

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

## General Services Committee

The meeting will be held at **7.00 pm** on **7 December 2016**

**Committee Room 2, Civic Offices, New Road, Grays, Essex RM17 6SL**

### Membership:

Councillors Robert Gledhill, Shane Hebb, John Kent, Barbara Rice, Graham Snell, Roy Jones and Mark Coxshall

### Substitutes:

Councillors Colin Churchman, Leslie Gamester, Brian Little, Bukky Okunade, Angela Sheridan and Garry Hague

### Agenda

Open to Public and Press

	<b>Page</b>
<b>1. Apologies for Absence</b>	
<b>2. Minutes</b>	<b>5 - 8</b>
To approve as a correct record the minutes of General Services Committee meeting held on 27 June 2016.	
<b>3. Items of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>4. Declarations of Interests</b>	
<b>5. Review of Electoral Arrangements</b>	<b>9 - 54</b>
<b>6. Variation of Notice Periods for Employees</b>	<b>55 - 60</b>

<b>7.</b>	<b>Chief Executive Performance Appraisal Procedure</b>	<b>61 - 76</b>
<b>8.</b>	<b>Chief Executive Performance Appraisal</b>	<b>77 - 84</b>

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- Access the modern.gov app
- Enter your username and password

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

### Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

**Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish**

To achieve our vision, we have identified five strategic priorities:

**1. Create a great place for learning and opportunity**

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspirations and attainment so that local residents can take advantage of job opportunities in the local area
- Support families to give children the best possible start in life

**2. Encourage and promote job creation and economic prosperity**

- Provide the infrastructure to promote and sustain growth and prosperity
- Support local businesses and develop the skilled workforce they will require
- Work with communities to regenerate Thurrock’s physical environment

**3. Build pride, responsibility and respect to create safer communities**

- Create safer welcoming communities who value diversity and respect cultural heritage
- Involve communities in shaping where they live and their quality of life
- Reduce crime, anti-social behaviour and safeguard the vulnerable

**4. Improve health and well-being**

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being
- Empower communities to take responsibility for their own health and wellbeing

**5. Protect and promote our clean and green environment**

- Enhance access to Thurrock’s river frontage, cultural assets and leisure opportunities
- Promote Thurrock’s natural environment and biodiversity
- Ensure Thurrock’s streets and parks and open spaces are clean and well maintained

## Minutes of the Meeting of the General Services Committee held on 27 June 2016 at 6.00 pm

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**Present:** Councillors Robert Gledhill (Chair), Colin Churchman, Garry Hague, Roy Jones and Graham Snell

**Apologies:** Councillors John Kent (Vice-Chair) and Barbara Rice

**In attendance:** Lyn Carpenter, Chief Executive  
Jackie Hinchliffe, Director of HR, OD & Transformation  
Matthew Boulter, Principal 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.

### **7. Minutes**

The Minutes of the General Services Committee held on 17 May 2016 were agreed as a correct record.

### **8. Items of Urgent Business**

There were no items of urgent business.

### **9. Declarations of Interests**

There were no declarations of interest.

### **10. Chief Executive Performance Appraisal Procedure**

The Committee learned that the Objectives contained in the Chief Executive's Performance review aligned to five types which included:

- Financial management
- Working with Members of all parties on shared agendas
- Representing Thurrock amongst stakeholders and maximising investment within the borough
- Delivering a resident survey in the autumn
- Effectively managing the senior team

Councillor Hague suggested a further objective be added that addressed the regeneration/ place changing agenda as this was a major aspiration for

Thurrock. The Committee agreed with this suggestion. The Chief Executive will add in a new objective under point 3 above to focus on the Placemaking agenda.

Performance would be reviewed in six months and it was advised that an independent process of review could also be introduced to give Members a diverse and deeper measurement of performance in addition to their own review. It was clarified that this process would not be the same as the recent Peer Review as that did not focus explicitly on the Chief Executive's performance. It was also clarified that measures would now be added to the objectives to allow Members to measure the success of each.

**RESOLVED: That:**

- 1. The objectives presented be agreed.**
- 1. An additional objective be added to address the Council's Placemaking agenda under point 3.**
- 2. An independent review process be put into place to provide a greater depth of review of the Chief Executive's Performance.**

**11. To Agree The Appointment Of The Director Of Commercial Services**

The Committee received a timeline of events leading to the delegation by General Services Committee for the Chief Executive to undertake a recruitment exercise for the part-time Director of Commercial Services. The Committee agreed that the process had been followed and Member views on delegation of the recruitment process, due to time pressures and the purdah periods in April, May and June, were sought. It was clarified that no Member raised an objection to the process being delegated as they were requested to do by the Chief Executive. The Committee was satisfied that the recruitment process was correct and constitutional.

Officers stated that nine applications had been received, three applicants were shortlisted and interviewed as they met the Job Description requirements. The successful candidate stood out against the others for her experience and track record. It was confirmed that the candidate had worked in Thurrock for around five months in a temporary position. The candidate had already delivered income generation and commercial activity for Thurrock Council and would bring private sector experience to the role. The Chief Executive added that whilst she had worked with the candidate at a previous authority, the recruitment process was thorough, robust and all HR processes has been adhered to as the Committee would expect.

Councillor Jones felt that private sector experience was essential for the role while Councillor Churchman felt it was an important role to fill within the Council.



**RESOLVED That Sharon Bayliss be appointed as Director of Commercial Services**

**The meeting finished at 6.31 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

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<b>7 December 2016</b>	<b>ITEM: 5</b>
<b>General Services Committee</b>	
<b>Review of Electoral Arrangements</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Report of:</b> David Lawson, Monitoring Officer	
<b>Accountable Head of Service:</b> David Lawson, Monitoring Officer	
<b>Accountable Director:</b> Lyn Carpenter, Chief Executive	
<b>This report is Public</b>	

## Executive Summary

On 27th July 2016, a report from Corporate Overview and Scrutiny Committee was considered by Council which provided advice on the Council's ability to opt for whole-council elections rather than by the current method of elections by thirds and recommended that a public consultation exercise be undertaken. A copy of that report is attached at **Appendix 1**.

Council noted its ability to alter the electoral pattern for this authority, and asked that a consultation be undertaken to ascertain public preference for either continuing to elect councillors by thirds or move to whole council elections every fourth year with effect from May 2018. This report provides background information to enable General Services Committee to exercise, within its terms of reference, the functions of Council in relation to elections and agree the format and detail of the proposed statutory consultation on behalf of Council.

### 1. Recommendation(s)

- 1.1 That the consultation process, timeline and format set out in this report and Appendix 2 be approved;
- 1.2 To note that a Special meeting of the Council will need to be convened by November 2017 in order for Council to consider the results of the consultation and determine proposals for any change in its electoral governance arrangements; and
- 1.3 That a report be brought to General Services Committee to consider the results of the consultation and make a recommendation to be considered by Full Council.

## **2. Introduction and Background**

- 2.1 Under the provisions of the Local Government and Public Involvement in Health Act 2007, councils such as Thurrock that elect by thirds can move to whole-council elections by passing a resolution at a special meeting of the Full Council. The resolution will only be deemed carried if there are two-thirds majority of those voting vote in favour of a proposed change to the electoral cycle.
- 2.2 Therefore if an authority wishes to move from thirds to whole-council elections, it must:
- a) Consult such persons as it thinks appropriate on the proposed change;
  - b) Convene a special meeting of Council;
  - c) Pass a resolution to change by a two-thirds majority of those voting;
  - d) Publish an explanatory document on the decision and make this available for public inspection; and
  - e) Give notice to the Electoral Commission.

### **Proposed Methodology for Consultation**

- 2.3 Councils undertaking such consultation must consult such persons as the Council thinks appropriate on the proposed change and have regard to the outcome of the consultation before making a decision at the special meeting of the Council. The consultation should last for a minimum period of 12 weeks.
- 2.4 It is recommended that the consultation exercise is designed so that the public and other stakeholders have a full opportunity to express their views on the options available.
- 2.5 It is proposed that this consultation is primarily undertaken by way of an on-line questionnaire with hard copies made available for anyone without internet access. The draft format is set out in **Appendix 2**.
- 2.6 The on-line questionnaire would include:
- Information on the current electoral governance arrangements;
  - Information on the proposed changes together with an explanation of the impact of change;
  - Arguments for and against the changes;
  - The choice of 'tick' boxes for the respondent to indicate their preferred options;
  - A question to indicate if they are completing the questionnaire in the capacity of a local resident, local business or as a representative of a group or organisation;
  - Basic demographic information such as gender and age;
  - Deadline for completion.

- 2.7 Questionnaires would also be available on request at Council venues such as the Civic Offices, leisure centres, community hubs and libraries.
- 2.8 Communication of the consultation will be primarily through the following targeted and public channels (a more detailed explanation of the suggested communications plan is at **Appendix 3**):
- Links to an on-line questionnaire would be sent to the business community via the Business Board and Chamber of Commerce, to community groups and tenants' and residents' groups through the Council's existing communications networks and CVS.
  - Links would also be sent to other stakeholders such as the MPs, MEPs, NHS, Essex Police and Thurrock Colleges.
  - Wider communication through press releases to be picked up and covered by local media outlets, social media promotion through various council-owned Twitter feeds and Facebook pages, pointing people to the online surveys.
  - A short explanation of the reasons for the consultation, how to complete the online questionnaire or obtain a hard copy could also be sent out with the annual Council Tax notification.
- 2.9 Feedback would be provided at the end of the consultation via the Council's website, and by using the Council's existing communication networks for other community and interest groups.
- 2.10 It is also proposed that information is sought from councils who have changed their electoral cycle to whole-council elections.
- 2.11 An analysis of the results from the consultation would be included in a further report from the General Services Committee to a Special Council meeting to be held before the end of November 2017 to allow sufficient time for any implementation of a change before the May 2018 elections.

### **Timing**

- 2.12 The consultation should last for a period of at least 12 weeks, factor in time for the outcomes to be assessed and for a further report to be brought to Full Council by November 2017 to allow time for implementation before the May 2018 elections, should there be a recommendation in favour of change. It is proposed that the consultation starts in January 2017.

### **3. Issues, Options and Analysis of Options**

- 3.1 The Local Government and Public Involvement in Health Act received Royal Assent in December 2007. The Council is required to follow the process prescribed within the Act. The option not to consult is, therefore, not available.

#### **4. Reasons for Recommendation**

- 4.1 To progress the resolution of Council to consult on the proposal for changing the electoral cycle from elections by thirds to whole-Council elections before making a decision.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 As set out in the report.

#### **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 Becoming an excellent and high performing organisation.

#### **7. Implications**

##### **7.1 Financial**

Implications verified by: **Laura Last**  
**Senior Finance Officer**

The cost of an election is met by the body or bodies whose representatives have been elected and therefore, any occasion where a local election is combined with another would see a reduction in costs to the council.

Any move to whole council elections would generate an estimated saving of £190,000 over the next 4 years.

Any savings that may be associated with a proposal to change the cycle of elections would be dependent upon the year in which the new cycle was to commence, as this would determine when local elections may be combined with others and therefore see a reduction in costs.

The savings achieved by the proposed changes to the electoral arrangements would contribute towards meeting the Council's budgetary challenges.

The estimated cost of the consultation and associated communications would be £3,000.

##### **7.2 Legal**

Implications verified by: **Lindsey Marks**  
**Deputy Monitoring Officer**

The legal implications are addressed in the report as to the requirements of the Local Government and Public Involvement in Health Act 2007 (as amended).

### 7.3 Diversity and Equality

Implications verified by: **Natalie Warren**  
**Community Development Manager**

An equality impact assessment of the approach to the consultation and associated communication will be undertaken. The consultation is open to all residents, businesses and other stakeholders with provision made for those who are unable to access this online. This will allow all interested parties to have a say in how the council should run the electoral process going forward.

### 7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

### 8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- The Cycle of Local Government Elections in England – Consultation Paper – Electoral Commission (2003)
- The Cycle of Local Government Elections in England – Recommendations for change - Electoral Commission (2004)
- The Economic Development and Construction Act 2009
- Local Government and Public Involvement in Health Act 2007
- Localism Act 2011
- Local Government Boundary Commission for England – Electoral Reviews (2014)

### 9. Appendices to the report

**Appendix 1** – Review of Electoral Arrangements Council July 2016

**Appendix 2** - Proposed consultation

**Appendix 3** – Proposed outline communication plan

### Report Author:

David Lawson  
Monitoring Officer  
Law & Governance

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<b>27 July 2016</b>		<b>Appendix 1</b>
<b>Council</b>		
<b>Review of Electoral Arrangements</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key	
<b>Report of:</b> Cllr Shane Hebb, Cabinet Member for Finance & Corporate Operations		
<b>Accountable Head of Service:</b> Fiona Taylor, Director of Law & Governance		
<b>Accountable Director:</b> Lyn Carpenter, Chief Executive		
<b>This report is Public</b>		

## **Executive Summary**

This report provides background information to enable the Council to make a decision on the recommendation received from Corporate Overview and Scrutiny Committee that Full Council should consider consulting with the communities in Thurrock on potential changes to the Council's electoral arrangements.

### **1. Recommendation(s)**

- 1.1 That a public consultation exercise be undertaken in accordance with the statutory requirements, relating to proposals to change the cycle of electing councillors to Thurrock Borough Council from elections by thirds to whole-Council elections with effect from May 2018.**

### **2. Introduction and Background**

- 2.1** On the 2 February 2016, as part of its planned work programme Corporate Overview and Scrutiny Committee considered an extensive report prepared by officers on "Review of Electoral Arrangements and Existing Boundaries"
- 2.2** This report advised of the ability of the council to change its electoral cycle and opt for whole-council elections, rather than by the current method of election by thirds. It also set out in detail the issues and options associated with moving to whole-council elections, the notional costs/savings of such a change together with the relative advantages and disadvantages of each method of conducting elections. The Committee were asked to consider the information provided and decide whether a change to the current electoral cycle should be recommended. The full Committee report and relevant minute may be found at **Appendix 1** of this report.

## **Whole-Council Elections**

- 2.3 At present the Council is elected by thirds, with one third of the councillors elected at a time. Under the four-yearly election option, all the seats on the Council would be up for election at the same time and the Borough Council elections would be held once every four years. At a meeting of Council held on 22 October 2014, consideration was previously given to a Motion also suggesting moving to whole-Council elections, but it was resolved not to change the electoral arrangements at that time. As indicated above the current recommendation has come forward from the work of Corporate Overview & Scrutiny Committee in February 2016.
- 2.4 The Local Government and Public involvement in Health Act 2007 (“The Act”), as amended by the Localism Act 2011, sets out a number of provisions in relation to elections including one enabling councils to vary their cycle of elections. The Act allows councils that elect by thirds to move to whole-Council elections. However, the law does not permit councils to move from elections by thirds to elections by halves.
- 2.5 In 2004, the Electoral Commission published a paper entitled “The Cycle of Local Government Elections in England: Report and Recommendations”. Although the report is now some years old, the research and recommendations are still pertinent to the decision faced by the Council. The main arguments for partial/whole-Council elections were identified in the Commission’s consultation document (2003) as follows:

### **For partial elections – the existing status quo:**

- More frequent opportunities for electors to exercise their right to vote.
- May facilitate more immediate political accountability, although unlikely to make larger; wholesale changes to the council’s ruling administration.
- Tends to produce less drastic changes in political direction, and provide greater political continuity.
- May reduce the likelihood that the timing of important or controversial decisions are distorted by the timing of elections.

### **For whole Council elections:**

- Greater possibility of wholesale change in control is likely to encourage additional voter participation in local elections.
  - Too frequent elections might dilute public interest.
  - Opportunities for all electors in an area to influence the composition of the authority at the same time.
  - Encourages greater long-term planning by authorities, and discourage continuous election campaigning/regime change.
- 2.6 The Commission also acknowledged that the costs to local authorities of running whole-Council elections would be less than those incurred by holding elections by thirds (see paragraph 7 for financial implications).

- 2.7 The Commission concluded that a pattern of whole-Council elections for all authorities in England would provide a clear, equitable and easy to understand electoral process which would best serve the interests of local government electors. The Commission recommended that each local authority in England should hold whole-Council elections, with all Councillors elected simultaneously, once every four years.
- 2.8 The Commission has provided information on the electoral cycle of local authorities in England, which shows that 38 out of the 56 unitary authorities currently have whole-Council elections (over 66% of all unitary councils across the borough). All of the London Boroughs and County Councils have whole-Council elections and 128 (out of the 201) of the second tier district authorities have this form of election. All of the Metropolitan districts are on elections by thirds.
- 2.9 If, the Council was minded to move towards holding four-yearly elections, then a public consultation exercise would need to be undertaken before any final decision was made. The legislation does not specify the type of consultation that should be carried out or how long the consultation process should take. However, the good practice guidance on consultation exercises suggests that a 12 week consultation period would be appropriate. The intention would be to use the following forms of consultation:
1. Website – Information about the process to be placed on the website with the ability for members of the public to complete an online survey (hard copies will be available on request and placed in libraries).
  2. Issue press release and use of other communication channels to promote the consultation e.g. social media.
  3. Consultation with Elected Members, local Members of Parliament.
- 2.10 Following the conclusion of the consultation period, if it is decided to move to all out elections, an Extraordinary meeting of Council will be needed to pass a resolution to change to whole-Council elections. There is a requirement that the resolution must be passed “by a majority of at least two thirds of the Members voting on it” (Section 33 (3) (b) of the 2007 Act). The resolution would need to specify the year the elections would be first held.
- 2.11 If, at the Extraordinary meeting, it is decided to move to whole-Council elections, then as soon as reasonably practicable, an explanatory document has to be produced setting out details of the new electoral arrangements. In addition, the Electoral Commission would need to be advised that the Council has passed a resolution to change to all-out elections.

### **Timing**

- 2.12 The suggested recommendation proposes a move to publically consult about potential moves to whole-Council elections which would take effect in 2018.

The Department for Communities and Local Government has confirmed that a change in the electoral cycle could take place in any year.

### **3. Issues, Options and Analysis of Options**

- 3.1 The Council is not obliged to move to whole-Council elections. The provisions in the governing legislation are not prescribed and the Council may choose to retain the system of holding elections by thirds should it wish to do so. However, the law does not allow the Council to move from elections by thirds to elections by halves.

#### **The cost of running local elections**

- 3.2 Under the current system of electing by thirds, the cost of running a local election has been estimated as follows:

- Local election, not combined with another election (see 2018 on the current timetable of elections) £200,000
- Local election, combined with another election (see 2016 and 2019 on the current timetable of elections) £120,000
- Local election, combined with two other elections (see 2020 on the current timetable of elections) £100,000

- 3.3 The cost of running a whole-council local election has been estimated as follows:

- Local election, not combined with another election (for example 2017 /18 and 2021 /22 on the proposed revised timetable) £230,000

- 3.4 If the council moved to whole-council elections from May 2017, and every four years thereafter, the next scheduled local election would take place in 2021. It should be noted that the local elections would not be combined with the Parliamentary elections.

- 3.5 It has been estimated that, under the current system of electing by thirds, the cost of holding local elections in each applicable year from 2016 to 2021 will be in the region of £540,000.

Cost	2016-17	2017-18	2018-19	2019-20	2020-21	Estimate cost to 2020/21
	Local	-	Local	Local	Local	
	-	-	-	-	General	
	-	-	-	European	-	
	PCC (Police Crime and Commissioner)	-	-	-	PCC	
<b>Cost to Local Authority</b>	<b>120,000</b>	<b>0</b>	<b>200,000</b>	<b>120,000</b>	<b>100,000</b>	<b>£540,000</b>
	Referendum 2016					

3.6 The estimated cost of holding local elections in the same time period under a whole-council system starting in **May 2017** would be in the region of £350,000, an estimated saving of £190,000 as shown below:

Cost	2016-17	2017-18	2018-19	2019-20	2020-21	Estimate cost to 2020/21
	Local (by thirds)	Local (whole council)	-			
	-	-	-	-	General	
	Referendum		-	European	-	
	PCC	-	-	-	PCC	
<b>Cost to Local Authority</b>	<b>120,000</b>	<b>230,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>£350,000</b>

3.7 The estimated cost of holding local elections in the same time period under a whole-council system starting in **May 2018** would be in the region of £350,000, an estimated saving of £190,000 as shown below:

Cost	2016-17	2017-18	2018-19	2019-20	2020-21	Estimate cost to 2020/21
	Local (by thirds)		Local (whole council)			
	-	-	-	-	General	
	Referendum		-	European	-	
	PCC	-	-	-	PCC	
<b>Cost to Local Authority</b>	<b>120,000</b>	<b>0</b>	<b>230,00</b>	<b>0</b>	<b>0</b>	<b>£350,000</b>

### By-elections (and associated costs)

- 3.8 The term of office of a councillor is four years. A by-election is required when a vacancy on the council has to be filled between regularly scheduled elections.
- 3.9 The cost of holding a by-election to fill a single vacancy has been estimated in previous reports as between £10-12,000. The recent by election for West Thurrock & South Stifford in September 2015 cost approximately £13,000. A by election in a ward with temporary polling stations (for example The Homesteads) would be around £20,000.

#### West Thurrock & South Stifford (2015)

Staffing	£4,500
Buildings	£550
Postal voting	£950
Ballot papers & Postal Packs	£1,434
Poll cards & postage	£4,358
Miscellaneous	£1,000
<b>Total</b>	<b>£12,792</b>

### Implications of any change on the running and management of already scheduled elections

- 3.10 The practical impact of organising separate elections on the same day needs to be considered carefully, particularly if the scale of the local election was to increase owing to a move to the full council being elected rather than a third of members of the authority.

- 3.11 The turnout figures for local elections are likely to be boosted by association with a high profile election. However, that association could obscure local issues for voters when casting their vote in the local elections. Whole council elections from 2017 or 2018 would not schedule the local elections in line with a national election.
- 3.12 Considerable expertise and organisation will be required to ensure these crucial events are run well. The risk to the council's reputation is substantial, so the professionalism and experience of staff in producing a transparent and accurate result is crucial.
- 3.13 A change to the electoral cycle in 2017 or 2018, or a year thereafter, is likely to have the following implications:
- There is a high risk of elector confusion, as they will be asked to vote for more than one candidate when this has not previously been the case in Thurrock. This could cause problems on the day of the election. However Thurrock has many new communities who may be familiar with this approach.
  - Staff training will need to be reviewed and resources increased to ensure the nomination process is managed effectively with the increase in candidate numbers and a change to ballot papers with voting for more than one candidate.
  - The cost of ballot papers will increase due to the increased number of candidates and potentially increase the number of ballot boxes required.
  - The nomination process and timeframe will require additional staff resources to check and input nomination papers.
  - Count venue costs and staffing costs may increase due to lengthened count process.
  - There is a risk of rushing to implement any change in 2017 and 2018 may be better. Electoral Services and electors are adjusting to Individual Elector Registration (IER). Consultation may need to be resourced corporately and is likely to involve additional costs.
  - Retention of staff knowledge and training on local elections may be difficult to sustain with a four year cycle.
  - Electors will not be expecting an election in 2017. Considerable publicity and resources will be required to highlight a change to the electoral cycle and voting process within Thurrock.

#### **4. Reasons for Recommendation**

- 4.1 To respond to the recommendation of Corporate Overview & Scrutiny Committee.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 As set out in the report.

**6. Impact on corporate policies, priorities, performance and community impact**

6.1 Becoming an excellent and high performing organisation.

**7. Implications**

**7.1 Financial**

Implications verified by: **Laura Last**  
**Senior Finance Officer**

The cost of an election is met by the body or bodies whose representatives have been elected and therefore, any occasion where a local election is combined with another would see a reduction in costs to the council.

The costs associated with running an election and a by-election have been estimated and are set out in the report. Any move to whole council elections would generate an estimated saving of £190,000 over the next 4 years.

Any savings that may be associated with a proposal to change the cycle of elections would be dependent upon the year in which the new cycle was to commence, as this would determine when local elections may be combined with others and therefore see a reduction in costs.

The savings achieved by the proposed changes to the electoral arrangements would contribute towards meeting the Council's budgetary challenges.

**7.2 Legal**

Implications verified by: **Lindsey Marks**  
**Deputy Monitoring Officer**

The legal implications are addressed in the report.

**7.3 Diversity and Equality**

Implications verified by: **David Lawson**  
**Monitoring Officer**

None.

**7.4 Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.



**8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- The Cycle of Local Government Elections in England – Consultation Paper – Electoral Commission (2003)
- The Cycle of Local Government Elections in England – Recommendations for change - Electoral Commission (2004)
- The Economic Development and Construction Act 2009
- Local Government and Public Involvement in Health Act 2007
- Localism Act 2011
- Local Government Boundary Commission for England – Electoral Reviews (2014)

**9. Appendices to the report**

**Appendix 1** – Review of Electoral Arrangements Report – Corporate Overview & Scrutiny Committee – February 2016

**Report Author:**

David Lawson  
Monitoring Officer  
Law & Governance

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<b>2 February 2016</b>	
<b>Corporate Overview and Scrutiny Committee</b>	
<b>Review of Electoral Arrangements and Existing Boundaries</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Report of:</b> David Lawson, Deputy Head of Legal Services and Monitoring Officer	
<b>Accountable Head of Service:</b> Fiona Taylor, Head of Legal Services	
<b>Accountable Director:</b> Lyn Carpenter, Chief Executive	
<b>This report is public</b>	

### **Executive Summary**

This report advises of the ability of the council to change its electoral cycle and opt for whole-council elections, rather than by the current method of election by thirds.

Issues and options associated with moving to whole-council elections are set out within the report. The notional costs/savings of such a change have also been included, together with the relative advantages and disadvantages of each method of conducting elections.

The Committee is asked to consider the information provided and decide whether a change to the current electoral cycle should be recommended.

The report also provides information on local government boundary reviews.

#### **1. Recommendation(s)**

**1.1 Members are requested to consider whether to recommend a change to the electoral cycle of the council and move to whole-council elections every four years, rather than electing by thirds.**

**1.2 Officers were asked to provide an analysis on the current ward boundaries and confirm what Members are legally required to do in terms of a boundary review whereby Members will discuss and debate the information and make recommendations.**

#### **2. Introduction and Background**

- 2.1 The Corporate Overview and Scrutiny Committee reviewed the Election Arrangements in Thurrock at its meeting on 20 March 2014, where Committee Members resolved to inform and update their respective groups around the report and its contents and seek to progress debate on the issue in the new municipal year. Minutes of the meeting are attached at **Appendix 1** for information.
- 2.2 Subsequently, Councillor Hebb submitted a motion to Full Council on 22 October 2014 which read as follows and is attached at **Appendix 2**:
- “Thurrock is an area which is thirsty for regeneration, and needs political stability to attract investment. It therefore needs to demonstrate a more stable; consistent; lower-cost governance system.*
- Following a number of years of being in No Overall Control (NOC) Thurrock Council resolves to investigate and implement a move to a Four Yearly Election model”.*
- 2.3 Following debate at the meeting on 22 October 2014 the motion was lost, detailed at **Appendix 3** (minute number 67 refers). Since this time the matter has not been progressed further, however further information is set out for Members information and consideration.
- 2.4 Section 85 of the Local Government Act 2000 provides principal authorities with three options for holding local elections, as set out below:
- whole-council elections, where an election is held every four years and all councillors are to be elected
  - elections by halves, where an election is held every two years and half of the councillors are to be elected on each occasion
  - elections by thirds, where elections are held three years out of every four and one third of the councillors are to be elected on each occasion.
- 2.5 Thurrock Council currently elects by thirds and the Committee are therefore requested to consider whether to recommend a move towards whole-council elections every four years.
- 2.6 Prior to 2008, the process of changing the electoral cycle of a local authority involved seeking approval from the Secretary of State. The Local Government and Public Involvement in Health Act 2007 made it easier for principal authorities to change their electoral arrangements and gave councils the opportunity to decide this issue for themselves, subject to certain restrictions as to the years the whole-council election could be held.
- 2.7 Section 24 of the Localism Act 2011 has since amended the provisions in the 2007 Act and now allows councils that currently elect by thirds or halves to resolve, at anytime, to move to whole-council elections.

- 2.8 If the council wishes to move to whole-council elections under Section 32 of the 2007 Act, it must carry out the following actions in the order listed:
- Take reasonable steps to consult with such persons as it thinks appropriate on the proposed change;
  - Convene a special meeting of council;
  - Pass a resolution at that special meeting to change the electoral cycle by a two thirds majority of those voting. The council must pass the resolution before 31 December to allow all-out elections to be held in the following May (Section 34);
  - Publish an explanatory document on the decision and make this available for public inspection (Section 35); and
  - Give notice to the Electoral Commission that it has passed the resolution (Section 36).
- 2.9 When seeking to pass such a resolution, Section 24(3) of the Localism Act 2011 requires the council to specify the year in which it will hold its first election and elections will then be held every fourth year thereafter.
- 2.10 If the council were to seek to change its electoral cycle and move to whole-council elections, the earliest opportunity for these to be held will be in May 2017. In order to do this, the council must pass a resolution to do so before 31 December 2016.
- 2.11 The council may seek to change its electoral cycle at any time in the future and until such time as legislation is amended, must follow the steps set out in paragraph 2.8 above.

### **3. Issues, Options and Analysis of Options**

#### **Forthcoming elections in Thurrock**

- 3.1 The scheduled timetable of elections in Thurrock from 2016 to 2020 includes the following types of election:
- Local
  - Parliamentary
  - European Parliamentary
  - Police and Crime Commissioner
- 3.2 There will also be a Referendum called before the end of 2017. The current timetable of elections up to 2020 is set out below:

2016-17	2017-18	2018-19	2019-20	2020-21
Local	-	Local	Local	Local
-	-	-	-	General
-	-	-	European	-
PCC	-	-	-	PCC
Referendum before end 2017				

3.3 Should the cycle of local elections be changed to whole-council elections, for example from 2017, the number of local elections required to be held will be reduced by three (in 2018/19, 2019/20 and 2020/21). The timetable of elections in Thurrock will therefore be as follows:

2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Local (by thirds)	Local (whole council)	-			Local (whole-council)
-	-	-	-	General	
Possible Referendum	Possible Referendum before end 2017	-	European	-	
PCC	-	-	-	PCC	

### Strengths and weaknesses of different electoral cycles

3.4 The primary strengths and weakness of the move to whole-council elections, rather than elections-by-thirds, are set out below.

Strengths:

- The council has a clear mandate for 4 years, allowing it to adopt a more strategic, long term approach to policy and decision making and focus less on yearly election campaigning. Indeed, Lord Heseltine's 2012 report on economic growth "No Stone Unturned in Pursuit of Growth" makes a strong recommendation for whole Council elections based on his views that 4 year term authorities are better placed to take long term strategic decisions;
- It avoids election fatigue and the results are simpler and more easily understood by the electorate. There would be a clear opportunity for the

electorate to change the political composition of the council once every four years;

- Greater publicity of whole council elections may generate higher turnout. The Electoral Commission suggests that electorates associate more clearly with whole-council elections;
- It may appear to be cheaper for the council and political parties as well as less disruptive to public buildings used as polling stations excluding those years where there is a standalone, non local election; and
- Causes less disruption and ensures the council is working 12 months per annum not 10 in 3 out of every 4 years when an election is to be held

Weaknesses:

- Electors would lose the opportunity to influence and hold the Council to account on an annual basis;
- Smaller parties may find it harder to resource the “whole Council” elections process
- It may be harder for independent candidates standing on a matter of strong local interest to get elected without an annual poll
- Perceived lack of continuity if there are a lot of new Councillors at one election, although this has not been a problem in any councils operating the system;
- Higher potential for by-elections;
- Additional cost of consultation on any proposals to change the electoral cycle; and
- Additional cost of publicity on the new system and what this means for electors.
- Additional cost of whole council election in 2017/18 (unplanned for) and a whole council election in 2021/22 will not be part funded by a Parliamentary election
- Whole council elections in 2017/18 and 2021/22 will not be assisted by national publicity for Parliamentary elections and may not benefit from the higher local turnout at these elections.

3.5 The primary strengths and weakness of retaining elections-by-thirds are set out below.

Strengths:

- Avoids electing a complete change of councillors with no experience and allows continuity of councillors;
- More likely to be influenced by local rather than national politics, and this national influence will increase given the trend toward Parliamentary elections being held on the same day as local elections;
- Encourages people into the habit of voting, and voting for one person is well understood by voters. Voting for two or three councillors under whole-council elections could cause confusion;

- Allows judgement of a council annually rather than every four years and allows the electorate to react sooner to local circumstances, thereby providing more immediate political accountability;
- Regular booking of polling facilities and use of staff on election duties increases effectiveness of training and retention of polling facilities;
- Electors are familiar with an election every year and a change to whole-council elections is likely to cause confusion; and
- In 2 out of the 3 years the cost of the local election will be part funded by a Parliamentary election. In 2019/20 this will be a 50% cost for a local election. In 2020/21 this will be approximately 33% cost as there will be three elections scheduled.

Weaknesses:

- Current system encourages short-term thinking and lack of planning; and
- Costs of holding elections in three out of every four years. However, if whole elections were held in 2017 the local election costs will be funded in full by the local authority for 2017 and 2021 as there is no scheduled Parliamentary election.

### **The cost of running local elections**

3.6 Under the current system of electing by thirds, the cost of running a local election has been estimated as follows:

- |  |          |
|--|----------|
| • Local election, not combined with another election (see 2018 on the current timetable of elections)      | £200,000 |
| • Local election, combined with another election (see 2016 and 2019 on the current timetable of elections) | £120,000 |
| • Local election, combined with two other elections (see 2020 on the current timetable of elections)       | £100,000 |

3.7 The cost of running a whole-council local election has been estimated as follows:

- |  |          |
|--|----------|
| • Local election, not combined with another election (2017 and 2021 on the proposed revised timetable) | £230,000 |
|--|----------|

3.8 If the council moved to whole-council elections from May 2017, and every four years thereafter, the next scheduled local election would take place in 2021. It should be noted that the local elections would not be combined with the Parliamentary elections.



3.9 It has been estimated that, under the current system of electing by thirds, the cost of holding local elections in each applicable year from 2016 to 2021 will be in the region of £540,000.

<b>Cost</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Estimate cost to 2020/21</b>
	Local	-	Local	Local	Local	
	-	-	-	-	General	
	-	-	-	European	-	
	PCC (Police Crime and Commissioner)	-	-	-	PCC	
<b>Cost to Local Authority</b>	<b>120,000</b>	<b>0</b>	<b>200,000</b>	<b>120,000</b>	<b>100,000</b>	<b>£540,000</b>
	Referendum before end 2017					

3.10 The estimated cost of holding local elections in the same time period under a whole-council system would be in the region of £350,000, an estimated saving of £190,000 as shown below:

<b>Cost</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Estimate cost to 2020/21</b>
	Local (by thirds)	Local (whole council)	-			
	-	-	-	-	General	
	Possible Referendum	Possible Referendum before end 2017	-	European	-	
	PCC	-	-	-	PCC	
<b>Cost to Local Authority</b>	<b>120,000</b>	<b>230,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>£350,000</b>

### **By-elections (and associated costs)**

- 3.11 The term of office of a councillor is four years. A by-election is required when a vacancy on the council has to be filled between regularly scheduled elections.
- 3.12 The cost of holding a by-election to fill a single vacancy has been estimated in previous reports as between £10-12,000. The recent by election for West Thurrock & South Stifford in September 2015 cost approximately £13,000. A by election in a ward with temporary polling stations (for example The Homesteads) would be around £20,000.

	<b>West Thurrock &amp; South Stifford (2015)</b>
Staffing	£4,500
Buildings	£550
Postal voting	£950
Ballot papers & Postal Packs	£1,434
Poll cards & postage	£4,358
Miscellaneous	£1,000
<b>Total</b>	<b>£12,792</b>

### **Implications of any change on the running and management of already scheduled elections**

- 3.13 The practical impact of organising separate elections on the same day needs to be considered carefully, particularly if the scale of the local election was to increase owing to a move to the full council being elected rather than a third of members of the authority.
- 3.14 The turnout figures for local elections are likely to be boosted by association with a high profile election. However, that association could obscure local issues for voters when casting their vote in the local elections. Whole council elections from 2017 would not schedule the local elections in line with a national election.
- 3.15 Considerable expertise and organisation will be required to ensure these crucial events are run well. The risk to the council's reputation is substantial, so the professionalism and experience of staff in producing a transparent and accurate result is crucial.
- 3.16 A change to the electoral cycle in 2017, or a year thereafter, is likely to have the following implications:
- There is a high risk of elector confusion, as they will be asked to vote for more than one candidate when this has not previously been the case in

Thurrock. This could cause problems on the day of the election. However Thurrock has many new communities who may be familiar with this approach.

- Staff training will need to be reviewed and resources increased to ensure the nomination process is managed effectively with the increase in candidate numbers and a change to ballot papers with voting for more than one candidate.
- The cost of ballot papers will increase due to the increased number of candidates and potentially increase the number of ballot boxes required.
- The nomination process and timeframe will require additional staff resources to check and input nomination papers.
- Count venue costs and staffing costs may increase due to lengthened count process.
- There is a risk of rushing to implement any change in 2017. Electoral Services and electors are adjusting to Individual Elector Registration (IER). Consultation may need to be resourced corporately and is likely to involve additional costs.
- Retention of staff knowledge and training on local elections may be difficult to sustain with a four year cycle.
- Electors will not be expecting an election in 2017. Considerable publicity and resources will be required to highlight a change to the electoral cycle and voting process within Thurrock.

### **Implications of any change on the work of Electoral Services**

3.17 With the current cycle of elections, as shown in paragraph 3.2, Electoral Services will have one year where no elections are scheduled to be held, 2017-18. Any change to the cycle of elections is likely to have implications for the work of the team.

3.18 It is important to note that throughout the course of any given year, the team continue to undertake vital work to support both the electoral registration and election process. Those years where an election is not scheduled to be held provide an opportunity for statutory and other more time-consuming project work to be undertaken.

3.19 The types of work usually undertaken by the team are:

Statutory Annual Canvass:

- Canvass all households according to the current legislation. This is typically a 5 month project
- Publication of the revised register by 1 December each year

Compilation of the Register of Electors on behalf of the Electoral Registration Officer, including:

- Monthly updates by statutory dates

- Maximising registration – data mining, tracking and inviting new residents to register, including statutory requirement to follow up non responders and personally visit non responding electors
- Accuracy of register – reviewing existing electors following receipt of information and removing from register if required
- Maintaining the property register
- Provision of data to credit agencies and other persons permitted to receive the register by legislation
- Reporting on performance standards to the Electoral Commission

Project work:

- Review of processes in non election years
- Refresh of paperwork including storage of forms / scanned images
- Audit and refresh of election equipment
- Statutory Absent Vote Refresh. This is typically a 3 month project
- Statutory Polling Place and District Reviews. This is typically a 4 month project at a minimum. The next review must commence by October 2018.
- At any time there is the potential for By elections, Community Governance Reviews, Referendums and Council Tax referendums

3.20 A proactive approach is required by the Service throughout the year in order to maintain accurate and complete registers, ensuring as far as possible that all eligible persons are on the register and that all non eligible persons are removed. The Electoral Registration Officer has a duty to maintain an accurate register and the service undertakes activity throughout the year to identify people who are not registered individually and encourage them to register.

3.21 The Service implemented Individual Elector Registration (IER) in 2014 and carried out the first annual canvass under IER in 2015. 2015/16 will be the first 'normal' year of operation under IER. One implication of IER is the requirement to continuously data mine to identify electors who are not registered and send up to three reminders and personally canvass potential electors who do not respond to initial invitations.

### **Transition to whole council elections**

3.22 If the council pass a resolution to move to whole-council elections, the term of office of all councillors will come to an end in May of that year, irrespective of the councillors' length of service at that time.

3.23 This will need to be explained to both serving councillors who have not served their full four year term of office, together with any candidates who wish to stand in a local election the year before a change to the electoral cycle comes into effect. This would therefore impact on the forthcoming local election in May 2016/17 and bring forward a local election in a year scheduled for no election (2017/18).

## Boundary Reviews

- 3.24 The Local Government Boundary Commission for England (LGBCE) is responsible for conducting reviews for local government.
- 3.25 Electoral reviews are a review of electoral arrangements of local authority and may include the number of councillors, the names, number and boundaries of wards and electoral divisions and the number of councillors to be elected to each.
- 3.26 An electoral review is initiated primarily to improve electoral equality and to ensure that as far as is reasonable the ratio of electors to councillors in each electoral ward or division is the same.
- 3.27 The commission is responsible for putting any changes to electoral arrangements into effect and does this by making a Statutory Instrument or Order. The local authority then conducts local elections on the basis of the new arrangements set out in the order.
- 3.28 The electoral arrangements of every principal local authority in England must by law, be reviewed from time to time. These reviews are known as periodic electoral reviews (PERs). The Commission decide when there is a need to conduct a programme of such work. The last round of PERs commenced in 1996 and was completed in 2004. The Commission is not currently undertaking PERs but has a rolling programme of electoral reviews undertaken for a number of different reasons.
- 3.29 The Commission undertake electoral reviews when the electoral variances in representation across a local authority become notable. The criteria for initiating a review in those circumstances are as follows:
- more than 30% of a council's wards/divisions having an electoral imbalance of more than 10% from the average ratio for that authority; and/or
  - one or more wards/divisions with an electoral imbalance of more than 30% *and*
  - the imbalance is unlikely to be corrected by foreseeable changes to the electorate within a reasonable period.
- 3.30 To put this in to context within Thurrock, the Electoral Services Manager has provided an analysis of variances across the borough based on electorate figures in 2015. The officer is not aware of the calculations used by the Commission; the figures and calculations used are one possible way to provide an analysis for debate and to put any request for a review in perspective.
- 3.31 For the purposes of this analysis, the 20 wards have been split into two and three member wards. The average number of electors per councillor was calculated

based on whether the ward had two or three members. It was then possible to see how many electors were served by one member and what the variance was against the average variance. These calculations are shown in Appendix 4.

- 3.32 The analysis provided that three of 20 wards had an average variance more than 10%. Three wards were more than the average whilst one ward (Tilbury St Chads) was under the average ratio.
- 3.33 The commission states that to initiate a review, more than 30% of a council's wards should have an electoral imbalance of more than 10% from the average ratio for that authority. By following this analysis the imbalance is only 15%. This does not appear to meet the criteria outlined by the commission.
- 3.34 The other criteria for initiating a review is that one or more wards has an electoral imbalance of more than 30%. The largest (negative) imbalance is within the ward of Chafford and North Stifford. However, this ward is still below the 30% threshold by approximately 373 electors per member.
- 3.35 There is no upper limit in legislation regarding the number of councillors that may be returned from each ward or division. However the Commission's view is that wards or divisions returning more than three councillors results in a dilution of accountability to the electorate and they will not normally recommend a number above that figure. There are currently no principal authority wards or divisions in England returning more than three councillors.
- 3.36 Members have requested information relating to the current boundaries for Thurrock and for officers to recommend changes. Although this would be the remit of the Commission some context and statistics have been provided. Appendix 5 outlines a draft timeline and actions provided by the Commission. However, the analysis provided in Appendix 4 suggests that the criteria for requesting the Commission to carry out a review would not be met.

#### **4. Reasons for Recommendation**

- 4.1 At the request of the Chair of the Corporate Overview and Scrutiny Committee, the report sets out the options to change the model of local government elections cycle in Thurrock and information on local government boundary reviews.
- 4.2 The Committee are requested to consider making a recommendation whether to progress the change the electoral cycle of the authority and so enable the council to take a decision and
- 4.3 The Committee are requested to discuss and debate the information provided on the terms of a boundary review and make recommendations.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 There has been no consultation undertaken in respect of this report.

5.2 Should the Committee decide to make a recommendation to move to whole-council elections, the council is required to take reasonable steps to consult with such persons as it thinks appropriate on the proposed change.

## **6. Impact on corporate policies, priorities, performance and community impact**

6.1 There is no impact at this stage. Any proposal to change the cycle of elections will be the subject of a report to the full council and, if approved, will also be subject to public consultation.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Jonathan Wilson**  
**Chief Accountant**

The cost of an election is met by the body or bodies whose representatives have been elected and therefore, any occasion where a local election is combined with another would see a reduction in costs to the council.

The costs associated with running an election and a by-election have been estimated and are set out in the report. Any move to whole council elections would generate an estimated saving of £190,000 over the next 4 years.

Any savings that may be associated with a proposal to change the cycle of elections would be dependent upon the year in which the new cycle was to commence, as this would determine when local elections may be combined with others and therefore see a reduction in costs.

### **7.2 Legal**

Implications verified by: **David Lawson**  
**Monitoring Officer and Deputy Head of Legal & Governance**

The legal implications associated with changing the electoral cycle of the Council are set out in the body of the report.

It may be observed that the financial impact is dependent on the combination of polls and thware election cycle of Parliamentary elections which are fixed in law. Whilst savings may be achieved there will be a budget impact initially if the electoral cycle is changed to whole council elections pursuant to any relevant governance change in this respect .

### **7.3 Diversity and Equality**

Implications verified by: **Natalie Warren**  
**Community Development and Equalities  
Manager**

Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In considering this report, Members must consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief.

An Equality Impact Assessment has not been undertaken in respect of this report and this is because it is not considered that there will be an adverse impact arising from changing the cycle of elections held by the Council. However, if a decision is taken to change the cycle of elections, an Equality Impact Assessment will be conducted to help inform the implementation of this decision.

**7.4 Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

**8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- No Stone Unturned in Pursuit of Growth. Lord Heseltine. 2012 (recommendation 14)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/34648/12-1213-no-stone-untuned-in-pursuit-of-growth.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/34648/12-1213-no-stone-untuned-in-pursuit-of-growth.pdf)
- The Local Government Boundary Commission for England – Electoral Reviews, Technical Guidance April 2014  
[https://www.lgbce.org.uk/\\_data/assets/pdf\\_file/0006/10410/technical-guidance-2014.pdf](https://www.lgbce.org.uk/_data/assets/pdf_file/0006/10410/technical-guidance-2014.pdf)

**9. Appendices to the report**



- Appendix 1 – Excerpt of the minutes of the Corporate Overview and Scrutiny Committee – 20 March 2014
- Appendix 2 – Motion submitted by Councillor Hebb to the meeting of Full Council on 22 October 2014
- Appendix 3 – Excerpt of the minutes of the meeting of Full Council, 22 October 2014.
- Appendix 4 – Boundary Analysis 2015
- Appendix 5 – Stages for a Requested Electoral Review

**Report Author:**

Elaine Sheridan

Electoral Services Manager

Legal Services, Democratic and Electoral Services

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**EXERPT OF MINUTES of the meeting of the Corporate Overview and Scrutiny Committee held on 20 March 2014 at 7.00pm**

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**Present:** Councillors Richard Speight (Chair), Barry Johnson, Wendy Curtis, Terry Hipsey and Yash Gupta

**Apologies:** Councillor Charlie Key

**In attendance:** S. Welton- Performance Officer  
K. Wheeler – Head of Strategy  
F. Taylor – Head of Legal Services  
S. Clark– Head of Finance  
R. Harris – Director of Adults, Health and Commissioning  
J. Hinchliffe – Head of HR OD & Customer Strategy  
R. Parkin – Head of Housing  
M. Boulter – Principal Democratic Services Officer

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**37. REVIEW OF ELECTORAL ARRANGEMENTS**

The Committee noted that two thirds of the whole council membership needed to vote in favour of a four yearly election for it to come into practice. Members queried the process should certain Members not be present at the full council meeting in which the vote would be taken. How would they cast their vote? The Monitoring Officer noted this point and stated she would come back to the committee to clarify.

The Committee noted the well written report but felt they could not make a decision at the meeting as the issue needed to be discussed with groups. There were many implications to consider.

The Committee asked for clarification around when the Police Crime Commissioner elections would take place and whether they would be held in November or with the other elections in May.

**RESOLVED that the Committee inform and update their respective groups around the report and its contents and seek to progress debate on the issue in the new municipal year.**

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**Motions Submitted to Council**

**In accordance with Chapter 2, Part 2 (Rule 15) of the Council's Constitution**

**Motion 2**

**Submitted by Councillor Hebb**

“Thurrock is an area which is thirsty for regeneration, and needs political stability to attract investment. It therefore needs to demonstrate a more stable; consistent; lower-cost governance system.

Following a number of years of being in No Overall Control (NOC) Thurrock Council resolves to investigate and implement a move to a Four Yearly Election model”.

**Monitoring Officer Comments:**

Before 2008, the process of changing the electoral cycle involved seeking the approval of the Secretary of State.

The Local Government and Public Involvement in Health Act 2007 gave Councils the opportunity to decide this issue themselves, subject to certain restrictions as to when whole-Council elections could take place.

The Localism Act 2011 amended the provisions of the 2007 Act to give greater ability to Councils to decide which year the system of whole-Council elections could be introduced.

The 2007 Act sets out the steps that would need to be taken to move to whole- Council elections. The Council would be required to undertake a public consultation exercise on the proposed change. The legislation does not specify the type of consultation that should be carried out or how long the consultation process should take.

However, the good practice guidance on consultation exercises suggests that a 12 week consultation period would be appropriate.

Following the conclusion of the consultation period, if it is decided to move to all-out elections, an Extraordinary Council meeting will be needed to pass a resolution to change to whole-Council elections.

There is a requirement that the resolution must be passed “by a majority of at least two thirds of the Members voting on it” (Section 33 (3)(b) of the 2007 Act). The resolution would need to specify the year the elections would first be held.

If, at the Extraordinary Council meeting, it is decided to move to whole-Council elections, then as soon as reasonably practicable, an explanatory document has to be produced setting out details of the new electoral arrangements. In addition, the Electoral Commission would need to be advised that the Council has passed a resolution to change to all-out elections.

**Section 151 Officer Comments:**

The subject of this motion has previously been considered by Overview and Scrutiny with the report demonstrating that a four yearly model did reduce the overall cost over the four year period. The total amount is difficult to estimate with any accuracy as it depends on whether there are any by-elections, timing of other elections, etc. However, the Overview and Scrutiny report did provide an estimated saving of £380,000 over the period 2015-2020 as an indication.

**Is the above motion within the remit of Council to approve?**

Yes

**EXCERPT of the Minutes of the meeting of Council held on 22 October 2014 at 7.00pm.**

**67. Motion submitted by Councillor Hebb**

The Motion, as printed in the Agenda, was proposed by Councillor Hebb and seconded by Councillor Halden. The Motion read as follows:

*“Thurrock is an area which is thirsty for regeneration, and needs political stability to attract investment. It therefore needs to demonstrate a more stable; consistent; lower-cost governance system.*

*Following a number of years of being in No Overall Control (NOC) Thurrock Council resolves to investigate and implement a move to a Four Yearly Election model”.*

Councillor Hebb introduced the motion and in doing so made the following key points:

- That a four year election model would make Thurrock more stable and allow time for the ruling group to drive forward and embed their policies.
- That a move to a four year election model would save approximately £400,000 to the Council every four years.
- That it would improve political turnout and engagement.

During the course of debate on the Motion, the following key points were raised both in support and opposition:

- Councillor Gerard Rice felt that in his experience a 4 year election model did not work well or was in the best interests of the electorate, and recounted that some political groups had become complacent for 3 years out of 4 after winning an election. He felt that the current model provided more opportunity for challenge.
- Councillor Speight remarked on the achievements in Thurrock and felt that the electorate wanted more cross-party working not shutting people’s voices out for an additional year.
- Councillor John Kent questioned how elections by thirds created instability, and highlighted a number of regeneration success stories which had been achieved under the current model. He felt that the election by thirds model provided stability.
- Councillor Ray agreed that regeneration was important but felt that the political balance had little effect. He added that there was no evidence to support the claim that a 4 year election model was good for residents and instead stated that it was of paramount importance to let residents have their say.
- Councillor Johnson felt that there would be greater turnout on general election years and that a 4 year election model supported zero based budgeting.

- Councillor Coxshall felt that the 4 year election model would give more time for policies to embed and for the political majority to deliver their manifesto.
- Councillor Snell explained that the 4 year model would give residents less of a voice and that the current system worked well to keep Members on their toes.

Upon being put to the vote, 15 Members voted in favour of the Motion, and 30 Members voted against, whereupon the Mayor declared the motion was lost.



## Boundary Review - Analysis

**Three member wards**

	<b>Electorate per ward</b>	<b>** Average ratio for 2015 (61258/27 cllrs)</b>	<b>10% variance</b>	<b>No. Electors per cllr 2015</b>	<b>Variance 2015</b>
1 Aveyley & Uplands	6632	2269	227	2211	-58
2 Belhus	6739	2269	227	2246	-23
3 Chadwell St Mary	7042	2269	227	2347	78
7 Grays Riverside	7256	2269	227	2419	150
8 Grays Thurrock	6265	2269	227	2088	-181
11 Ockendon	7012	2269	227	2337	68
14 Stanford East & Corringham Town	6355	2269	227	2118	-151
17 The Homesteads	6447	2269	227	2149	-120
20 West Thurrock & South Stifford	7510	2269	227	2503	234
	61258				

\*\* total electorate of all three member wards divided by no. of three member wards

**Two member wards**

	<b>Electorate per ward</b>	<b>***1 Average ratio for 2015 (50637/22)</b>	<b>10% variance</b>	<b>No. Electors per cllr 2015</b>	<b>Variance 2015</b>	<b>30% variance</b>
4 Chafford & North Stifford	5238	2302	230	2619	317	691
5 Corringham & Fobbing	4334	2302	230	2167	-135	
6 East Tilbury	4594	2302	230	2297	-5	
9 Little Thurrock Blackshot	4702	2302	230	2351	49	
10 Little Thurrock Rectory	4481	2302	230	2241	-62	
12 Orsett	4842	2302	230	2421	119	
13 South Chafford	4562	2302	230	2281	-21	
15 Stanford le Hope West	4580	2302	230	2290	-12	
16 Stifford Clays	5066	2302	230	2533	231	
18 Tilbury Riverside & Thurrock Park	4255	2302	230	2128	-175	
19 Tilbury St Chads	3983	2302	230	1992	-311	
	50637					

\*\*\*1 Total electorate of all two member wards divided by no. of two member wards

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**Stages for a Requested Electoral Review**

<b>Stage</b>	<b>Action</b>	<b>Duration*</b>
Before agreeing to the Review	Commission will meet with Chief Executive and Leader of the council to establish <ul style="list-style-type: none"> <li>• The reason for the request</li> <li>• The likely scope of the review</li> <li>• The commitment and capacity of the council to meet the requirements for information in a timely manner</li> </ul>	
<b>If agreed:</b>		
Preliminary Period	Informal dialogue with local authority. Focus on gathering preliminary information including electorate forecasts and other electoral data. Commissioner-level involvement in briefing group leaders on the issue of council size. Meetings also held with officers, group leaders, full council and, where applicable, parish and town councils. At the end of this process, the council under review and its political groups should submit their council size proposals for the Commission to consider.	Up to 6 months in advance of formal start of review
Council size decision	Commission analyses submissions from local authority and /or political groups on council size and takes a 'minded to' decision on council size.	5 weeks
<b>Formal start of review</b>		
Consultation on future warding / division arrangements	The Commission publishes its initial conclusions on council size. General invitation to submit warding/division proposals based on Commissions' conclusions on council size.	12 weeks
Development of draft recommendations	Analysis of all representations received. The commission reaches conclusions on its draft recommendations.	12 weeks
Consultation on draft recommendations	Publication of draft recommendations and public consultation on them.	8 weeks
Further consultation (if required)	Further consultation only takes place where the Commission is minded to make significant changes to its draft recommendations and where it lacks sufficient evidence of local views in relation to those changes.	Up to 5 weeks
Development of final recommendations	Analysis of all representations received. The Commission reaches conclusions on its final recommendations.	12 weeks
* Time periods shows are the expected typical duration of stages. They are not standards or undertakings. The progress of a review will be determined by the nature of the issues to be addressed and the availability of information to underpin sound decision-making, not by a determination to complete a review within any given period.		

Source: Electoral reviews, Technical guidance, April 2014  
The Local Government Boundary Commission for England

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# Thurrock Council

## Have your say on how often we hold elections

In November 2017 Thurrock Council will decide whether to change the way councillors are elected in Thurrock. The decision affects everyone who lives or works in the borough, so we would like you to have your say.

### How it currently works

Thurrock has 49 councillors and 20 wards, with 2 or 3 councillors representing each ward. Councillors are elected to serve for 4 years, after which a new election must be held. These arrangements will not change.

Currently we hold elections in 3 out of every 4 years, with a third of all councillors being elected or re-elected during an election year. There are no elections during the fourth year. This means that during 3 out of every 4 years the political balance of the council may change.

### How it could change

We could continue to hold elections for a third of all councillors in 3 out of every 4 years, or we could change so that all councillors are elected at the same time, once every 4 years.

If this change was made, the election of all 49 councillors would first take place in 2018, and then every fourth year after that.

The timing of other elections – like the general election for members of parliament, and elections for the Police and Crime Commissioner – will not be affected as they are decided nationally.

### What it means

No one can predict the outcome of elections and who will be elected. But based on the experience of other councils, keeping the current system or changing could mean the following:

#### Current process for electing a third of all councillors every 3 years out of 4

- only one third of councillors would change at any one time
- the political make-up of the council is more likely to change over a period of time
- it's easier for independent candidates to stand as fewer seats are contested

#### Changing to an election for all councillors at the same time, once every four years

- voters can change the political make-up of the council in a single election
- there is more likely to be political stability which enables longer-term planning
- the cost to the council of holding elections is reduced
- the number of people who cast their vote may increase

## Have your say

Do you think Thurrock Council should:

- a)  elect one third of councillors at a time, 3 years out of 4
- b)  elect all councillors at the same time, once every 4 years

What are the reasons for your preference?

## About you

**You do not need to complete this section**, but answering the questions below will help us to see whether there are differences in views between different areas.

Please tick all that apply – are you responding as:

- a)  a resident
- b)  on behalf of a business
- c)  on behalf of a community group or organisation
- d)  on behalf of one of our partners
- e)  other – please state below:

What is your postcode?

## Thank you

You can have your say over a 12 week period from **Monday 9 January to Friday 31 March 2017**.

No decisions will be made without taking into account a wide range of views. These arrangements are fundamental to our local democracy, so it is important that local people, businesses and our partners can make their opinions known.

The final decision will be taken by Council in November 2017. If new arrangements are agreed, they would be introduced in May 2018.

If you have any questions, please email [direct-democracy@thurrock.gov.uk](mailto:direct-democracy@thurrock.gov.uk).

## **Review of Electoral Arrangements Consultation – Communications**

### **Campaign duration 12 Weeks (Monday 9 January 2017 – Friday 31 March 2017)**

#### **Poster campaign**

Posters to promote the consultation will feature in all council buildings including libraries/hubs, Council Offices, Thameside complex, housing complexes, bus stops. Posters will also be sent to stakeholders for display on their premises.

#### **Press advertising**

Three half page adverts (four weekly) to run in the Thurrock Gazette. They will feature in prominent positions near the front of the newspaper. We will also run online banner ads with a direct click through to the consultation.

#### **Thurrock News**

Consultation coincides with three issues of the recently launched Thurrock News e-newsletter and the consultation will feature prominently. The number of current subscribers is around 11,000, which is expected to rise before the start of the consultation.

#### **Media**

There will be press activity in the run up to and throughout the consultation. A press release will be issued to launch the consultation, one halfway through to comment on response levels, and a release before the end to remind residents to have their say.

#### **Social Media (free)**

Twitter and Facebook activity will be planned in the run-up to the start of the consultation and throughout the 12 weeks. Posts will be at different times of the day to ensure the maximum exposure in line with people's social engagement habits.

#### **Social Media (paid for)**

Paid for Facebook adverts will be targeted to those in Thurrock and immediate surrounding area. As well as providing a way for people to respond to the consultation directly, it will also raise general awareness.

#### **Thurrock Council website (including My Account)**

The consultation will feature on the home page of the Thurrock Council website, inviting people to have their say. There will also be a 'landing' page when residents log into My Account, directing them to take part in the consultation.

#### **Council Tax leaflet**

The Council Tax annual bill is sent to every household in early March. This will also be used to remind residents of the consultation.

#### **Internal**

Internal channels will be fully utilised to ensure the staff at Thurrock Council are informed and engaged through internal poster sites, Insight, Inform and Thurrock Manager newsletter.

#### **Community Forums**

Community Forums will be engaged across the borough to get involved and debate electoral arrangements. The forums could then either submit a response on behalf of the forum or share the information with members and wider community.

#### **Stakeholder engagement**

Business and community organisations based or have an interest in Thurrock will be engaged to respond as an organisation or disseminate information to their network. Some of the organisations who will be contacted are CVS, Thurrock Clinical Commissioning Group, Essex Police, Colleges and Sixth Forms, Thurrock Business Board, and Essex Federation of Small Businesses. Elected members of the council, UK Parliament and European Parliament representing the area will also be sent links to the consultation.

**Approximate cost: £3,000**

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<b>7 December 2016</b>	<b>ITEM: 6</b>
<b>General Services Committee</b>	
<b>Variation of Notice Periods for Employees</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> No
<b>Report of:</b> Janet Cox, Strategic Lead HR & OD	
<b>Accountable Director:</b> Jackie Hinchliffe, Director of HR, OD and Transformation	
<b>This report is Public</b>	

## Executive Summary

The report sets out the background and information relating to notice periods given by employees of the council; it includes pertinent information on the arrangements applied by other local authorities and follows a period of review across the Council.

Although the change is not considered to be a substantial it does represent a contractual variation for the employees affected. Authorisation is sought from General Services Committee, in its role under the Constitution to deal with functions in relation to the employment of staff, to agree to implement the recommended changes to notice periods.

### 1. Recommendation(s)

#### 1.1 To agree revised contractual notice periods for employees of the council as set out in 5.2:

- With immediate effect for new employees
- With effect from 1<sup>st</sup> April 2017 for all current employees

### 2. Introduction and Background

2.1 The current notice periods that employees have to give the Council were established at the time of the Single Status Agreement. A standard four weeks' notice applies to all staff employed under the single status Bands 1 – 10.

2.2 The Council's policy states: 'Under Section 24 of the Council's terms and conditions of employment employees are required to give four weeks' notice if they wish to resign. Heads of Service and above must give 12 weeks' notice.

- 2.3 The statutory notice period that the Council has to give is set out in the Employment Rights Act 1996 and involves a sliding scale, according to the number of years employed with the Council. This is illustrated in the extract below:

The Council as an employer is required to give you notice in accordance with the table below.

<u>Period of Continuous Employment</u>	<u>Minimum Notice</u>
One month or more, but less than two years	Not less than one week
Two years or more, but less than twelve years of continuous employment	1 week for each year of
Twelve years or more	12 weeks

- 2.4 Working with a much shorter notice period than other local authorities has caused a number of issues with Directorates which have the potential to disrupt service provision. These include not being able to recruit a replacement within four weeks; incurring additional expenditure by engaging agency workers to cover and having to wait up to three months for a successful applicant who is tied into a longer notice in their current local authority.

### **3. Drivers behind the review**

- 3.1 Managers and employees holding specialist roles are critical to the smooth running of the Council, they hold vital knowledge and skills that are essential. If they decide to leave the Council then it may take several months to find and train someone up to the same standard.
- 3.2 Most senior and specialist roles in other councils and in the private sector will hold a notice period of up to three months; when recruiting the Council will have to wait this time for new employees, this is a risk for the Council and could result in service levels being affected.

Thurrock are currently at a disadvantage as our employees are going to other employers and giving us just four weeks' notice; impacting on our ability to maintain continuity in service delivery.

### **4. Other local authorities**

- 4.1 As part of the review we compared the employee notice period arrangements applied in other local councils:

<b>Council</b>	<b>Notice Period</b>
<b>London Borough of Barking &amp; Dagenham</b>	SO2 or less, 4 weeks (TC PB 1 and 2) PO1 TO PO6 8 weeks (TC PB 3 TO 8) PO7 & above 12 weeks (TC PB 9 and above)
<b>Basildon council</b>	Notice periods based on Bands vary from 4 weeks through to 12 weeks
<b>Chelmsford</b>	Notice periods based on Bands range from 1 to 3 months
<b>Southend-on-Sea Council</b>	Salary Levels 1 – 7 (£14,514 - £29,033): 1 month Salary Levels 8 – 10 (£29,033-£47,085): 2 months Salary Levels 11 –12 (£47,805-57,387): 3 months
<b>London Borough of Havering</b>	SO2 grades or less, 4 weeks PO grade - 8 weeks' notice Heads of Service and up – 12 weeks

4.2 This analysis demonstrates the notice periods applied by the council are outside of the local government norm.

## 5. Proposed Notice Periods

5.1 Longer notice periods are a form of insurance policy for any employer; they also enhance the status of a role for the individuals.

5.2 The issues and concerns arising from the short employee notice period have been discussed at People Board and Directors Board; longer notice periods were universally supported. In addition to extending notice periods by seniority, longer notice for 'hard to recruit roles' was incorporated into the proposals. The following table sets out the recommended approach:

**The notice period that you are required to give as an employee is set out in the following table, according to the Band of your role and type of role you hold**

**Bands 1-4** .....Four weeks' notice period

**Bands 5-7**.... Eight weeks' notice:

**Bands 8-10**... twelve weeks' notice:

**Hard to recruit roles:** Twelve weeks' notice

- Social Workers
- Occupational Therapist.
- Senior Practitioner
- Senior Maintenance Engineer

- Qualified Surveyors
- Emergency Duty Team workers
- Lawyers
- Town Planners

This list is not exhaustive and if you hold a recognised 'hard to recruit role' your contract of employment will confirm this

The Council as your employer will give the same notice period to you as set out above when terminating your employment contract, and in addition the following applies:

- Where there is a statutory notice period requirement e.g. a redundancy situation, the following will apply
- 1 week for each year of continuous, up to a maximum of 12 weeks

5.3 In order to ensure flexibility and adapt to market pressures with the list of 'hard to recruit roles' this list will be kept under review and amended in line with any recruitment challenges identified.

5.4 Consultations on the proposal with our Trade Unions concluded on 31<sup>st</sup> October; their feedback comprised:

- They agreed that this change can take effect immediately for all new starters
- They want to be clear how staff will be affected and would like to see an Equality Impact Analysis
- They want to be clear on our obligations with schools staff who follow our terms and conditions

5.5 The council conducted an Equality Impact Analysis. Analysing employees within bands 5 to 7 and 8 to 10 and segregating those by gender and ethnicity did not identify any particular equality implications. This is due to the uniform application of the proposal across all pay bands regardless of demographic and protective characteristic. It should be noted that employees leaving due to having caring responsibilities may have a reason to give shorter notice period, however, there is no direct evidence or data to support this and any request will be decided on a case-by-case basis. (Extract from EIA November 2016)

5.6 Legal have confirmed our obligations are to advise schools of the changes we are making; should schools wish to adopt the change they can consult and implement with staff in schools.

## **6. Next steps**

6.1 Following agreement at General Services Committee:

- new starters will be issued a contract incorporating the revised notice periods
- existing employees will be issued notification of a Variation to Contract with effect from 1<sup>st</sup> April 2017
- HR will amend the Council's Term & Conditions of employment and review all appropriate policies and procedures.

## **7. Reasons for Recommendation**

7.1 The reason for this recommendation is to bring the Council in line with other local authorities and to support timely recruitment.

## **8. Consultation (including Overview and Scrutiny, if applicable)**

8.1 In preparing this report, consultation has been undertaken with the Council's recognised Trade Unions. Consultation closed on 31<sup>st</sup> October 2016.

## **9. Impact on corporate policies, priorities, performance and community impact**

9.1 Extending notice periods provides the council with increased protection of service continuity, supports effective recruitment and handover and reduces the requirement for agency staff in critical roles.

## **10. Implications**

### **10.1 Financial**

**Implications verified by: Laura Last**

**Senior Finance Officer – Management  
Accounts**

Any costs associated with employees having longer notice periods will be managed within existing budgets.

## **10.2 Legal**

**Implications verified by: Chris Pickering  
Principal Lawyer**

Employees would be issued with a Variation to Contract with effect from 1<sup>st</sup> April 2017 as identified in 'next steps'. It is expected that Trade Unions will receive regular updates at the fortnightly Trade Union Board meetings.

## **10.3 Diversity and Equality**

**Implications verified by: Becky Price  
Community Development Officer**

A Community Equality Impact Assessment has been completed to provide an understanding of the impact on staff that will be affected by the proposal to increase notice periods. The assessment did not identify any specific implications that would disproportionately affect a protected group. Concessions are expected to be granted on a case by case basis for those that may have a requirement to provide a shorter period of notice (e.g. due to having caring responsibilities).

## **10.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)**

None

## **11. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):**

- None

## **12. Appendices to the report**

- None

### **Report Author:**

Janet Cox  
Strategic Lead, HR and OD  
HR, OD & Transformation

<b>7 December 2016</b>	<b>ITEM: 7</b>
<b>General Services Committee</b>	
<b>Chief Executive Performance Appraisal Procedure</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> No
<b>Report of:</b> Jackie Hinchliffe, Director of HR, OD & Transformation	
<b>Accountable Head of Service:</b> N/A	
<b>Accountable Director:</b> Jackie Hinchliffe, Director of HR, OD & Transformation	
<b>This report is:</b> Public	

## **EXECUTIVE SUMMARY**

Under Thurrock Council's constitution (Chapter 5, Part 5) the General Services Committee is responsible for the following:

- To deal with any of the functions of the Council in relation to the employment of staff that are not dealt with by officers under delegated powers.

This includes the performance appraisal of the Chief Executive in line with the performance appraisal procedure.

The General Services Committee meeting of 27 June requested the procedure be amended to incorporate an independent process to provide members with a deeper and richer assessment of performance.

This report proposes the changes to the procedure for approval by General Services Committee.

### **1. RECOMMENDATIONS:**

- 1.1 Members are asked to agree the revised Performance Appraisal Procedure for the Chief Executive.**
- 1.2 Members to note the procedure will apply for the end of year appraisal 2016/17.**

## **2. INTRODUCTION AND BACKGROUND:**

- 2.1 This report is being presented to General Services Committee to approve the revised Performance Appraisal Procedure for the Chief Executive.
- 2.2 The Performance Appraisal Procedure for the Chief Executive has been revised to reflect the additional requirements agreed by the General Services Committee on 27 June 2016.
- 2.3 The procedure now incorporates external stakeholder feedback to provide independent review and give members a diverse and deeper assessment of performance.

## **3. PROPOSED PROCEDURE**

- 3.1 The current paragraph within the existing Performance Appraisal Procedure (Appendix 1) states:

*To supplement this process, four members of the leadership group, including a direct report, will be asked to complete an assessment of the Chief Executive's performance (a different four officers should be chosen for each six month appraisal). The information they provide will be given to the Chief Executive and sub-committee members in advance of the interview. The identity of the four officers shall not be disclosed.*

- 3.2 The proposed paragraph within the revised Performance Appraisal Procedure (Appendix 2) states:

*To supplement the end of year appraisal process feedback from a range of stakeholders will be acquired to provide members of the committee with a richer and more diverse assessment of performance. This will include at least four members of the Leadership Group, including a direct report, and at least four key partners. The information provided will be given to the Chief Executive and committee/sub-committee members in advance of the interview. The identity of the contributors shall not be disclosed.*

## **4. CONSULTATION (including Overview and Scrutiny, if applicable)**

- 4.1 The Chief Executive and Leader have been consulted in preparing this report.

## **5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT**

- 5.1 The objectives and performance of the Chief Executive impacts on the whole organisation and the borough. External review of outcomes provides members with an independent assessment of the impact of performance.



## 6. IMPLICATIONS

### 6.1 Financial

There are no direct financial implications arising from this report.

Implications verified by: **Sean Clark**  
**Director of Finance and IT**

### 6.2 Legal

There are no direct legal implications arising from this report.

Implications verified by: **David Lawson**  
**Monitoring Officer**

### 6.3 Diversity and Equality

Wider feedback from stakeholders provides the opportunity for a more diverse Assessment of performance.

Implications verified by: **Natalie Warren**  
**Community Development and Equalities  
Manager**

### 6.4 Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

None

## 7. CONCLUSION

- 7.1 Expanding the performance appraisal of the Chief Executive to incorporate external stakeholder feedback and independent assessment provides members with a greater understanding of the impact and outcomes in the wider community.

### **BACKGROUND PAPERS USED IN PREPARING THIS REPORT:**

- Chief Executive – Performance Appraisal Procedure

### **APPENDICES TO THIS REPORT:**

- Appendix 1 – current Performance Appraisal Procedure
- Appendix 2 – revised Performance Appraisal Procedure

### **Report Author Contact Details:**

**Name:** Jackie Hinchliffe – Director HR, OD & Transformation

**Telephone:** 01375 652286

**E-mail:** [jhinchliffe@thurrock.gov.uk](mailto:jhinchliffe@thurrock.gov.uk)

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## APPENDIX 1

### Performance Appraisal Procedure for the Chief Executive of Thurrock Council

#### Introduction

This procedure seeks to ensure that the Chief Executive's performance is formally reviewed on a regular basis. It complies with the principles set out in the Joint Negotiating Committee (NJC) for Local Authority Chief Executives (national salary framework & conditions of service) handbook.

The purposes of the appraisal process are to (i) help maximise the chief executive's job performance; and (ii) determine the performance-related element of the post holder's salary.

#### Responsibilities for Appraisal

Under Thurrock Council's constitution (Chapter 5, Part 5) the General Services Committee is responsible for the following:

3. To deal with any of the functions of the Council in relation to the employment of staff that are not dealt with by officers under delegated powers ... including powers to ...
  - 3.3 appoint any sub-committee or panel or other body to exercise the committee's powers in relation to staff grading, disciplinary, grievance or any other staffing matter;
  - 3.4 determine any other staffing matter that is within the remit of the Council.

The Chief Executive's terms and conditions of employment include the following:

#### 16. PROBATION

The Chief Executive will be subject (as all employees are) to 6 months' probation where there is an external appointment.

#### 17. PERFORMANCE MANAGEMENT

The Chief Executive is required to actively participate in the prevailing Performance Management Scheme as approved by the Leader of the Council.

#### 19. SELF DEVELOPMENT

The Chief Executive is required to participate in self-development or team development activities as required by the Leader of the Council.

### **Probation**

An externally appointed Chief Executive's probation period will run for six months from their first day of employment with Thurrock Council.

The Chief Executive's objectives and developmental needs for the first five months of their employment will be agreed with the Leader of the Council at the earliest opportunity and recorded using the form at Appendix 1.

During this time, both parties should ensure that all reasonable support and development is sought, offered and accepted so that the probationary objectives will be achieved.

After five months' employment, the Leader should recommend to GSC whether to:

1. Confirm the Chief Executive's appointment
2. Extend their probationary period
3. Terminate their employment

Advice should be taken from the Director of HR, OD and Transformation and Head of Legal and Democratic Services if members wish to pursue options 2 or 3.

The Chief Executive shall then be given written notification of GSC's decision.

### **Appraisal Process**

General Service Committee or a sub-committee appointed by the General Services Committee (GSC) will undertake formal appraisals of the Chief Executive. If a sub-committee is appointed they will report their recommendations to GSC for approval. The Director of HR, OD and Transformation will provide administrative support and advice, and the Head of Legal Services will also advise as appropriate. The sub-committee, GSC and Chief Executive should aim to reach mutual agreement to each appraisal. If this is not possible, the Chief Executive has the right of appeal.

The appraisal process contains the following three tasks:

#### **i. Set objectives**

As part of his/her role profile, the Chief Executive has agreed to exercise leadership in the successful execution of the following objectives:

1. Ensure the effective delivery of the corporate plan and other strategic objectives of the Council.
2. Ensure that the Council's overall planning and budgetary processes are delivered into management action.
3. Ensure service delivery standards and objectives are clearly defined and measured.

4. Ensure that effective financial and human resource strategies are maintained which support the Council's corporate strategy and allow legislative and other demands to be met.
5. Ensure effective internal and external communication to ensure all staff work towards the aims, objectives and values of the Council and to promote awareness within the community of Council services and achievements.
6. Maintain and build upon good relationships between political and managerial processes.
7. Ensure effective implementation of Council policies through the direct management of chief officers and other staff, as appropriate.
8. Ensure that the Council continuously improves services and exceeds the expectations of residents, customers and stakeholders.

Objectives set as part of this process should help to achieve one or more of the above. They should, as far as possible, be specific, measurable, time bound and challenging but achievable.

#### **ii. Review performance**

Targets which have been met and other positive achievements should be recognised. The factors contributing towards good performance should be identified so that due recognition can be given and they can be taken forward for future use.

Unmet targets and any other negative aspects of performance should be discussed so that the contributory factors can be addressed.

#### **iii. Identify developmental requirements**

Both parties should identify the professional development necessary to equip the Chief Executive with the requisite skills to meet his/her objectives both now and in the future.

### **The Appraisal Cycle**

The Director of HR, OD and Transformation will oversee the administration of the appraisal cycle.

The sub-committee will undertake an appraisal interview with the Chief Executive every September and March. Before each interview the Chief Executive will be asked to complete a draft appraisal form (see Appendix 1) in which he/she:

- assesses his/her own performance over the previous six months
- proposes objectives for the next six months
- proposes any personal development needs
- provides any additional comments

The form will then be sent to members of the committee/sub-committee in advance of the meeting. Each member should consider the Chief Executive's views carefully and decide, in advance of the appraisal interview, whether they agree with them or whether they wish to add, delete change any of them.

To supplement this process, four members of the leadership group, including a direct report, will be asked to complete an assessment of the Chief Executive's performance (a different four officers should be chosen for each six month appraisal). The information they provide will be given to the Chief Executive and sub-committee members in advance of the interview. The identity of the four officers shall not be disclosed.

Before the appraisal interview, members should meet and aim to form collective views before meeting with the Chief Executive.

At the interview, the chair of the committee/sub-committee should lead a discussion based on the written submission and aim to reach agreement between the members and Chief Executive about how the final, written form should be worded, what rating should be attached to each performance category and what overall rating should be awarded. A date for the next bi-annual appraisal should be agreed before the meeting ends.

After the interview, the committee/sub-committee should, if still necessary, agree on the appraisal's wording and ratings.

A copy of the completed form should be issued to the Chief Executive as soon as possible after the appraisal interview.

A meeting of GSC, at which the Chief Executive will be invited to attend, should then be convened at the earliest opportunity. Where appropriate, the sub-committee's recommendations should be put forward for GSC's approval. GSC may seek further clarification before deciding whether to ratify the recommendations. GSC has the right to change part or all of the appraisal and ratings. The overall performance score in March's appraisal will determine the Chief Executive's pay point for the following financial year.

## **Appeal**

If the Chief Executive disagrees with their appraisal they may appeal against it. They should submit detailed, written grounds for their appeal to the Head of Legal Services, who will arrange an appeal hearing. At the hearing, three elected members, who have had no previous involvement in the process, will consider the written appeal and any oral submission that the Chief Executive wishes to make. A member of GSC may attend and respond to the appeal.

The appeal panel's decision will be final.



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## APPENDIX 2

### Performance Appraisal Procedure for the Chief Executive of Thurrock Council

#### Introduction

This procedure seeks to ensure that the Chief Executive's performance is formally reviewed on a regular basis. It complies with the principles set out in the Joint Negotiating Committee (NJC) for Local Authority Chief Executives (national salary framework & conditions of service) handbook.

The purposes of the appraisal process are to (i) help maximise the chief executive's job performance; and (ii) determine the performance-related element of the post holder's salary.

#### Responsibilities for Appraisal

Under Thurrock Council's constitution (Chapter 5, Part 5) the General Services Committee is responsible for the following:

3. To deal with any of the functions of the Council in relation to the employment of staff that are not dealt with by officers under delegated powers ... including powers to ...
  - 3.3 appoint any sub-committee or panel or other body to exercise the committee's powers in relation to staff grading, disciplinary, grievance or any other staffing matter;
  - 3.4 determine any other staffing matter that is within the remit of the Council.

The Chief Executive's terms and conditions of employment include the following:

16. PROBATION

The Chief Executive will be subject (as all employees are) to 6 months' probation where there is an external appointment.

#### 17. PERFORMANCE MANAGEMENT

The Chief Executive is required to actively participate in the prevailing Performance Management Scheme as approved by the Leader of the Council.

#### 19. SELF DEVELOPMENT

The Chief Executive is required to participate in self-development or team development activities as required by the Leader of the Council.

#### **Probation**

An externally appointed Chief Executive's probation period will run for six months from their first day of employment with Thurrock Council.

The Chief Executive's objectives and developmental needs for the first five months of their employment will be agreed with the Leader of the Council at the earliest opportunity and recorded using the form at Appendix 1.

During this time, both parties should ensure that all reasonable support and development is sought, offered and accepted so that the probationary objectives will be achieved.

After five months' employment, the Leader should recommend to GSC whether to:

1. Confirm the Chief Executive's appointment
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The appraisal process contains the following three tasks:

#### **i. Set objectives**

As part of his/her role profile, the Chief Executive has agreed to exercise leadership in the successful execution of the following objectives:

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Unmet targets and any other negative aspects of performance should be discussed so that the contributory factors can be addressed.

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Both parties should identify the professional development necessary to equip the Chief Executive with the requisite skills to meet his/her objectives both now and in the future.

## **The Appraisal Cycle**

The Director of HR, OD and Transformation will oversee the administration of the appraisal cycle.

The committee/sub-committee will undertake an appraisal interview with the Chief Executive every September and March. Before each interview the Chief Executive will be asked to complete a draft appraisal form (see Appendix 1) in which he/she:

- assesses his/her own performance over the previous six months
- proposes objectives for the next six months
- proposes any personal development needs
- provides any additional comments

The form will then be sent to members of the committee/sub-committee in advance of the meeting. Each member should consider the Chief Executive's views carefully and decide, in advance of the appraisal interview, whether they agree with them or whether they wish to add, delete change any of them.

To supplement the end of year appraisal process feedback from a range of stakeholders will be acquired to provide members of the committee with a richer and more diverse assessment of performance. This will include at least four members of the Leadership Group, including a direct report, and at least four key partners. The information provided will be given to the Chief Executive and committee/sub-committee members in advance of the interview. The identity of the contributors shall not be disclosed.

Before the appraisal interview, members should meet and aim to form collective views before meeting with the Chief Executive.

At the interview, the chair of the committee/sub-committee should lead a discussion based on the written submission and aim to reach agreement between the members and Chief Executive about how the final, written form should be worded, what rating should be attached to each performance category and what overall rating should be awarded. A date for the next bi-annual appraisal should be agreed before the meeting ends.

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had no previous involvement in the process, will consider the written appeal and any oral submission that the Chief Executive wishes to make. A member of GSC may attend and respond to the appeal.

The appeal panel's decision will be final.

<b>7 December 2016</b>	<b>ITEM: 8</b>
<b>General Services Committee</b>	
<b>Chief Executive Performance Appraisal</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> No
<b>Report of:</b> Jackie Hinchliffe, Director of HR, OD & Transformation	
<b>Accountable Head of Service:</b> N/A	
<b>Accountable Director:</b> Jackie Hinchliffe, Director of HR, OD & Transformation	
<b>This report is:</b> Public	

## **EXECUTIVE SUMMARY**

Under Thurrock Council's constitution (Chapter 5, Part 5) the General Services Committee is responsible for the performance appraisal of the Chief Executive in line with the performance appraisal procedure.

### **1. RECOMMENDATIONS:**

- 1.1 Members are asked to note the Mid-Year appraisal review of the Chief Executive.**
- 1.2 Members are asked to agree the objectives for remainder of 2016/17.**

### **2. INTRODUCTION AND BACKGROUND:**

- 2.1** This report is being presented to General Services Committee to consider and agree the mid-year appraisal of the Chief Executive.
- 2.2** The 2016/17 objectives for the Chief Executive were agreed by General Services Committee on 27 June. The objectives cover:
  - Financial Management
  - Working with Members of all parties with shared agendas
  - Representing Thurrock amongst stakeholders and maximising investment within the borough
  - Delivering a resident survey in the autumn
  - Effectively managing the senior team

- Addressing the council's Placemaking agenda

### **3. CURRENT POSITION**

- 3.1 The chief Executive has completed the appraisal document (Appendix 1) setting out:
- Assessed performance over the past six month
  - Confirmation of objectives for next six months
  - Additional comments

Strong performance is demonstrated across all objectives: a new Leadership Team is in place with a focus on the delivery of the council's priorities; the council has been reaccredited with IIP Gold and the staff survey indicates increasing engagement from the workforce; setting a balanced budget has been a key activity with a commitment to transformation, driving the commercial agenda and the council spending review framework; developing relationships internally and externally is enhancing the reputation of the borough and supporting the placemaking ambitions.

### **4. CONSULTATION (including Overview and Scrutiny, if applicable)**

- 4.1 In accordance with the Performance Appraisal Procedure, consultation with representatives from Leadership Group and external stakeholders will be conducted as part of the end of year appraisal.

### **5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT**

- 5.1 The objectives and performance of the Chief Executive impacts on the whole organisation and the borough.

### **6. IMPLICATIONS**

#### **6.1 Financial**

There are no direct financial implications arising from this report.

Implications verified by: **Sean Clark**  
**Director of Finance and IT**

#### **6.2 Legal**

There are no direct legal implications arising from this report.

Implications verified by: **David Lawson**  
**Monitoring Officer**



### 6.3 **Diversity and Equality**

There are no direct Diversity and Equality issues arising from this report.

Implications verified by: **Becky Price**  
**Community Development Officer**

### 6.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

None

## 7. **CONCLUSION**

7.1 The performance management of the Chief Executive is a formal function of General Services Committee.

### **BACKGROUND PAPERS USED IN PREPARING THIS REPORT:**

- Chief Executive – Performance Appraisal Procedure

### **APPENDICES TO THIS REPORT:**

- Appendix 1 – Mid Year Performance Appraisal of the Chief Executive

### **Report Author Contact Details:**

**Jackie Hinchliffe**  
**Director of HR, OD & Transformation**

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## Performance Appraisal for Lyn Carpenter, Chief Executive

### Objectives and Performance for April 2016 – March 2017

### Mid-Year Review 7 December 2016

Objectives (SMART = Specific, Measurable, Achievable, Relevant, & Time-bound)	Performance	Rating 1-4 (see below)
1. Deliver the agreed priorities of the council and represent the council effectively on all external forums to ensure Thurrock's voice is heard strongly and effectively, maximising investment and funding in the borough.	<ul style="list-style-type: none"> <li>• I have attended all ECEA's, Leader and Chief Executive meetings in the last 6 months. In addition I have attended forums inside Thurrock, Business Board, Tenancy Excellence Panels and other regular meetings with CVS, business partners. Externally I have contributed on behalf of Thurrock on the South Essex Business Board, SELEP, SELEP Chief Executive discussions. Met with DCLG colleagues across all service areas and represented Thurrock in meeting with Melanie Dawes, Permanent Secretary on 1 December 2016. I have re-established positive relationships with Sport England and Heritage Lottery Fund, both of which could deliver new investment in Thurrock.</li> </ul>	
2. Continue to build an understanding of the politics of the borough, establishing the confidence of members and working effectively across political boundaries. <i>Effective communication and engagement mechanisms with members and political stakeholders in place.</i> <i>Member/officer relations are effective and role boundaries in place.</i> <i>Effective cross Group working/governance structures.</i> <i>Positive interface between members and officers</i>	<ul style="list-style-type: none"> <li>• I meet regularly with all 3 groups in the borough and have ensured good visibility with ward councillors on ward-based issues through my programme of ward visits.</li> <li>• The monthly Governance Group meeting with all 3 Leaders is well established.</li> <li>• I continue to ensure the monthly Comprehensive Spending Review meetings take place between all 3 groups (leaders and deputy leaders) and officers.</li> <li>• DB is encouraged and supported to ensure effective working with PFH's and Shadow PFH's, I have managed issues of under-performance and responded to members challenges.</li> <li>• I have brought Strategy and Communications to report directly to me and also merged external and internal comms into one team to ensure a more joined-up approach.</li> </ul>	
3. Deliver the council's 16/17 budget on target and develop proposals for delivering the 17/18-19/20 budgets in line with council priorities. <i>Delivery of 16/17 budget on target by March 2017.</i> <i>Council approval of 17/18 budget by February 2017.</i> <i>Develop and implement a commercial strategy. By October 2017.</i> <i>Introduce a Transformation Programme approach across the council to drive effective service delivery and increased cost</i>	<ul style="list-style-type: none"> <li>• Despite almost £9m of budget pressures at the start of financial year 16/17, month 6 performance shows a projected overspend to year end of £263k with mitigation in place to balance the budget outturn, a significant achievement.</li> <li>• Work has progressed well on 17/18 budget through CSR and a balanced budget will be presented at full council in February 2017.</li> <li>• Budget setting has moved from a top-slice approach to one driven by a new, comprehensive and effective Transformation Programme which is in place and will</li> </ul>	

<p><i>efficiencies. 17/18 budget to be proposed through transformation and not top slicing.</i></p>	<p>deliver £6.7m of efficiencies next year.</p> <ul style="list-style-type: none"> <li>• Work continues to progress on a commercial strategy although the new Commercial Board is in place and early work has already identified £1m in income and commercial opportunities across the council for 17/18.</li> </ul>	
<p>4. Develop effective working relationships with external partners and stakeholders in Thurrock and more widely to support the achievement of the council's ambitions. <i>External partners and stakeholders are engaged and understand/support the council's ambitions. Improved profile and reputation of the council. Implement a Residents Survey in Autumn 2016 using the feedback to review performance standards, KPI's etc for 17/18.</i></p>	<ul style="list-style-type: none"> <li>• I continue to meet quarterly with key partners in Thurrock including PoT, London Gateway, CVS, SE College, INTU. I have fostered positive relationships with our partners who see the council as 'can do'.</li> <li>• The council's first Resident Survey for over 6 years is being undertaken now during November 2016, results will be available in early 2017. This has been met very positively by residents who value having a direct opportunity to comment on council services.</li> <li>• The council's Tenancy Excellence Panel currently rates the services it receives from the council as 8 out of 10 (meeting on 22 November 2016) and up from 5 /10 when I started.</li> </ul>	
<p>5. Build on the model of effective leadership of the senior team and the internal operation, demonstrating behaviours that reinforce the values of the council, drives high performance and delivers service outcomes. <i>Display leadership behaviour that demonstrates a good fit with the council, motivates and empowers and creates a positive culture. Establish high visibility across the council. Prepare and implement a cross council action plan to address areas for improvement arising from the Staff Survey. Ensure effective engagement of the officer team, You Said, We Did.</i></p>	<ul style="list-style-type: none"> <li>• A new senior team is in place which has seen a number of very good appointments to DB and the wider leadership group in the last 6 months, all of which is contributing to improved effectiveness of the leadership of the council. Thurrock is being seen as a council with ambition and aspiration and one to want to work for.</li> <li>• I have worked hard to be visible to the wider council team through service visits, delivery of staff conferences and manager forum, involved front line staff and managers in influential decision-making through my Corporate Workforce Group. Feedback through the Staff Survey was very positive, 72% of staff responded.</li> <li>• There is a council wide action plan which is addressing the feedback from the staff survey, each directorate has a bespoke plan, action is regularly reviewed at the CWG, People Board and DB where there is total ownership. Staff conferences have been used to get additional feedback on actions and to engage in how to improve going forward. A new, 'light touch' staff survey will also take place next year in 2017 so there is annual feedback from the team, not biannually.</li> <li>• The council not only retained liP Gold in July 2016 but built on the success of the previous award, being described as now 18k gold from 9k!</li> </ul>	
<p>6. NEW. Influence and lead the Borough's Placemaking agenda: <i>Ensure an Outline Planning Application is submitted through PCLR by December 2016. Build on the Master plan design principles for Purfleet to create a new 'Quality of Place' standards template for placemaking across Thurrock. Drive up the standard of the Public Realm across the borough to ensure Thurrock as a Place is attractive to residents and businesses.</i></p>	<ul style="list-style-type: none"> <li>• I have worked with PCLR to ensure an outline planning application for the Master Plan in Purfleet which will be submitted by 16 December 2016.</li> <li>• CBRE standards are being used to drive up quality of housing/The Place in Thurrock.</li> <li>• There have been significant improvements in street cleaning standards and housing repairs in the first 6 months of this financial year. Investment has been found to re-introduce barrow beat street cleaners.</li> </ul>	

<b>Mandatory objectives</b>		
Hold a formal PDR for each of my direct reports every six months	Yes	
Undertake at least 15% sampling of the formal PDRs undertaken by my direct reports every six months	Yes	
<b>*Ratings:</b> 1 = Exceeds target   2 = On target performance   3 = Some Improvement Needed   4 = Unacceptable performance		

Signature of Leader & date:	
Signature of Chief Executive & date:	

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