

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

## Constitution Working Group

The meeting will be held at **7.00 pm** on **25 January 2018**

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

### Membership:

Councillors Tony Fish, Tunde Ojetola, Joycelyn Redsell, Graham Snell, Luke Spillman and Martin Kerin

### Agenda

Open to Public and Press

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### Queries regarding this Agenda or notification of apologies:

Please contact Wendy Le, Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **23 January 2018**

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## **Information for members of the public and councillors**

### **Access to Information and Meetings**

Members of the public can attend all meetings of the council and its committees and have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

### **Recording of meetings**

This meeting may be recorded for transmission and publication on the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is to be recorded.

Members of the public not wishing any speech or address to be recorded for publication to the Internet should contact Democratic Services to discuss any concerns.

If you have any queries regarding this, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at [CommunicationsTeam@thurrock.gov.uk](mailto:CommunicationsTeam@thurrock.gov.uk) before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

## Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, Smartphone or tablet.

- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

## Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

## How to view this agenda on a tablet device



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Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- 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.

**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

## Constitution Working Group

### Briefing Note: Update on Action Points from 31 October 2017 Meeting

**Purpose of the briefing note:** This Briefing Note updates Members on the progress of their recommendations and further discussions following the meeting of the Constitution Working Group held on 31 October 2017.

#### 1.1 The Timeframe for Repeat Questions

Members felt the current timeframe of 12 months was too long for the public to wait to ask a repeat or similar question. The public would not have been aware of the question being repeated or being similar either. A more suitable timeframe of 3 months was suggested for Full Council and Overview and Scrutiny meetings.

**Action:**

This change has been included into the Constitution for agreement by Full Council and is included in this agenda pack (see Appendix 1).

#### 1.2 Deadline for Question Submissions (in particular, urgent questions)

Compared to other councils, the timeline for submitting questions at Thurrock Council meetings are shorter. Members discussed having a longer timeline or allowing questions to be submitted after the publication of the agenda. This would mean that accepted questions afterwards would not be on the agenda.

**Action:**

Officers have looked into this and found the following comparative data:

- Essex County Council had a shorter deadline of seven working days; and
- Southend-on-Sea Council, Slough Council and Warrington Council had a slightly longer deadline of five working days.

The current deadlines for submission of public questions are in place to allow sufficient time for:

- Democratic Services and the Monitoring Officer to discuss any relevant or important matters with the residents submitting the questions. This usually includes important issues of clarification or revision.
- The Monitoring Officer, Democratic Services and relevant departments to have discussions on the questions in relation to the Council Procedure Rules.
- The questions to be published as part of the agenda, allowing for greater openness in the questions process.

With this in mind the deadlines provide an important juncture in the current process and to change these would have a significant impact in the current procedures and processes the Council has in place to ensure questions are compliant with the Constitutional rules and accessible to the public. Greater time is needed to assess the impact of any change.

However, a way around this would be for the Constitution to be amended to allow for urgent questions to be accepted if they met a certain criteria. The wording would be as follows:

*“The Mayor shall accept any public or Member question submitted after the prescribed deadline if it:*

- a) Is of significant interest to Thurrock and cannot reasonably wait until the next Council meeting.*
- b) The question relates to an emergency or an event of borough wide significance that has occurred after the deadline for questions.*
- c) Any other circumstance that the Monitoring Officer deems reasonable.*

*Once accepted the question will be emailed to all Members and published on the Council’s website as an addendum”.*

Such an addition would allow for a structured system to accept late submissions that had relevance or significance to the time of the meeting. This clause could be piloted for the 2018-19 year to see whether it complements the current procedures.

However, the Mayor already has this discretion and power to accept late questions. Adding this extra wording would be for clarity.

### **1.3 Accessibility of the Council’s Website**

Some Members thought the website was well mapped out and provided enough information. To help the public's understanding, it was suggested that areas of the website could be amended for better navigation. The idea of a subscription service was brought up as well to ensure people had the option to subscribe to updates on council and committee meetings.

**Action:**

Following on from the Constitution Working Group meeting, the Democratic Services Team had met with the Communications Team to discuss ways to improve the website.

The following actions were agreed and will progress:

- The Web Manager proposed to add a new section called “Attending Public Meetings” (or “Attending Council Meetings” depending on preference). This new section would include information on attending meetings including behaviour and recording public meetings, asking questions at meetings and speaking at Planning Committee. It would replace the current sections of ‘Speaking at Planning Committee’ and ‘Asking Questions at Council Meetings’. To enable website users to find this new section, it will be placed in the current sections of ‘Committees and Meetings’ and in ‘How We Work and How You Can Have Your Say’.
- Extra information within the ‘Asking a Question at Council Meetings’ section will be included to make it easier for members of the public to understand this procedure. This information will be taken from the draft public participation leaflet that had been drawn up by Democratic Services, which had been approved by this Group as well as the Communications Team.
- Deadline dates for submitting questions to council and committee meetings would also be added in the ‘Committee Meetings’ section of the website to give members of the public a better indication of the deadlines and will help with point 2 above. These will be added in the next municipal year.
- The Council’s website already has a subscription service in place, however, it was not prominent and was not straightforward to sign up to. The Web Manager will look into amending this so that it would appear on the main ‘Council and Democracy’ section of the website to encourage members of the public to sign up.

- The Web Manager will also develop an online form to enable members of the public to submit their questions on this form. Democratic Services plan to upload videos and presentations of 'How To...' guides to explain the processes on topics such as petitions, call-ins, asking questions etc. The videos and presentations have been completed and will be discussed with the Web Manager when they are ready to be uploaded. This will be on the Council website and in Members Training.

#### 1.4 **Providing a Public Leaflet to Outline Rules and Procedures in Council Meetings**

Democratic Services had drawn up a draft leaflet to encourage wider public participation as well as giving the public a better understanding of the procedure in asking questions at meetings. The leaflet was informative and would be a good idea particularly for those who had no access to the internet. It was suggested that a smaller and shorter leaflet could also be provided.

##### **Action:**

After meeting with the Communications Team, it was decided that the information from the draft public leaflet would be incorporated into sections of the website. The reason for this was because a lot of the information in the leaflet was already provided on the website. Producing the leaflet would result in information being repeated.

A shorter and more practical version of the leaflet was also drawn up by Democratic Services which would be used to send to members of the public who submit questions for council meetings and would give them the essential information on processes and conduct at the meeting. The shorter version of the leaflet would be used in the next municipal year of 2018-19.

#### 1.5 **Widening Public Participation Through Social Media**

Not many members of the public were aware that they could speak with their Ward Councillors. It was suggested that this could be communicated through social media channels, alongside regular information about meetings.

##### **Action:**

The Director of Strategy, Communications and Customer Service would be communicating deadline dates for question submissions through social media channels. She would highlight that residents could speak with their Ward Councillors on issues as well.

## 1.6 Assigning Seats at Full Council Meetings

The Group had discussed the possibility of assigning seats for members of the public via an online booking system.

### Action:

In the meeting with the Communications Team, this was discussed. Although it was possible to implement this system online, there were some governance challenges identified, namely:

- Council and Committee meetings are open to all members of the public and the introduction of a booking system could potentially exclude people who are not aware of the booking system or do not have access to the internet. In other words, a booking system could foster a feeling of exclusion from members of the public if they have not booked a seat and attend on the night instead.
- The public gallery is rarely full and therefore negates implementing a booking system when a resident could justifiably turn up on the night and take a seat. This could create frustration between residents if some feel they are complying with perceived rules and others are not.
- If a booking system was to be used it would need to be promoted appropriately to avoid piecemeal take up.

## 1.7 Questions at Planning Committee

Members at the Constitution Working Group discussed the possibility of having multiple representations for applications at Planning Committee.

### Action:

Democratic Services had researched into how other Councils proceed with public speaking at Planning Committee. Thurrock Council currently accepts one speaker to oppose an application and one to support an application. This creates an even playing field for both applicant and objector within a quasi-judicial setting. Applications which had several people in support of or against an application would go through a 'drawing of lots' procedure. This was a fair method to choose the one representative in support of or against an application.

From the research compiled it was clear councils operated differently to Thurrock Council and some allowed multiple representations or a time allocation for more than one representative to speak.

Thurrock's Planning Committee procedures were put in place to enforce quasi-judicial procedures and the perception of fairness following the Improvement Board and Government intervention in Thurrock's past. Therefore, it is essential that any changes maintain this. Officers are currently seeking the expert input of the Planning and Legal Departments as to what changes can be affected that can be presented to this Group and Full Council for discussion.

#### **1.8 Three Minutes to Speak on Any Topic at the Beginning of a Full Council Meeting**

Members discussed the possibility of introducing a public speaking forum which would enable members of the public to speak for three minutes each on a topic of their choice. The Mayor currently had the discretion to allow members of the public to speak on topics in the agenda.

#### **Action:**

Democratic Services has drafted a procedure for public speaking at the start of Full Council meetings. This would include a time limit of 10 minutes which would mean a maximum of three speakers would be allowed (see Appendix 2).

**For any questions regarding this briefing note, please contact:**

**Name:** Wendy Le

**Telephone:** 01375 652107 x63331

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

*From page 57 – Chapter 2, Part 2: Council Procedure Rules of the Constitution:*

**Public Questions**

- 14.6 Any resident of the authority's area may submit a question addressed to the Leader, a Member of the Cabinet, a Chair of any Committee or Sub-Committee, or a Member appointed to represent the Council on a Joint Committee by delivering it in writing to the Monitoring Officer, to be received by Democratic Services by 5.00 p.m. at least six working days prior to a meeting of Council (for example, as the Council usually meets on a Wednesday, the deadline for receipt of a question will be 5.00 p.m. on the Monday the week before the meeting is due to be held). The question must relate to a matter which affects the authority or residents of the authority's area and in relation to which the authority has powers, and must name the individual to whom it is addressed. A question must be concise and clearly worded and must not extend into a statement. The question must relate to a single proposition and may not contain more than one part. No member of the public may submit more than one question in total for any one meeting of Council or ask or submit questions on behalf of another member of the public.
- 14.7 The Monitoring Officer shall copy the question to the person to whom it is addressed and place it on the agenda for the next meeting of Council unless, in his/her opinion:
- a) the request does not comply with the requirements of Rule 14.6 above;
  - b) the question is defamatory of an individual, offensive, discloses confidential or exempt information, names or clearly identifies an employee of the authority, or otherwise infringes the proper conduct of local government;
  - c) the question is substantially the same as a question which has been previously been received and answered within the **three months**, and there has been no significant and relevant change of circumstances since the previous question was answered; or
  - d) the question discloses, or the reply is likely to disclose, confidential or exempt information.
- 14.8 The Monitoring Officer shall put the questions on the agenda in the order that they have been received.
- 14.9 Where the questioner is present, the person to whom the question was addressed shall then provide a verbal answer to the question (which may include a more detailed answer in writing). Where the person who submitted the question is not present, the person to whom the question was addressed

may provide a written response as an alternative to a verbal response.

- 14.10 Where the person who submitted the question is present, after the initial answer, they may ask one supplementary question arising directly out of the initial question or answer which must not extend into a statement, without notice, and the person who answered the initial question shall respond to the supplementary question.
- 14.11 The time limit for all questions under this Rule at any meeting shall be up to 30 minutes. Where a question is not dealt with at the meeting, the person to whom the question is addressed shall provide a written answer as soon as practicable, but no later than, the next meeting.

### Members' Questions

#### **Questions without notice**

- 14.12 Any Member may ask the Leader, a Cabinet Member or the Chair of a Committee any question without notice upon an item of report or recommendation of the Cabinet, Cabinet Member or Committee concerned, immediately following the presentation of that matter.

#### **Questions on Notice**

- 14.13 Any Member may submit a maximum of 2 questions (except for the Leader of the Opposition who can ask 2 questions of the Leader and a further 2 in total of other Members) for the next ordinary meeting of Council addressed to the Leader, a Member of the Cabinet, a Chair of any Committee or Sub-Committee, or a Member appointed to represent the Council on a Joint Committee by delivering them in writing to the Monitoring Officer, to be received by Democratic Services by 5.00 p.m. at least 6 working days prior to a meeting of Council (for example, as the Council usually meets on a Wednesday, the deadline for receipt of questions will be 5.00p.m. on the Monday the week before the meeting is due to be held). The question must relate to a matter which affects the authority or residents of the authority's area and in relation to which the authority has powers, and must name the individual to whom it is addressed. A question must relate to a single proposition and may not contain more than one part. No Member may ask or submit questions on behalf of another Member.
- 14.14 The Monitoring Officer shall copy the question to the Member to whom it is addressed and place it on the agenda for the next meeting of Council unless, in his/her opinion:
- a) the request does not comply with the requirements of Rule 14.13 above)
  - b) the question is defamatory of an individual, offensive, discloses confidential or exempt information, or otherwise infringes the proper conduct of local government

- c) the question is substantially the same as a question which has been previously been received and answered within the past three months, and there has been no significant and relevant change of circumstances since the previous question was answered.

14.15 The Monitoring Officer shall place the questions on the agenda in the order that they have been received. Where the Monitoring Officer considers that the question or the answer is likely to disclose confidential or exempt information, he/she shall place the question in the exempt part of the agenda. A question may be withdrawn by the Member giving notice provided that such notice is in writing and is submitted to the Monitoring Officer before the agenda is published.

14.16 At the meeting, the Mayor shall enquire whether the Member submitting the question is present. Where they are present, the Member to whom the question was addressed shall then provide a verbal answer to the question (which may include a promise to provide a more detailed answer in writing). Where the Member who submitted the question is not present, the Member to whom the question was addressed may provide a written response as an alternative to a verbal response. A question may be withdrawn after the agenda has been published but before the meeting if the Member who submitted the question has given notice in writing to the Monitoring Officer. A question may be withdrawn at the meeting in person by the Member who submitted the question before it is to be put.

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*From page 51 – Chapter 2, Part 2: Council Procedure Rules of the Constitution*

**Business**

3.4 Business at ordinary meetings will be to:

- a) Appoint a person to preside if neither the Mayor nor the Deputy Mayor is present or able to act
- b) Receive any apologies for absence from Members
- c) Approve as a correct record the minutes of the last meeting
- d) Consider any matter which, by reason of special circumstances to be specified in the minutes of the meeting, the Mayor considers should be considered at the meeting as a matter of urgency
- e) Receive any declarations of interest from Members
- f) Receive any announcements from or on behalf of the Mayor or the Leader. An announcement being a formal communication of items of news or matters of public interest to the Council.
- g) Allow 10 minutes at the start of the meeting to receive any public request to speak on any topic of importance
- h) Answer questions from members of the public
- i) Receive petitions from Members and from members of the public in accordance with the authority's Petition Scheme and Rule 14 below
- j) Make any appointments that fall to be made to Committees, Outside Bodies, Statutory and Other Panels
- k) Deal with any business deferred from the last Council meeting
- l) Receive any reports from the Overview and Scrutiny Committees, the Standards and Audit Committee, or other Committees of the Council
- m) Receive a report from the Thurrock Youth Cabinet at least annually
- n) Receive reports from the Statutory Officers
- o) Receive reports from the Cabinet or from Members of the Cabinet
- p) Receive any reports from the Chairs of Overview and Scrutiny committees

- q) Answer questions received from Members in the order in which they were received
- r) Receive reports from Members and Officers attending as the authority's representatives on outside bodies about the business of joint arrangements, boards and partnership bodies and external organisations
- s) Receive for information the minutes of Committees
- t) Consider motions from Members in the order in which they were received

**Wording for new section:**

“The Mayor shall accept any submission for a member of the public to speak for up to three minutes on a topic relevant to Thurrock. The topics must be set out in writing to the Monitoring Officer, to be received by Democratic Services, no later than 5.00pm six working days prior to the meeting.

The Monitoring Officer shall place the topic on the agenda for the next meeting of council unless, in his/her opinion:

- a) the request does not comply with the requirements of Rule 14.5 above
- b) the topic is defamatory of an individual, offensive, discloses confidential or exempt information, names or clearly identifies an employee of the authority, or otherwise infringes the proper conduct of local government
- c) the topic is substantially the same as a topic which has been previously been received within the past three months, and there has been no significant and relevant change of circumstances since the previous topic was presented; or
- d) the topic discloses, or the content is likely to disclose, confidential or exempt information.

No further questions or clarifications from members of the public or the chamber will be allowed in these three minutes.”