should investigate this matter further to consider the wider implications.

The Strategy & Performance Officer advised Members that KPI's were monitored in great depth on a monthly basis and collated in Excel, with service areas undertaking a great deal of scrutiny of the KPI's over and above standard practice. Members were advised that the way the information was presented could be revaluated and that all positive and negative trends were checked by officers on a monthly basis.

During the debate Members were not in agreement as to whether the 'RAG' reporting system should be changed. Councillor Liddiard felt that Members should be clear regarding what information they wanted presented and Councillor Ray felt that officers should be consulted as to whether they believed the reporting mechanism should be changed.

The Assistant Chief Executive felt that officers could obtain further detail of what Councillor Hebb wanted to achieve from changing the reporting mechanism outside of the meeting, following which the benefits and disadvantages of both reporting mechanisms could be considered by Performance Board and the findings presented to the Committee at a later meeting.

Councillor Hebb agreed due diligence needed to be undertaken and asked officers to seek the views of the other Chairs of other Overview and Scrutiny Committees.

Councillor Stewart observed that Key Performance Indicators were a good reporting mechanism but liked a two stage process of 'Red and 'Green' and questioned whether any figures could be manipulated, particularly in relation to the timely performance of processing planning applications.

The Committee were assured that a great deal of audit and quality assurance was undertaken, with Performance Board and cross-council scrutiny taking place.

Members voted unanimously in favour of the recommendations, including a new recommendation which requested officers investigate the feasibility of

changing the performance monitoring mechanism and assessing advantages and disadvantages of differing methods.

**RESOLVED:**

- 1. That the progress against the corporate priorities and level of performance achieved in respect of key performance indicators and outcomes for 2014/15 is commented upon including where the progress or performance outturn has met or exceeded the target.**
- 2. That the Corporate Overview & Scrutiny Committee consider whether there are any areas for which further information is required and recommended to other Overview & Scrutiny Committees as appropriate.**
- 3. That officers be instructed to investigate the feasibility of changing the Council's performance reporting mechanism, assess the advantages and disadvantages of the current method alongside others and consult with Performance Board, before referring findings back to the Corporate Overview and Scrutiny Committee for comments.**

**13. Month 3 / Quarter 1 Corporate Performance Report 2015-16**

The Strategy and Performance Officer introduced the report which provided an update in regards to performance against the Corporate Scorecard 2015-16, a basket of key performance indicators, as at Month 3/Quarter 1 i.e. end of June 2015. The Committee were advised that at the end of Month 3, 72.5% of these indicators were either meeting or within an acceptable tolerance of their target.

The Strategy and Performance Officer presented a detailed PowerPoint presentation to Members which set out the performance of indicators which Performance Board had put 'in focus' in the current quarter for being below target, and therefore were 'Red.'

During the presentation a detailed discussion took place, during which the following key points were highlighted:

- Councillor Hebb stated that Thurrock should not make any apology for setting high targets in relation to the percentage of 'Good' Primary Schools, and felt that without setting such a high target the number of good primary schools would not have increased by as much as they had done.
- Councillor Snell questioned whether schools could become despondent with a such high target set and felt that those 'Good' schools who had converted to academy status or merged should have been included in the figures so as not to skew the results.

- Councillor Hebb recognised that the percentage of planning applications processed within 8 or 13 weeks was a service led target, and although welcomed the positive trajectory, explained that he gave more weight to the quality of work rather than the speediness of processing the application, particularly in relation to larger planning applications.
- Councillor Hebb questioned how the target of the number of apprentices employed by the Council was set and asked officers to investigate.
- The Committee recognised that Thurrock faced particular challenges in relation to self-directed support and the number of people at home following hospital discharge and that the service faced significant financial challenges.
- In relation to recycling rates, Councillor Hebb asked whether the geographical areas had been identified where the most contaminated loads originated from, and if communication could be targeted in these areas to mitigate the volume of contaminated waste.
- Councillor Liddiard questioned why the volume of complaints had increased and whether trends could be identified by service area, in response it was explained that the Information Manager held detailed information on trends by service area in order to learn from complaints.
- Councillor Hebb questioned what other accreditations the authority could undertake to demonstrate performance against the priority of a 'well-run organisation.' In response the Head of HR, OD & Transformation explained that Thurrock achieved the Public Service Network Accreditation Standard but would evaluate what other accreditations the authority could partake in.
- Councillor Liddiard asked for clarification regarding data security breaches, to which it was explained that this information was detailed in other reports referred to Standards and Audit Committee, as this fell under their remit.

#### **RESOLVED:**

1. **That Corporate Overview & Scrutiny Committee consider and comment upon the performance at this early stage in the year and identifies, where it feels necessary, any further areas of concern on which to focus.**

- 2. That Corporate Overview & Scrutiny Committee consider whether the areas In Focus need to be circulated as appropriate to other Overview and Scrutiny Committee Chairs.**

#### **14. Review of DBS Checks Policy and Register of Interests Process for Members**

The Senior Democratic Services Officer introduced the report which set out the current policy regarding Thurrock's approach to undertaking DBS (Disclosure and Barring Service) checks and maintaining a register of interests for Elected and Co-Opted Members, and explained the new policy that was proposed for introduction, detailed in Appendix 1.

The Committee welcomed the proposal to introduce enhanced DBS checks for all Councillors and any Co-Opted Members who were members of a Committee or Board which discharged an education or social services function.

The Committee were informed that the results of the DBS checks would be carefully managed and a record maintained by the Monitoring Officer, which would also include the date of when a check was requested, a date a response was received and a list of all those to whom the disclosure or disclosure information had been revealed.

Members were advised that it was not possible to disclose the outcome of the DBS check on Councillor's individual web page, even if individual Councillor's wanted to disclose their result voluntarily to the public, as the Council would be in breach of the DBS Code of Conduct and that any breach could result in deregistration, imprisonment or a considerable fine.

Councillor Liddiard asked whether Election Candidates standing for office could be required to undertake a DBS Check before the election, and questioned how Councillors should disclose interests relating to siblings or those of their sons or daughters.

In response the Senior Democratic Services Officer explained that the proposed policy recommended that newly Elected Members complete a DBS check application form on taking up office following an election as part of their induction, which would be assisted by Members Services and the HR team.

Members were advised that having a criminal conviction did not automatically disqualify a person from being eligible to be a Councillor, but this information and the reasons for disqualification were well-documented in the elections guidance process for candidates and agents which all potential candidates should be aware of. The Committee were advised that it would be difficult to require all candidates to undertake a DBS check, which would also have a cost implication for the authority, rather election candidates standing for a political group were subject to an application and selection at group level.

The Senior Democratic Services Officer advised that under the Localism Act Elected Members were required to register any disclosable pecuniary

interests of themselves or a civic partner who they live with, within 28 days of taking up office, and that it was a criminal offence if a Councillor failed to declare such interests to the Monitoring Officer. It was further reported that upon receipt of the completed register of interest form its contents were uploaded to the respective Councillor's webpage online and therefore was available for public view at any time.

The Senior Democratic Services Officer added that any interests relating to siblings or offspring should be declared as part of the pecuniary or non-pecuniary interest process, documented in the Council's constitution, at the start of meetings where appropriate, depending on the relevance of reports and decisions being considered. The Committee were assured that Democratic Services could offer guidance on each particular circumstance should Members require it.

Councillor Hebb felt that political groups should act if they had any concerns regarding the eligibility or suitability of a candidate to stand for election and undertake due diligence before a person was selected to represent that political party.

The Committee were advised that the matter would be referred to the Standards and Audit Committee, as the appropriate decision making body, at its next meeting.

**RESOLVED:**

- 1. The Standards and Audit Committee are recommended to approve Option 1 below (3.14); that enhanced DBS checks are carried out for all Councillors and any Co-Opted Members who are members of any Committee or Board which discharges education or social services functions in line with the proposed policy detailed at Appendix 1.**
- 2. That the current approach to maintaining and publishing Members Register of Interests be endorsed.**

**15. Thameside Complex Review**

Councillor Snell, Chair of the Thameside Complex Review Panel, introduced the report which detailed the findings of the Thameside Complex Review Panel and the recommendations they wished the Committee, and subsequently Cabinet, to endorse.

In introducing the report, Councillor Snell explained that the panel had visited the Thameside Complex and noted that museum displays were dated and needed refreshing, and opinion was divided about the building. He explained that following discussions with some of the charitable organisations located within the complex, some felt that they could locate elsewhere but were happy being based at Thameside.

Councillor Snell advised Members that the panel were in agreement that the Thameside Complex required modernisation, that it should be commercially viable and that a theatre should remain in Grays.

Councillor Ray acknowledged that a decision about the future of the Thameside Complex was likely to be a difficult one, however the decision did need to be made and it was evident that the theatre in its current form was commercially unviable, with a small seating capacity and compact space which did not lend itself for audience comfort. He further reported that many smaller museums around the country faced closure and were merging with larger institutions to secure their future.

Councillor Snell highlighted the following key points:

- That the seats in the current theatre were cramped and too close together, however a decision needed to be made as to whether modernise and improve the Thameside Complex or relocate theatre provision elsewhere.
- That the museum also had a lot of exhibits in storage that the public were not able to view, some of which were highly renowned and required security.
- That the panel considered whether artefacts of local importance could be displayed in the local community, for example in a library, depending on adequate security and protection.
- That the museum could apply for Lottery Funding however applicants were required to have evidence of 25 year tenure.

Councillor Liddiard commended the report and explained that he valued the theatre, museum and library, but felt that the report contained little information regarding possible options going forward and the full cost implications of any alternatives, for example relocating the library in the Civic Offices or building a theatre elsewhere.

A brief discussion took place on the utilisation of the theatre, during which it was reported that there was an average of 57% audience capacity for each show across a year, although it was questioned whether this included school performance and youth productions.

Councillor Ray suggested that high value exhibits not on display at the museum should be sold to generate income if they were not going to be available for public view.

In response Councillor Snell highlighted that no curator would want to willingly sell their collection but it was suggested that Cabinet could evaluate this and an inventory supplied.

Councillor Liddiard reported that security was essential if displaying high value artefacts which could make it difficult for public displays in the local community, however if adequate security could not be guaranteed for such items to be on public display, the Council could donate to the British Library or sell them.

Councillor Hebb felt that there was not a winning situation but difficult discussions needed to start taking place. He highlighted that the building itself was not fit for purpose, and whether alternatives could be explored, such as locating a theatre at High House Production Park in Purfleet, although he recognised the panel recommended maintaining a theatre provision in Grays.

Councillor Hebb further asked for clarification as to whether there were any capital spends to facilitate the construction of a new theatre in Grays or whether the Council would need to dispose of the Thameside Complex to secure funds.

The Assistant Chief Executive observed that it was a significant question as to whether the Council would want to borrow funds to build and run a theatre, but that there were possible alternatives that could mean a theatre remained in Grays.

Councillor Hebb remarked that he did not believe it was the role of a local authority to provide a theatre and that Thurrock needed to think 'outside of the box' for a solution, which could include part or complete privatisation or the formation of a charitable trust.

The Head of Adult Services explained that the formation of a trust had been considered but there were a number of limitations, which included:

- The building was not fit for purpose and would require significant refurbishment that would incur considerable cost.
- Competitors included the Queens Theatre in Hornchurch, the Towngate Basilson and the West End.

Councillor Snell remarked that it was aspirational to have a theatre in Thurrock, otherwise residents would be required to travel outside of the Borough for entertainment and Thurrock would be stripped of its cultural assets.

Members debated a number of options for the local a theatre which included High House Production Park and school auditoriums, which some Members felt would be impractical and unviable.

There was a discussion as to whether the recommendations included with the Thameside Complex Panel review report should be approved as some Members were not in agreement, during which the Chair suggested that more work should be undertaken before the matter was referred to Cabinet in order to determine the full cost implications of any alternative delivery model.

The Senior Democratic Services Officer advised that the Thameside Complex Review Panel was member-led and their findings were detailed in the report, it was not within the remit of the Corporate Overview and Scrutiny Committee to overrule or change the panel's findings, however the Committee's comments could be taken into account by Cabinet – alongside those of the panel – when the information was presented to Cabinet.

Members were further advised that the Corporate Overview and Scrutiny Committee had no formal decision making powers and it was the role of Cabinet to consider the alternatives in more detail and report back to Scrutiny at a later date when more comprehensive information was available for consideration and comment, including that of any costs.

The Chair explained that he was not satisfied to approve the recommendations printed in the report in their current format, to which it was suggested that the recommendations be amended slightly to replace the words of 'endorse' and 'accept' with to 'note'. Members were in agreement with the proposed amendments.

**RESOLVED:**

**Corporate Overview and Scrutiny to note the following recommendations of the Panel which will be put to Cabinet:**

- 1. Cabinet notes the conclusions set out on page 22 of the report (attached as Appendix 1) as a set of guiding principles when exploring future cultural provision at the Thameside Complex.**
- 2. A site that represents the Arts should remain in Grays.**
- 3. The Council should endeavour to improve and modernise the library, museum and registry service whether this be in the Complex or in another location.**
- 4. Any theatre needs to cater for the community but also a variety of professional acts and productions. It should represent the aspirations of a competitive regional theatre.**

**16. Work Programme**

The Senior Democratic Services Officer advised that a report on fees and charges required the consideration of the Committee in November in order for it to be finalised by January 2016.

The Head of HR, OD & Transformation advised that an update on the Serco transition could be provided in November and that an update report on Pre-Election Period Guidance would be deferred until January to allow for this.

The Chair advised that due to time constraints any additional amendments to the work programme would be agreed outside of the meeting.

**RESOLVED:**

**That the work programme be noted, subject to the amendments detailed above.**

**The meeting finished at 9.37 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)**