

## **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)**