

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

## Corporate Overview and Scrutiny Committee

The meeting will be held at **7.00 pm** on **19 September 2017**

**Committee Room 1, Civic Offices, New Road, Grays, Essex, RM17 6SL.**

### Membership:

Councillors Oliver Gerrish (Chair), Leslie Gamester (Vice-Chair), Jack Duffin, Martin Kerin, Ben Maney and Tunde Ojetola

### Substitutes:

Councillors Graham Hamilton, Tom Kelly, Gerard Rice and Graham Snell

### Agenda

Open to Public and Press

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<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 14</b>
To approve as a correct record the minutes of the Corporate Overview and Scrutiny Committee meeting held on 29 June 2017.	
<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 Declaration of Interests</b>	
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## **Participation at Council Meetings**

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Agenda published on: **11 September 2017**

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# 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.

**Vision: 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 aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

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

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

**3. Build** pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

**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 and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

**5. Promote** and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

## Minutes of the Meeting of the Corporate Overview and Scrutiny Committee held on 29 June 2017 at 7.00 pm

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**Present:** Councillors Oliver Gerrish (Chair), Leslie Gamester (Vice-Chair), Jack Duffin, Martin Kerin and Ben Maney

**Apologies:** Councillors Tunde Ojetola

**In attendance:** Sean Clark, Director of Finance & IT  
Steve Cox, Corporate Director of Environment and Place  
Roger Harris, Corporate Director of Adults, Housing and Health  
Karen Wheeler, Director of Strategy, Communications and Customer Service  
Roger Edwardson, Interim Strategic Leader School Improvement, Learning and Skills  
Sarah Welton, Strategy & Performance Officer  
Kenna-Victoria Martin, Senior Democratic Services Officer

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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

### **1. Minutes**

The Minutes of the Corporate Overview and Scrutiny Committee held on the 14 March 2017 were approved as a correct record.

### **2. Items of Urgent Business**

There were no items of urgent business.

### **3. Declaration of Interests**

Councillor Gerrish, Chair of the Committee declared an interest in Item 7 in that following legal advice from the Monitoring Officer; he was employed by Trinity Mirror plc. However he assured Members that he could keep an open mind and judge the matter on its individual merits and the evidence.

### **4. Terms of Reference**

The Chair presented the Terms of Reference to the Committee explaining they were for information. He enquired if there were any comments from Members, there were none.

**RESOLVED:**

**That the Corporate Overview and Scrutiny Committee noted the Terms of Reference.**

**5. End of Year Corporate Performance and Progress Report 2016/17 and Corporate Performance Framework 2017/18**

The Strategy & Performance Officer presented the report to Members, highlighting that the End of Year Corporate Performance Report combined the performance against last year's corporate scorecard presented at Appendix 1 with progress against the related actions/projects as outlined in the Corporate Priority Activity Plan for 2016/17 and was presented at Appendix 2.

It was explained that Appendix 3 highlighted the Corporate Performance Framework 2017/18 which detailed evidence the council would use to monitor the progress and performance against the council's priorities this year.

Members were advised that Officers from Directors Board were in attendance for any questions within particular directorates.

The Chair of the Committee queried as to the table at 3.1.1 on page 13 of the report and sought clarity that the indicators compared were the full collection of Key Performance Indicators. It was explained to the Committee that there were approximately 50 indicators on the corporate scorecard each year, the makeup of which could change as new indicators were introduced or their descriptions were changed. This meant the year on year comparisons were not comparing exactly the same indicators and also, where new indicators were introduced, these did not have a baseline on which to rate the direction of travel.

It was enquired as to the overall underspend on the Housing Revenue Account (HRA). The Corporate Director of Adults, Housing and Health, explained to Members that for the year of 2016/17 there had been a number of vacancies within senior management of the Housing Directorate, however such spend was for the 3 current housing developments within the borough. He continued by stating the situation was a 'one off' and he had hoped the developments had reached the Planning stage sooner.

Councillor Gerrish, Chair of the Committee, sought the reason for the failed indicator for the percentage of older people who were still at home 91 days after being discharged from hospital into rehabilitation. Members were informed the Council's previous performance had been good, however they had set themselves a stretch target over the last year and performance was lower due to the issues within the domiciliary care service. The Corporate Director for Adults, Health and Housing further explained that three of the home care providers used by the Council were brought in-house and therefore the domiciliary care team were managing the discharges from hospital.

During discussion the Committee raised the following:

- Street cleanliness was above its target, Members queried the reasoning for this. The Corporate Director of Environment and Place commented that the KPI was slightly higher than its target of 4% at 4.45% (lower was better). He explained this was down to the different land types within the borough such as main roads, rural roads and main retail and commercial sites.
- Achievement of Level 2 qualifications at 19 years old was failing. It was sought as to whether the Council was working with other providers to offer support to post 19 year olds. The Strategic Lead, School Improvement and Skills, explained to the Committee that partners such as Palmers College and South Essex College were joining together to offer more to students. He commented that a report on the improvement could be brought back to the Committee if Members wished.
- It was queried as to the reason complaints regarding social care were not included within the KPI for all complaints. Officers explained to the Committee there were very few complaints received in relation to social care last year and those were due to the issues within the domiciliary care service. Although the figure was higher than officers would like. It was further explained the Council had separate statutory regulations to follow with regards to Health and Social Care. The committee requested these figures separately. It was confirmed that they are included in the Annual Complaints Report,
- Councillor Duffin enquired as to why the number of new apprenticeships within the Council was low and commented that as the national level was rising why was Thurrock failing. It was explained that this had been impacted by the uncertainty around the implementation of the new apprenticeship levy. It was stated that the Council would be doing more this year to support apprenticeships internally.
- The direction of travel for the average sickness absence was queried by the Chair. Officers notified Members that HR colleagues were meeting with each directorate to discuss sickness absences. It was agreed to circulate information to Members regarding any further action that could be taken.

**RESOLVED:**

- 1. To note the progress and performance against the corporate priorities for 2016/17 (Appendix 1 and Appendix 2)**
- 2. To comment upon the corporate performance framework for 2017/18 (Appendix 3)**

## **6. Call-in to Cabinet Decision 01104421 Communication Strategy**

The Chair of the Committee introduced the report to Members advising them the Call-in was in respect of a Cabinet decision on the Communication Strategy. He explained the three options available to the Committee were listed as the recommendations to the report.

Councillor J. Kent was invited to speak to his call-in and in doing so, commented that he felt the overall strategy was a good piece of work, however felt it was disappointing that it was not brought back to the Committee before being presented to Cabinet for a final decision. He continued by stating he had a number of concerns with the way the strategy handled the press and felt it was 'plain wrong' and not in line with government guidance.

Councillor J. Kent commented that the strategy highlights the Council would only recognise organisations as 'media', if they were a member of the Independent Press Standards Association (IPSO). He continued by stating to try and discourage journalism or media was against government guidance on communication, to which he felt this is what the strategy was doing.

Councillor J. Kent continued to address the Committee and made the following points:

- To have the right of reply to articles about the Council was a reasonable aspect, however it should not be demanded.
- The media were local businesses within the borough and by saying should a journalist or media outlet not adhere to the regulators code, in particular to not reflect the councils position accurately, the council would not engage or recognise that organisation. In his opinion was bullying and threatening behaviour.

The alternative proposal from Councillor J. Kent was then put in front of the Committee in that the threat to not recognise all local media be removed and that the council be more open towards hyperlocal reporting and bloggers. He mentioned there was a lot within the strategy which was to be welcomed, however in his opinion the strategy was contrary of the policy framework and against national guidance, therefore requested it be referred to Full Council.

The Chair then invited Councillor Hebb, Deputy Leader and Portfolio Holder for Finance and Legal to address the Committee.

Councillor Hebb thanked the Chair for inviting him to the meeting and thanked Councillor J. Kent for his call-in. He continued by stating it was not the intention of the strategy to adjust relationships with any media organisation. It was to codify the processes already in place and to offer clarity on others.

Members were advised at present the Council didn't have a communication strategy which could offer guidance on principles and how the Council operated in relation to the media.

The Portfolio Holder commented on the policy itself in that it was to enhance relationships with local media and by embedding policy would assist with guidance around social media and supporting residents who had little or no access to IT. He continued to mention that the policy was also to protect both the Council and members of the media, by outlining the boundaries of the council's approach and to have a mutual respect and clarity. It was mentioned that there was currently a healthy level of scrutiny with the media, to which the Portfolio Holder commented he could count on one hand how many times the media bench in the chamber was empty.

Councillor Hebb further addressed the Committee and made the following points:

- The policy sought to address exceptional circumstances, of which there were none foreseen.
- It was right for an independent body such as a regulator to carry out any reviews if required.
- The initial report was discussed at the Corporate Overview and Scrutiny Committee on the 18 January, where the committee were asked to note and contribute to the report. He stated he could see that the final draft agreed by Cabinet should have been brought to the committee first and this was an oversight.
- Of the whole strategy which covered social media and brand promotion, there were 22 words which had caused concern and he looked to reconcile this and move forwards.

The Chair of the Committee sought clarity from Councillor Hebb as to whether he was for or against the spirit of the call-in. Councillor Hebb confirmed that he was in favour of bringing the discussion back to the Committee, he commented that it was agreed that all key decisions should be presented to Overview and Scrutiny Committees and the fact that this decision was not brought back to the committee as a final draft was an oversight which had been addressed with Officers.

It was sought by the Chair as to whether any of the press in attendance at the meeting wished to speak. Mr Casey from Your Thurrock confirmed that he wished to speak.

During his address to the committee Mr Casey highlighted the following:

- That he ran online newspapers including Your Thurrock and Your Harlow, which on a particular busy day could receive 400 views per minute.
- The strategy minus the 22 words highlighted was modern and up to date with the changing world of media.
- That the media was not only those present at meetings reporting and filming, but those on twitter who followed such posts.

- He appreciated being a media partner to the Council and thanked the communications team for the way they worked with and handled the media such as at the recent election.

Mr Casey summarised explaining he felt the strategy was a mature document which just required 'tweaking'.

Councillor J. Kent was offered the opportunity to summarise his call-in. In response he commented that the Portfolio Holder stated the Council had a good relationship with all local media, however in line with the strategy should The Enquirer attend Full Council, as they are not members of a regulated body, they would not be allowed to sit at the media bench and would be asked to sit in the public gallery. Furthermore at an election should the Financial Times attend were the Council going to turn them away.

During the debate the following discussions were had by the Committee:

- How would officers handle media organisations who were not a member of a media regulator. The Director of Strategy, Communications and Customer Services explained it was intended for exceptional circumstances and in such cases the relevant media outlet would have its own complaints procedure. She continued to highlight this was not a change to the day to day media queries.
- It was agreed that the wording causing concern could be clearer, however when written it was not perceived to be strongly worded.
- In relation to right of reply it was usual to comment 'in the moment' when a press release was being prepared. With newspapers which were printed, if not given the right to reply or comment, it could mean the article being printed without giving both sides of a story. However with online stories updates could be added to the relevant article. It was felt it was important to give both positions of a story at the same time. Although it was understood that the media would want to 'break' a story as quickly as possible.
- Councillor Duffin commented that he felt the council saw the local media as a PR firm, when in fact they were to hold the council to account and just because the council didn't agree with a story then they would choose not to work with the organisation. Councillor Hebb stated in his opinion dealing with the media was no longer 9 to 5, residents had access to all types of media at all times.
- The Chair sought as to whether the wording would enhance or hinder the working of the Communication team, as the strategy gives them the ability to put restrictions on the media if not associated with a regulator. Councillor Hebb replied that he didn't feel the strategy would stifle the relationship the council had with the local media, as it would enable both sides to work alongside with the same set of boundaries.

Councillor Kerin welcomed the call-in, he commented that he could understand the use of the exceptional circumstances, however could see

such discussed restrictions used. He continued by stating he felt any use to prevent free press was slightly 'sinister'.

It was enquired as to the wording 'the council will not engage or recognise that organisation' would this include requests for information. Councillor Hebb addressed the Committee explaining there could be the opportunity for a refresh of the wording to provide clarity, however in relation to Freedom of Information requests this would still be completed subject to procedure and the council were not attempting to stifle freedom to information.

All Members continued to discuss the report and further commented that although it was understood as to what was being said with regards to exceptional circumstances and the terminology used that was not clear within the strategy and not stated as such.

Councillor Duffin mentioned that advertising played a role with the media in that seeking to get works completed, after months of trying to solve a problem, for a press release to be printed and the matter solved within a week. He also sought that Officers look into a process for when questionable or inaccurate press releases were published by the council. The Director of Strategy, Communications and Customer Services highlighted that should Members have any complaints regarding any press release, they could speak with the Monitoring Officer or Chief Executive. Members of the public could follow the complaints procedure. It was agreed that officers would look at the topic with senior management. Councillor Hebb suggested a report could be presented to the Standards and Audit Committee.

Councillor Maney expressed he felt if the report was sent on to Full Council it would be unjust and sought from Councillor Hebb if recommended back to Cabinet if Members would take on board the comments from the Committee. Councillor Hebb confirmed if that was decided by the committee all comments would be considered.

Councillor J. Kent replied to the Chair's offer to comment on the suggestion that the report be sent back to Cabinet. He stated that the Committee had 3 options available of which he preferred the report be presented to Full Council.

The Chair then offered Councillor Hebb to sum up and in doing so the Portfolio Holder explained that he had attended the meeting to listen and understand Members and their thoughts on the strategy.

The Vice-Chair sought what, if anything, the Council could do if a press release was published following a topic on social media such as Twitter. It was explained that if misleading articles were published which were linked to the Council they would be reported to the relevant site and depending on the situation the police could also be notified, for example, if a potential hate crime.

The Chair commented due to the nature of the call-in if it was possible to refer the report to Cabinet and then on to Full Council if necessary.

Councillor Maney echoed his thoughts that sending the report to Full Council was unjust. He stated he felt the report should be referred back to Cabinet with a clear outline of what the Committee's concerns were.

It was expressed by Councillor Kerin that the report should be presented to Full Council for transparency and full debate by all 49 Elected Members. The Chair address the committee informing them as part of the review into the Cabinet decision, taking into account everything they had heard, there were 3 options available to them listed within the agenda. He continued to state he had two concerns in that the strategy opposed the policy framework and was against DCLG guidance, the Nolan Principles and freedom of press within the borough. He summed up explaining on that basis he felt the report should be presented to Full Council.

Members discussed the recommendation to refer the report back to Cabinet and Councillor Maney expressed that paragraphs 3.23 and 3.25 would need to be removed or amended.

A vote was undertaken in respect of the call-in recommendations, whereupon, four Members voted in favour of referring the recommendation to Full Council for reconsideration, and one Member voted to refer the call-in back to the Cabinet.

**RESOLVED:**

**The Overview and Scrutiny Committee refer the matter to the Council as decision is contrary to the Budget or Policy Framework.**

**7. Corporate Overview and Scrutiny Work Programme**

Members discussed the work programme for the current municipal year.

**RESOLVED**

**Members agreed the following items be included on the Work Programme:**

- **Update on the Communications Team and their decision making processes**
- **Key Performance updates throughout the municipal year**
- **Update on internal and external apprenticeships**

**The meeting finished at 8.50 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact  
Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**

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<b>19 September 2017</b>		<b>ITEM: 5</b>
<b>Corporate Overview and Scrutiny Committee</b>		
<b>Quarter 1 Corporate Performance Report 2017/18</b>		
<b>Wards and communities affected: All</b>		<b>Key Decision: Non-key</b>
<b>Report of:</b> Karen Wheeler, Director of Strategy, Communications & Customer Services		
<b>Accountable Assistant Director: N/A</b>		
<b>Accountable Director:</b> Karen Wheeler, Director of Strategy, Communications & Customer Services		
<b>This report is public</b>		

## **Executive Summary**

This is the first of the corporate performance monitoring reports for 2017/18.

The Corporate Performance Framework 2017/18 details the statistical evidence the council will use to monitor the progress and performance against the priorities. This is the outcome of a full and thorough review of KPIs in line with recommendations made by Corporate Overview and Scrutiny in 2015/16.

This report provides a progress update in relation to the performance of those KPIs, including a focus on some specific highlights and challenges. The data is included in Appendix 1 and the areas for focusing upon this quarter are detailed in section 3.3.

- 1. Recommendation(s)**
  - 1.1 To note and comment upon the performance of the key corporate performance indicators in particular those areas which are IN FOCUS**
  - 1.2 To identify any areas which require additional consideration**

## 2. Introduction and Background

2.1 The council has an agreed vision and set of corporate priorities:

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

- Create a great place for learning and opportunity
- Encourage and promote job creation and economic prosperity
- Build pride, responsibility and respect
- Improve health and well-being
- Promote and protect our clean and green environment

2.2 The vision and priorities are currently under review by a cross-party working group of members, representatives of the community, business and tenants.

2.3 The performance of the key activities of the council in delivery the corporate priorities is monitored through the Corporate KPI (Key Performance Indicator) framework. This provides a mixture of strategic and operational indicators and is the outcome of a full and thorough review of KPIs and other performance tools in line with recommendations made by Corporate Overview and Scrutiny in 2015/16.

2.4 The review took into account feedback and intelligence the council receives from residents. Results from the resident survey which took place in November/December 2016 also fed into this review.

2.5 The purpose of the review was to make the performance framework as clear and simple to understand as possible, whilst balancing the need to ensure the council is monitoring those things which are of most importance, both operationally and strategically.

2.6 This reflects the demand for council services increasing and being ever more complicated and the need for a holistic approach to monitoring data and intelligence. The increased analysis of internal processes at service level by Directors which has been embedded throughout 2016/17 will continue.

## 3. Issues, Options and Analysis of Options

3.1 This report is a monitoring report, therefore there is no options analysis.

### 3.2 Summary of Corporate KPI Performance

Quarter 1 Performance against target		Direction of Travel compared to 2016/17	
Achieved	58.97% (22)	↑ BETTER	50% (13)
		→ STATIC	7.7% (2)
Failed	41.03% (16)	↓ WORSE	42.3% (11)

### 3.3 Focus Areas for Quarter 1 (Up to June 2017)

This section focuses on a few key performance highlights and challenges.

3.3.1 Focus 1			
KPI	Street cleanliness a) litter b) graffiti		
Portfolio	Environment	Directorate	Environment & Place
Quarter 1 Performance	a) 8.5    b) 3	Performance Status	<b>ACHIEVED</b> (lower is better)
Target	b) 10    b) 5	Direction of Travel since last year	n/a - different methodology
<p>The first tranche of street cleanliness inspections have been completed and reported. These are the first inspections that have been completed for the council by Keep Britain Tidy. The results are a testament to the hard work and dedication of the street cleansing team.</p> <p>Some of the scores that are particularly impressive and worth a mention, are those for the following land types, which are being targeted by the street cleansing teams as priorities:</p> <ul style="list-style-type: none"> <li>• Main retail and commercial                      1.67%</li> <li>• High obstruction housing                            6.67%</li> <li>• Medium obstruction housing                        3.33%</li> <li>• Low obstruction housing                             1.67%</li> <li>• Main roads    1.67%</li> <li>• Recreation areas                                      5.00%</li> </ul> <p>The key area of concern identified in the inspections was the industry and warehousing land type, which only achieved a score of 28.33%. These areas traditionally score worst for litter levels. However to support the work of the street cleansing teams, investigation is underway into how the council can best engage with businesses in industrial estates to encourage them to take some responsibility and interest in the cleanliness of their sites. In particular, officers are focussing on ensuring that businesses have the most appropriate commercial waste contracts in place to minimise the build-up of, and subsequent spread from rubbish bags in light industrial estates.</p>			

3.3.2 Focus 2			
KPI	% of primary schools judged "good" or better		
Portfolio	Education and Health	Directorate	Children's Services
Quarter 1 Performance	97.4%	Performance Status	<b>ACHIEVED</b>
Quarter 1 Target	94%	Direction of Travel since last year	<b>BETTER ↑</b>
Year End Target	94%		
<p>This indicator has consistently improved over recent reports with 37 out of 38 Thurrock primary schools now being judged by Ofsted as being either good or outstanding. This is great news for the future of the children and young people of the borough.</p> <p>The School Improvement Team continues to work closely with the three Teaching School Alliances to use data to identify the needs of all schools within the borough. There is also a comprehensive continuing professional development offer available to all schools in the borough.</p>			

### 3.3.3 Focus 3

<b>KPI</b>	<b>All Corporate KPIs in Adults Social Care and Health</b>		
<b>Portfolios</b>	• Adult Social Care	Directorate	Adults, Housing and Health
	• Health • Neighbourhoods	Performance	<b>ACHIEVED</b>

Every available corporate KPI within the Adult Social Care and Public Health services has achieved its target in quarter 1. This is a great achievement and testament to the hard work that is constantly taking place in front line services and with partners to help deliver the health and wellbeing priorities for the residents of Thurrock.

This is a positive start to the year and progress and performance will continue to be monitored closely in what is a very, pressurised environment.

<b>KPI</b>	<b>Qtr 1 YTD</b>	<b>Qtr 1 Target</b>
Number of additional hypertensive patients diagnosed following screening programmes	299	100
% of primary schools signed up to the Daily Mile to increase physical activity levels in children	46%	40%
Successful completion of treatment in Young People's Drug & Alcohol service	81%	60%
Number of volunteers within the council (YTD)	200	200
Number of "exchanges" carried out through time-banking (in hours)	9,649	3000
Permanent admissions of older people (aged 65 and over) to residential and nursing care homes, per 100,000 population	135	175
Permanent admissions of younger adults (aged 18 to 64) to residential and nursing care homes, per 100,000 population	0	3
Proportion of people using social care who receive direct payments/ Or Individual Service Funds	33.24%	32%
Proportion of carers who receive direct payments	100%	68%
Average waiting time (in weeks) of Occupational Therapy assessments as at month end	4	6

### 3.3.4 Focus 4

KPI	% Household waste which is reused, recycled or composted		
Portfolio	Environment	Directorate	Environment & Place
Quarter 1 Performance	40.16%	Performance	<b>FAILED</b> (bigger is better)
Quarter 1 Target	47%	Direction of Travel since last year	<b>WORSE ↓</b>
Year End Target	41%		

The recycling rate for the first quarter has fallen below levels expected for this time of year. In many ways this is a continuation of the decline in recycling participation that has been noted over the past few years, both locally and nationally.

As previously documented, there are a number of factors contributing to the low recycling rates including:

- Drier weather in April resulting in slow grass growth and lower tonnages of garden waste than anticipated
- Lack of targeted recycling education programmes and communication to residents over the last three years

Although the communication activity around the waste collection route changes included an emphasis on recycling, and seems to have had an impact in the week of the route changes, the small increase in recycling levels seen has not been sustained.

The Environment Department has set up a project team to look at ways of increasing recycling, including raising awareness with individual householders of their responsibility to help recycle and/or reduce the volume of waste being thrown away. Not only as the council needs to achieve a level of 50% in 2020 (national government target), but with the differential in disposal costs per tonne for the different streams of waste, lower recycling rates can be indicative of impending budget pressures.

Working with the Customer and Demand Management Board and the communications team, a range of options have been identified that will have both short term and long term benefits. The department is in the process of agreeing which of the programmes to prioritise and more targeted campaigns. An update will be provided as part of the Waste Update item for Cleaner, Greener, Safer Overview and Scrutiny Committee in October.

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

- 4.1 The corporate priorities and associated performance framework are fundamental to articulating what the council is aiming to achieve. It is best practice to report on the performance of the council. It shows effective levels of governance and transparency and showcases strong performance as well as an acknowledgement of where we need to improve.
- 4.2 This report outlines what the council will focus on in the year ahead and confirms the governance and monitoring mechanisms which will be in place to ensure that priorities are delivered.

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

- 5.1 Performance against the corporate priorities will continue to be monitored through Performance Board, a cross-council officer group of performance experts representing each service. Performance Board scrutinises the corporate KPIs on a monthly basis, highlighting areas of particular focus to Directors Board.
- 5.2 Each quarter a report will be presented to Corporate Overview & Scrutiny Committee for member-led scrutiny, and finally reported to Cabinet.

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

- 6.1 The vision and priorities cascade into every bit of the council and further to our partners, through key strategies, service plans, team plans and individual objectives.
- 6.2 This report will help decision makers and other interested parties, form a view of the success of the council's actions in meeting its political and community priority ambitions.

#### **7. Implications**

##### **7.1 Financial**

Implications verified by: **Laura Last**  
**Management Accountant**

The report provides an update on performance against corporate priorities. There are financial KPIs within the corporate scorecard, the performance of which are included in the appendix to the report.

The council continues to operate in a challenging financial environment, therefore, where there are issues of underperformance, any recovery planning

commissioned by the council may entail future financial implications, and will need to be considered as appropriate.

## 7.2 Legal

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

There are no direct legal implications arising from this report. However, where there are issues of underperformance, any recovery planning commissioned by the council or associated individual priority projects may have legal implications, and as such will need to be addressed separately as decisions relating to those specific activities are considered.

## 7.3 Diversity and Equality

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

The Corporate Performance Framework for 2017/18 contain measures that help determine the level of progress with meeting wider diversity and equality ambitions, including youth employment and attainment, independent living, vulnerable adults, volunteering etc. Individual commentary is given throughout the year within the regular monitoring reports regarding progress and actions.

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

The Corporate Performance Framework includes areas which affect a wide variety of issues, including those noted above. Where applicable these are covered in the appendix.

## 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): N/A

## 9. Appendices to the report

- Appendix 1 – Quarter 1 Corporate Performance Report 2017/18

### Report Author:

Sarah Welton  
Strategy & Performance Officer

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Appendix 1 - Corporate Performance KPI Framework 2017/18

Monthly Performance Indicator	Portfolio Holder	2016/17 Outturn	Qtr 1 YTD	In year profiled target (if applicable)	2017/18 Target	Status	Direction of Travel (DOT) since 2016/17	Commentary (for all FAILED indicators)
% of Major planning applications processed in 13 weeks	Clr Coxshall	97.3	100	77	77	ACHIEVED	↑	
Total No of homes transformed as part of Transforming Homes Programme	Clr Gledhill	1115	297	249	1000	ACHIEVED	↑	
% Rent collected	Clr Gledhill	99	93	85	98	ACHIEVED	↑	
Overall spend to budget on HRA (EK variance)	Clr Gledhill	-304	0	0	0	ACHIEVED	↑	
Permanent admissions of younger adults (aged 18 to 64) to residential and nursing care homes, per 100,000 population	Clr S Little	5.8	0	3	10	ACHIEVED	↑	
Permanent admissions of older people (aged 65 and over) to residential and nursing care homes, per 100,000 population	Clr S Little	708	135	175	708	ACHIEVED	↑	
Proportion of carers who receive direct payments	Clr S Little	86.66	100	68	68	ACHIEVED	↑	
% of primary schools judged "good" or better	Clr Halden	91.9	97.4	94	94	ACHIEVED	↑	
Average time (in days) for a child to be adopted (3 year average)	Clr S Little	452	446	500	500	ACHIEVED	↑	
Number of "exchanges" carried out through time-banking (in hours)	Clr MacPherson	15250	9649	3500	14000	ACHIEVED	↑	
% of potholes repaired within policy and agreed timeframe	Clr B Little	97.7	100	100	100	ACHIEVED	↑	
Street Cleanliness - a) Litter	Clr Watkins	new survey method (Benchmark = 6)	8.5 (First Tranche)	10	10	ACHIEVED	n/a	
Street Cleanliness - c) Graffiti	Clr Watkins	new survey method (Benchmark = 2)	3 (First Tranche)	5	5	ACHIEVED	n/a	
Number of additional hypertensive patients diagnosed following screening programmes	Clr Halden	n/a	299	100	400	ACHIEVED	n/a	
% of primary schools signed up to the Daily Mile to increase physical activity levels in children	Clr Halden	n/a	46	40	50	ACHIEVED	n/a	
Successful completion of treatment in Young People's Drug & Alcohol service	Clr Halden	n/a	81	60	60	ACHIEVED	n/a	
Number of volunteers within the council (YTD)	Clr MacPherson	new def	200	200	270	ACHIEVED	n/a	
Proportion of people using social care who receive direct payments or Individual Service Funds	Clr S Little	new KPI	33.24	32	32	ACHIEVED	n/a	
Average waiting time of Occupational Therapy assessments as at month end	Clr S Little	new KPI	4	6	6	ACHIEVED	n/a	
Number of private tenants whose homes have been improved as a direct result of Housing intervention (cumulative)	Clr Gledhill	n/a	170	132	530	ACHIEVED	n/a	
No of businesses engaged through Council programmes (Quarterly)	Clr Coxshall	727	95	45	180	ACHIEVED	n/a as different programmes	
% of Minor planning applications processed in 8 weeks	Clr Coxshall	100	98	90	90	ACHIEVED	↓	
% of repairs completed within target	Clr Gledhill	98.3	98.4	97	97	ACHIEVED	↓	
% General Satisfaction of tenants with neighbourhoods/services provided by Housing	Clr Gledhill	70.97	71	75	75	FAILED	↑	Q1 performance (71.2%) is an improvement on the 2016/17 outturn and has improved 5 percentage points between May and June. We are confident of reaching the target as there is increasingly positive feedback evident in other collection exercises, including satisfaction with repairs and with the Transforming Homes programme. It should be noted that the methodology for this indicator is to include only the 'excellent' and 'good' ratings from a 5-point rating in the overall percentage. Were 'fair' ratings to be included the performance would be at 89.3%.
Average sickness absence days per FTE	Clr Huelin	10.43	2.32	2.25	9	FAILED	↑	It is recognised that absence remains slightly above the KPI target. HR are working closely with managers in respect of raising the profile of timely intervention in terms of those individuals meeting a trigger point with particular emphasis on stage 1s being completed as soon as trigger has been reached and ongoing work with Occupational Health to ensure referrals are fast tracked where required. There is a robust process in place for escalation. The sickness absence action plan will be regularly monitored to ensure that the key deliverables are on target.
% overall spend to budget on Capital Programme	Clr Hebb	81	7.9	10	90	FAILED	→	The total expenditure to date on the Capital Programme is £8.075m, which equates to 7.9% of the budgeted spend against the performance indicator of 10%. This is based on the actual payments made to suppliers, so when considering the outstanding payments for works completed but not yet billed, the percentage spent will actually be closer to the target level. Full detail around the capital programme has been reported in the September Cabinet Quarter 1 Capital Programme Monitoring report.
% of all complaints upheld (based on closed complaints)	Clr Huelin	37	37	35	35	FAILED	→	This is better (lower is better) than last year's outturn and will be monitored monthly going forward.

Appendix 1 - Corporate Performance KPI Framework 2017/18

Monthly Performance Indicator	Portfolio Holder	2016/17 Outturn	Qtr 1 YTD	In year profiled target	2017/18 Target	Status	DOT since 2016/17	Commentary (for all FAILED indicators)
Total gross external income (whole council) (based on sales forecast)	Clr Hebb	new KPI	10209	10514.2	10514.2	FAILED	n/a	Full detail of this indicator has been reported in the September Cabinet Quarter 1 Budget Monitoring report.
No of new apprenticeships started (including current members of staff undertaking new apprentice standards) as a percentage of the total workforce	Clr Huelin	new KPI	8	10	53	FAILED	n/a	Apprentice starts in the first two months of the year have been low. This is due to the introduction of the apprentice levy which commenced in April. A dedicated fixed term resource started in early April to work on the Council's approach to maximise our levy contribution and achieve our target % of starts. 7 apprentice starts were confirmed in June which is a much stronger performance in the last month of Q1. Over 10 additional starts are currently in the pipeline with services ranging from town planning to legal. Work remains ongoing with managers across the Council to raise awareness of the opportunity presented by the levy.
% NEET + Unknown 16-17 year olds (Age at start of academic year)	Clr Halden	n/a	3.6	2	2	FAILED	n/a	The target of 2% is set to be achieved in our three month reporting period to Department for Education from November 2017 to January 2018. This is when our NEET is (historically) at its lowest. The NEET indicator rises during the summer months and is highest in August. The figure of 3.6% is 0.4% lower than this time last year when NEET and Unknown stood at 4%
Average time to turnaround/re-let voids (in days)	Clr Gledhill	34.7	36	30	30	FAILED	↓	Performance for Q1 overall is 1.3 days longer than the 2016/17 outturn. Void performance data has been analysed to identify any blockages with a view to further streamlining the voids process in order to manage down the re-let time. A number of specific issues have been identified (i.e. time taken to complete an asbestos survey and letting time after void works are complete) and a meeting of responsible managers has been arranged to build on this analysis and ensure all the weak points in the 'key-to-key' process are addressed.
Forecast Council Tax collected	Clr Hebb	98.9	28.25	28.29	98.9	FAILED	↓	This has very marginally missed the target by -0.04% and as such the service does not consider this to be an issue, but will continue to monitor closely.
Forecast National Non-Domestic Rates (NNDR) collected	Clr Hebb	99.7	29.63	29.92	99.3	FAILED	↓	This is -0.29% below target, which is slightly worse than anticipated but can be explained by the timing of court dates.
% timeliness of response to all complaints (all services except social care)	Clr Huelin	92	79	95	95	FAILED	↓	This is based on 412 complaints responded to within timeframe out of 523 that were due a response. Missed deadlines are due to a combination of shorter complaint timeframes that were introduced on the 1st August 2016 and the introduction of the requirement for a senior officer sign off for complaints within certain areas.
% of 17-21 yr old Care Leavers in Education, Employment or Training	Clr S Little	61.1	39.2	70	70	FAILED	↓	The current position reflects the recruitment and enrolment over the summer period. There are a number of young people who have applied for and have been successful in applications for college places in September. A recruitment exercise was recently undertaken within Inspire and as a result there have been two care leavers employed into apprenticeship opportunities. This work is also linked to the development of the HMOs which will also provide housing for the young people whilst they are undertaking the apprenticeship programme.
% Household waste reused/ recycled/ composted	Clr Watkins	37.2	40.16	47	41	FAILED	↓	The recycling rate for the firsts quarter has fallen below levels expected for this time of year. In many ways this is a continuation of the decline in recycling participation that has been noted over the past few years. As previously documented, there are a number of factors contributing to the low recycling rates including drier weather in April resulting in slow grass growth and lower tonnages of garden waste than anticipated and a lack of a targeted recycling education programmes and communication to residents over the last 3 years. Although the communication activity around the Waste collection Route changes included an emphasis on recycling, and seems to have had an impact in the week of the route changes, the small increase in recycling levels seen has not been sustained. The Environment Department has set up a project team to look at ways of increasing recycling. Not only as we need to achieve a level of 50% in 2020, but with the differential in disposal costs per tonne for the different streams of waste, lower recycling rates can be indicative of impending budget pressures. Working with the Customer Demand Board and the Communications team, a range of options have been identified that will have both short term and long term benefits. The department is in the process of agreeing which of the programmes to prioritise and more targeted campaigns.
% of refuse bins emptied on correct day	Clr Watkins	98.5	98.1	98.5	98.5	FAILED	↓	After the very positive performance in May when the new rounds were introduced, performance in June has dipped below target. There are a number of factors that have combined to result in the increased level of missed bins. These include vehicle breakdowns, staff absences, round instruction, changes to working practices. All are being closely managed and monitored and indications are that the collection target will be met in July.
Number of places accessed for two year olds for early years education in the borough	Clr Halden	659	630	658 (75% of DWP target)	75% of DWP target	FAILED	↓	Our position for the summer term to date is 630 children, or 72% of the March 2017 list from the DWP which contained 878 eligible families. This is below our aspirational target of 75% (658 children) but remains above the national average of 71%.
Overall spend to budget on General Fund (£K variance)	Clr Hebb	0	1000	0	0	FAILED	↓	Full detail of this indicator has been reported in the September Cabinet Quarter 1 Budget Monitoring report.
Delayed Transfers of Care – Number of delayed days from hospital (attributable to NHS and ASC)	Clr S Little	4255	960	TBC	TBC	TBC	TBC	Awaiting target confirmation from Department of Health
% of young people who reoffend after a previously recorded offence	Clr Halden	28	quarter in arrears	30	30	quarter in arrears	quarter in arrears	
Demand Indicator	Portfolio Holder	2016/17 Outturn	Qtr 1 YTD				DOT since 2016/17	
No of households at risk of homelessness approaching the Council for assistance	Clr Gledhill	2285	316				↓	
No of homeless cases accepted	Clr Gledhill	287	94				↑	
No of incidents of Fly tipping reported	Clr Watkins	2896	529				↓	
No of incidents of Abandoned vehicles reported	Clr Watkins	1623	432				↑	
Number of statutory nuisance complaints made	Clr Macpherson	new	930				n/a	
Number of environmental (public) health interventions requested	Clr Macpherson	new	77				n/a	

<b>19 September 2017</b>		<b>ITEM: 6</b>
<b>Corporate Overview and Scrutiny Committee</b>		
<b>Call-in to Cabinet Decision 01104421 Communication Strategy</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key	
<b>Report of:</b> David Lawson, Monitoring Officer and Deputy Head of Law & Governance		
<b>Accountable Assistant Director:</b> N/A		
<b>Accountable Director:</b> Karen Wheeler, Director of Strategy, Communications and Customer Services		
<b>This report is Public</b>		

## Executive Summary

This report outlines the constitutional and procedural legal advice given by the Monitoring Officer following the decision by the Corporate Overview and Scrutiny Committee at their meeting on 29 June 2017, in relation to the call-in made to Cabinet Decision 01104421 Communication Strategy.

Following sight of the draft minutes the Monitoring Officer met with the Chair of the Committee to discuss procedural queries, arising from the meeting. During discussions it was agreed that officers would produce a report, including advice from the Monitoring Officer in relation to the call-in decision and report back to Members at their next meeting.

### 1. Recommendation(s)

- 1.1 That the Corporate Overview and Scrutiny Committee consider the procedural advice received from the Monitoring Officer at paragraphs 4 of the report.
- 1.2 That the Corporate Overview and Scrutiny Committee consider the potential revised wording of the relevant section of the Communications Strategy 2017-2020.
- 1.3 That the Committee can, following the legal and procedural advice from the Monitoring Officer, either, refer the recommendation (decision: 01104421 Communication Strategy) to Cabinet for reconsideration, setting out in writing the nature of its concerns, or reject the call-in stating the reasons why.

## 2. Introduction and Background

- 2.1 On Tuesday 18 April 2017, Councillor John Kent called in Cabinet Decision 01104421, in his capacity as the Chair of the relevant Overview and Scrutiny Committee.
- 2.2 The reason for making the call in (in accordance with Chapter 4, Part 3, Rule 10.4 of the Constitution) has been cited as a failure of the decision maker to take the decision in accordance with the following decision-making principles:
- a. *Due regard for individuals and communities served by Thurrock.*
  - b. *Proportionality (i.e. the action must be proportionate to the desired outcome)*
  - c. *Due consultation*
  - e. *A presumption in favour of openness*
- 2.3 The call-in was agreed to be valid in accordance with the rules set out within Chapter 4, Part 3 of the Councils Constitution on those grounds.
- 2.4 The alternative proposal stated on the call in form is:
- Withdraw the threat to not recognise or engage with outlets that don't – in the Councils view- accurately reflect the Council line. Recognise all legitimate media organisations.*
- Put the strategy to the Corporate Overview and Scrutiny Committee.*
- 2.5 During the meeting held on 29 June 2017, the Corporate Overview and Scrutiny Committee agreed that overall the Communications Strategy 2017-2020 was a good and useful piece of work.
- 2.6 However, there were two sections of the covering report and strategy specifically highlighted as part of the call-in which the committee felt needed to be either removed or reviewed. Those sections are:
- 3.23 The Council will recognise organisations as 'media' who are a member of the Independent Press Standards Association (IPSO) or equivalent regulator and comply with the Editor's Code of Practice. Television and radio broadcasters, such as the BBC, are regulated by Ofcom. Any organisation which has membership of such a regulatory framework will be offered a place in the 'media area' for the benefit of reporting on council meetings. Other media organisations and reporters will be welcome to report from the public area.
  - 3.25 Should a media outlet, or one of its journalists, fail to adhere to the regulator's code and in particular not reflect the council's position accurately ensuring a 'right of reply', the council will not engage and

recognise that organisation and/or journalist as 'media' for a period of time determined by the council.

- 2.7 The discussion focussed on seeking clarity around what the spirit of those sections would mean in practice and under what circumstances the Council would act.
- 2.8 During the discussion, it was made clear by the Director of Strategy, Communications and Customer Services and the Portfolio Holder that the intention was not to seek to change the existing practice of how the council engages with the media. It sought only to codify how the council would react in the exceptional circumstance where an outlet's actions or reporting significantly and/or persistently fell below what is the independent industry-set standard.

The council has a good working relationship with the media and the work of the council is well reported on.

- 2.9 National rules around transparency of local government are set out in The Openness of Local Government Regulations 2014 and The Local Authorities (Executive Arrangements)(Meeting and Access to Information)(England) Regulations 2012.

These Regulations state that the 'press' is defined in the widest terms, including traditional print media, filming crews, hyper-local journalists and bloggers.

- 2.10 The Regulations also advise that local government bodies are only required to provide 'reasonable facilities' to facilitate the reporting of meetings. This should include space to view and hear the meeting, seats, and ideally a desk.
- 2.11 Following the meeting and having had sight of the draft minutes the Monitoring Officer met with the Chair of the Committee to discuss procedural queries, arising from the meeting. It was then agreed that such legal and procedural advice should be presented to the Committee for it to have an opportunity to consider the advice at their next meeting. The Monitoring Officer's advice is set out at **paragraph 4** below and reflects the advice provided to the Chair of the Committee.

### **3. Proposed Changes**

- 3.1 In the interim the Director of Strategy, Communications and Customer Services has considered the views of Members at the committee and is proposing, as a possible alternative recommendation back to the decision-maker, that sections 3.23 and 3.25 of the covering report, which are reflected in the Communication Strategy, are deleted and replaced with the following:
- 3.2 *The council will recognise all those who identify as being members of the press or media. Occasionally, there may be times when the number of media representatives attending a meeting is greater than the space allocated to the*

*media in a Committee Room or the Council Chamber. Where this is the case, reasonable facilities will be put in place to ensure the media can report fully on the meeting and decisions taken, such as using seats in the public gallery.*

- 3.3 *The council expects media outlets to adhere to independent industry-led standards and codes, in the same way that the council follows the Code of Recommended Practice on Local Authority Publicity (2011). In the exceptional circumstance where the council feels a media outlet has acted significantly and/or persistently against its own regulatory code, the council will seek redress by engaging directly with the outlet first, then through their own complaints procedure, followed by the independent regulator's appeal procedure should previous offers of resolution be insufficient.*
- 3.4 *Where a media outlet is not a member of a regulatory body and does not have a complaints procedure in place, should they act significantly and/or persistently against the relevant code, the council will continue to offer them the same access and opportunities as a member of the public as set out in the Constitution.*
- 3.5 Thurrock Council's Constitution states:

*Residents have the right to:*

*(c) report on meetings, or those parts of meetings, that are open to the public using any communication methods, including the internet, to publish, post or otherwise share the results of their reporting*

The definition of 'reporting on meetings' is defined in the Regulations as:

*(a) Filming, photographing or making an audio recording of proceedings at a meeting;*

*(b) Using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;*

*(c) Reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present;*

#### **4. Legal Advice from the Monitoring Officer**

##### **4.1 Communications Strategy Call-in to Corporate Overview & Scrutiny Committee & Monitoring Officer Advice to Committee**

In my role and function as Monitoring Officer for the Authority I have sight of draft minutes for committees and for the above item at Corporate Overview & Scrutiny Committee held on 29 June 2017, I had some procedural queries for which I have sought clarification from both officers and Chair of the Committee.

4.2 The procedural queries, which I needed to review, were:

- The ground that the relevant executive decision was or may be outside the Budget Policy Framework (BPF) was not a ground listed in the Call-In Form - there is an option for it this in the Call-In Form but it was not marked as a ground and there is no supporting evidence in the Form itself;
- My understanding is that this was an additional ground only raised on the night – this appears contrary to Scrutiny Procedure Rules at Chapter 5, Part 1 Para 10.10;
- Additionally the Scrutiny Procedure Rules at Chapter 5, Part 1 - Para 10.20 (b) state that if the Committee considers the decision might be outside BPF before referring it to Full Council they are required to seek advice of Monitoring Officer and / or section 151 Officer as relevant. I am not aware this was done;
- Chapter 2, Part 1 Rule 5 (Article 4) of the Constitution lists by formal definition those agreed high level plans / strategies that are within the agreed Policy Framework – the " Communication Strategy" is not one of them. Neither is the DCLG guidance document or the Nolan Principles which I believe were verbally referred to on the 29 June 2017;
- This has raised the risk that the Committee may be seeking to make a referral to Full Council other than in accord with its own constitution based procedure rules and of a matter not listed within Policy Framework, with potential for jurisdictional embarrassment to Full Council.

### 4.3 Monitoring Officer Advice

In the circumstances, given that it appears that the committee could have made a referral to Full Council contrary to its own Scrutiny Procedure Rules and / or outside the definition of "Policy Framework" in the Constitution or the relevant statutory guidance in this matter I have advised:

That the matter should be brought back to the committee to give it an opportunity to consider this advice:

- That the current call-in stasis as to any implementation of the new "Communication Strategy" will have to continue until the committee has had an opportunity to consider this advice;
- That by giving this advice, this goes towards satisfying the procedural requirement of the Scrutiny Procedure Rules at Chapter 5, Part 1 - Para 10.20 (b) but I am happy to attend the meeting at which this report is heard to assist the committee in any further way I can in this regard;
- It appears that the ground of being contrary to the BPF was not cited by the call-in as required by Scrutiny Procedure Rules at Chapter 5, Part 1 Para 10.10;

- That the Communication Strategy, the DCLG document and the Nolan Principles are not policies within the current “Policy Framework” as set out in Chapter 2, Part 1 Rule 5 (Article 4) and therefore the prerequisites for a referral to Full Council, rather than back to original decision maker (Cabinet), do not appear to be satisfied;
- It is my understanding from the draft minutes that there may be some level of agreement that the passages of the Communication Strategy, which have clearly caused the committee concern, will be addressed elsewhere in this report either by potential alternative wording and / or deletion of the said passages and which may or may not assist the committee in its debate and help inform any alternative recommendation by the committee back to the decision maker in this matter.

## **5. Possible Alternative Recommendation**

- 5.1 Further to a request by the Chair in order to assist the Committee in its debate as to possible alternative recommendations, the Director of Strategy, Communications and Customer Services has put forward a potential amendment to the Communications Strategy, for the committee to consider as a recommendation to Cabinet. If the suggested amendments are adopted by the Committee, after due scrutiny and debate, then the alternative recommendation could be expressed as follows:

*“That the committee considers the revised wording of the relevant section of the Communications Strategy 2017-2020 and recommend the proposed change to Cabinet”.*

- 5.2 This may allow for the Committee, depending on its view, to address the areas of the Communications Strategy which the committee felt needed to be amended and recommend alternative wording to Cabinet.

## **6. Reasons for Recommendation**

- 6.1 The Committee are requested to manage the call-in in accordance with the provisions set out in Chapter 4, Part 3 of the Constitution.

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

- 7.1 Not applicable.

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

- 8.1 The call-in has a positive impact on corporate policies as it allows for the proper exercise of the democratic function, namely for Members to call-in a Cabinet decision based on valid arguments.

- 8.2 The role of Overview and Scrutiny in this function will allow for issues to be discussed in a public arena with cross party involvement and will give the opportunity for interested parties to join the debate and make representations.
- 8.3 The impact on performance, should the recommendation not be agreed is that the Council could be deemed to not be discharging the Call-In correctly.

## **9. Implications**

### **9.1 Financial**

Implications verified by: **Carl Tomlinson**  
**Finance Manager**

There are no direct financial implications arising from this call in. Any alternative proposals would need to be reviewed and any financial implications arising from them would need to be stated as part of the proposals.

### **9.2 Legal**

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

The legal implications are provided in the body of the report The Council Constitution provides for Call-In of Cabinet decisions in Chapter 4, Part 3, Rule 10.

### **9.3 Diversity and Equality**

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

There are no direct equality implications arising from this call in. Any alternative proposals would need to be reviewed and any equality implications arising from them would be stated as part of the proposals.

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

- None

**10. 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):

- Minutes of the Corporate O&S Committee – 29 June 2017. These are published within the agenda (19 September 2017).

**11. Appendices to the report**

- None

**Report Author:**

Kenna-Victoria Martin  
Senior Democratic Services Officer  
Legal & Democratic Services

<b>19 September 2017</b>	<b>ITEM: 7</b>
<b>Corporate Overview and Scrutiny Committee</b>	
<b>Establishment of a Task and Finish Group in relation to Public Participation at Council Meetings</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Non-key
<b>Report of:</b> Kenna-Victoria Martin, Senior Democratic Services Officer	
<b>Accountable Assistant Director:</b> David Lawson, Deputy Head of Legal and Monitoring Officer	
<b>Accountable Director:</b> Lyn Carpenter, Chief Executive	
<b>This report is public</b>	

## Executive Summary

On 24 August 2017 the General Services Committee invited the Corporate Overview and Scrutiny Committee to look at establishing a Task and Finish Group into Public Participation at Council Meetings. This report sets out a terms of reference for the committee to consider.

### 1. Recommendation(s)

- 1.1 That the Corporate Overview and Scrutiny Committee agree to establish a Task and Finish Group into Public Participation at Council Meetings**
- 1.2 That the terms of reference (attached as appendix 1) for the Task and Finish Group be adopted.**

### 2. Introduction and Background

- 2.1 A Task and Finish Group is a formal review into a particular issue of interest to the Council. The following rules apply to a Task and Finish Group:**

	<b>Task &amp; Finish Group</b>
<b>Membership</b>	Can have any number of Members as membership although the recommended number is 3. It must follow political proportionality rules. Only non-executive Members are eligible to join such a group.
<b>Chair</b>	The chair would be voted for by the group's membership at its first meeting.

<b>Regularity of the meetings</b>	The Task and Finish Group can meet any time it wishes according to the will and availability of the membership.
<b>Publication of documents</b>	Task and Finish Groups as with Committees are required to follow statutory regulations and publish agendas at least five working days before the meeting.
<b>Powers</b>	No executive power. Any recommendation relating to an executive/key decision would need to pass up to the parent committee (Corporate Overview and Scrutiny Committee) for ratification and progression to Cabinet

2.2 The Corporate Overview and Scrutiny Committee will act as the parent committee.

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

3.1 A Task and Finish Group would have a defined protocol that ensured sound governance and decision making practices. The proposed terms of reference are attached as Appendix 1.

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

4.1 Task and Finish Groups assist with representing an effective way for the Council to engage with members of the public and to investigate their participation at Council meetings.

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

5.1 None.

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

6.1 The recommendation is seeking to establish a task and finish group that will allow the broader membership of elected members, as well as inviting members of the public representing relevant interest groups, to engage and shape the way the council interacts with members of the public and their participation at Council meetings. This promotes and increases democracy.

### **7. Implications**

#### **7.1 Financial**

Implications verified by **Laura Last**  
**Management Accountant**

There are no direct financial implications arising from this report.

## 7.2 Legal

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

The implications are contained within the body of the report.

## 7.3 Diversity and Equality

Implications verified by **Natalie Warren**  
**Community Development & Equalities Manager**

The membership of a Task and Finish Group would be appointed in accordance with political process. Any community representatives appointed to the body as co-optees would need to demonstrate they had been nominated or elected by their respective bodies in a fair and democratic manner.

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

## 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):

- None.

## 9. Appendices to the report

- Appendix 1 - Terms of Reference for the Public Participation at Council Meetings Task and Finish Group

### Report Author:

Kenna-Victoria Martin  
Senior Democratic Services Officer  
Legal and Democratic Services

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<b>Public Participation Task and Finish Review Terms of Reference</b>	
<b>Aim:</b> To create a responsive Task and Finish Group to discuss and make recommendations in relation to public participation with Committee meetings through the Democratic process.	
<b>Membership:</b> 3 elected Members (1 Conservatives, 1 UKIP, 1 Labour)	<b>Stakeholders:</b> Community Groups/ Forums – Chairs Residents Key Officers
<b>Quorum</b> 2 Elected Members	<b>Political Proportionality:</b> The elected Members shall be appointed in accordance with Political Proportionality
<b>Chair:</b> The Chair will be elected by the membership of the Task and Finish Group. The election will take place at the first meeting of the Task and Finish Group.	<b>Meeting Schedule:</b> To be agreed at the first meeting.
<b>Duration:</b> The panel will be expected to complete all business and report back to its relevant Overview and Scrutiny Committee and Cabinet for a final decision by February/March 2018	
<b>Activities</b> The Task and Finish Group will undertake all but not exclusively the following activities: <ul style="list-style-type: none"> <li>a) Receive an information pack from Officers on the current process for Members of the Public to ask questions at Committee meetings;</li> <li>b) Seek information from other comparative Councils to see how they operate questions from Members of the Public and compare, different processes in order to determine best practice;</li> <li>c) To review best practice of Public participation from central government;</li> <li>d) To hold a witness session with Group Leaders to get their views on the current process. To also invite or hold a separate Witness session with Monitoring Officer to understand his and Directors viewpoints;</li> <li>e) To hold a witness day in order to capture the views from different community groups in the Borough to seek the view of the Public on speaking at Council meetings.</li> </ul>	

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## Work Programme

**Committee:** Corporate Overview and Scrutiny

**Year:** 2017/2018

**Dates of Meetings:** 29 June 2017, 19 September 2017, 21 November 2017, 23 January 2018 (Budget) & 20 March 2018

Topic	Lead Officer	Requested by Officer/Member
<b>29 June 2017</b>		
Terms of Reference	Democratic Services Officer	
Call-In: Communications Strategy	Democratic Services Officer	Cllr J Kent
End of Year Corporate Performance and Progress Report 2016/17	Sarah Welton/Karen Wheeler	
Work Programme	Democratic Services Officer	
<b>19 September 2017</b>		
Quarter 1 Corporate Performance Report 2017/18	Sarah Welton/Karen Wheeler	Officer
Call-In: Communications Strategy	Democratic Services Officer /Karen Wheeler	
Establish a Task & Finish Group - Public Participation at Council Meetings	Democratic Services Officer	
Work Programme	Democratic Services Officer	
<b>21 November 2017</b>		
2017/18 Local Council Tax Scheme	Sean Clark	
Fees & Charges Pricing Strategy 2018/19	Carl Tomlinson	Officer
2018/19 Budget Setting Update	Carl Tomlinson	Officer

## Work Programme

Voluntary Sector Grants	Natalie Warren	Officer
Work Programme	Democratic Services Officer	
<b>23 January 2018</b>		
Treasury Management	Sean Clark	
Capital Programme	Sean Clark	
Fees and Charges 2017/18	Laura Last	
2017/18 Draft Budget	Sean Clark	
Work Programme	Democratic Services Officer	
<b>20 March 2018</b>		
Budget Update	Sean Clark	