

Minutes of the Meeting of the Corporate Overview and Scrutiny Committee held on 7 January 2016 at 7.00 pm

- Present:** Councillors Shane Hebb (Chair), Graham Snell (Vice-Chair), Russell Cherry, Steve Liddiard and Deborah Stewart
- Apologies:** Councillors Martin Kerin
- In attendance:** Steve Cox, Assistant Chief Executive
Sean Clark, Head of Corporate Finance
Roger Harris, Corporate Director of Adults, Housing and Health
Jackie Hinchliffe, Head of HR, OD & Transformation
David Lawson, Monitoring Officer
Carmel Littleton (Director of Children's Services)
Richard Parkin, Head of Housing and Interim Head of Environment
Natalie Warren, Community Development and Equalities Manager
Karen Wheeler, Head of Strategy & Communications
Sarah Welton, Strategy & Performance Officer
Demus Lee, Chair of the Thurrock Fairness Commission Board
Jessica Feeney, 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.

24. Minutes

The Minutes of the Corporate Overview and Scrutiny Committee, held on 19 November 2015, were approved as a correct record, subject to amending Paragraph 10, agenda item 21 (Training and Development – Officers) to read that semi-independent care homes for those over 16 years were not statutorily bound to register with the local authority.

25. Items of Urgent Business

There were no items of urgent business.

26. Declaration of Interests

Councillor Snell declared a non-pecuniary interest in respect of Agenda Item 6, 'Fairness Commission Update', as he is a member of the Fairness Commission Board.

27. Mid-Year Corporate Progress and Performance Report 2015/16

The Strategy and Performance Officer introduced the report which set out the performance against the corporate scorecard with progress against the related deliverables as outlined in the Corporate Priority Activity Plan 2015/16. This was used to monitor the performance of key priorities of the Council and enables Members, Directors and other leaders to form an opinion as to the delivery of these priorities.

The Committee was informed that 82% of indicators were currently meeting their targets or close to them and 96% of deliverables are progressing in line with projected timelines or within tolerance. It was added that although many of the Children's Services indicators were red, they had actually set very high standards which, in turn, had improved performance. For the future the service would continue to stretch targets to hopefully compete with some of the best performing services in the country.

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

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

The Chair of the Committee felt that if a KPI was above the target but stretching towards a target set to enhance further improvement it should be marked as green as it had hit the target and was above the national average. The Committee asked the Performance Officer to note the difference between a target and stretched target in future reports. The Chair of the Committee also felt that 'Amber' KPI'S on an upwards trend shouldn't be discussed in detail, and that the Committee should concentrate on KPI's in the 'Red'.

The Committee examined the Red Key Performance Indicators and the following comments were made regarding each measure.

The Committee discussed the percentage of primary schools judged 'good' or better. The Director of Children's Services informed the Committee that Ofsted did not make any visits in the current term and that reinspections were expected to take place in the next term. Members were enlightened that a complaint was made to Ofsted from the Director of Children's Services due to previous Ofsted inspections being poor. Councillor Hebb requested that a gentle reminder was given to Ofsted to carry out these inspections in the next term.

The Director of Children's Services explained that there was a small cohort of children eligible to take GCSE's when looking at the Looked after Children KS4 Attainment – 5+A*-C (including English and Maths) – It was explained that a number of looked after children were unaccompanied asylum seekers at an early age of learning English and therefore not yet able to take GCSE's. The Committee were informed that Thurrock secondary schools senior teams

had agreed to focus on 'narrowing the gap' for disadvantaged groups, including those in the care of the local authority which was also prioritised in the new 2015/16 School Development Plans.

The Director of Children's Services explained that a deliberate high target of 70% was set to enable 19-21 year old care leavers in education employment or training in Thurrock to outperform the rest of the country. Since this data was submitted, the level of education employment or training has increased to 54.5%. This was above the national average for 2014/15 (47.8%) and would therefore be re-graded as "Amber" due to the significant improvements. The Chair of Committee Councillor Hebb requested a graph to provide the share of education employment and training in the 54.5% of 19- 21 year olds.

Members of the Committee discussed the percentage of house waste reused recycled and composed, the Head of Housing explained that the recycling performance this year continued to lag behind target with the current projected outturn being circa 39%. It was explained that in Thurrock, the levels of recycling were lower in many areas due to the high proportion of flats (30% of all properties) with communal bins, and that residents use their blue bins to dispose of general waste rather than recyclable materials. This had led to an increase in the contamination level of recycling and as a result many loads have been rejected from the recycling processing plant and have had to be disposed of as residual waste. It was added that a communication and engagement project was underway within the department to tackle the levels of contamination with detailed information of the materials that can be recycled provided to every household.

Councillor Liddiard questioned if three waste collection bins were scheduled into the planning policy, the Head of Housing was unaware but agreed to investigate.

Councillor Snell also suggested a waste collection scheme which would enable members of the public to return used bottles and items of waste in return for money, the Head of Housing also agreed to look into this and feedback to the Committee.

The Chair of the Committee discussed that an element of trust was required in the quality of the service and between the local authority and residents; it was felt that missed bin collections and bins being misplaced after collections generated apathy. It was added that residents would be more respectful about recycling requirements if the service appeared to be of a higher standard. The Chair of the Committee felt that the Councils service had the potential to be platinum standard.

The Committee discussed the Percentage of municipal waste sent to landfill, it was explained that since the beginning of September 2015 the Council had been working under a renewed disposal contract. The impact of this was that all waste collected from households would now be diverted to energy recovery and therefore not landfilled. Therefore the level of waste being landfilled had fallen to 11% in September and was likely to continue at that rate for the

foreseeable future, the Head of Housing explained that this indicator is well within target by the end of the year.

RESOLVED:

- 1. That Corporate Overview & Scrutiny Committee members commented on and noted the performance at this mid-year stage, and raised concern that the data provided for the data provided for the “red flag” report showed KPI’s which were not meeting internal stretch targets and did not focus on KPI’s with a declining performance trend / not meeting the mandatory targets. Moving forward Committee will expect to review KPI’s which show these trends/results.**
- 2. That Corporate Overview & Scrutiny Committee members request an update on the proposed changes of measurement of KPI’s, as insitigated in Committee on 17 September 2015.**
- 3. That the Corporate Overview & Scrutiny Committee are content to share the report to other relevant Overview & Scrutiny Committee Chairs.**

28. Fairness Commission Update

The Community Development and Equalities Manager and the Chair of the Thurrock Fairness Commission Board introduced the report explaining that in April 2014 Cabinet agreed to establish a Fairness Commission for Thurrock as recommended by the Corporate Overview and Scrutiny Committee Task and Finish Group. The Fairness in Thurrock Review made a number of recommendations to progress a Fairness Commission as the most relevant mechanism for progressing equalities in Thurrock. From its first meeting the Fairness Commission highlighted the need to understand more about local perceptions of fairness. The Commission undertook a ‘Summer of Listening’ from June – October 2015, capturing over 300 comments from events across the Borough, along with 200 responses to an on-line survey.

The Committee were informed that one resident representative left the Fairness Commission shortly after its first meeting. It was not possible to fill the post for a disability group representative, something the Commission had aimed to achieve.

The Commission made a number of recommendations and would be formally requesting agencies working in Thurrock to respond. Thurrock Council endorsed the recommendations made by Thurrock’s Fairness Commission and the following initial response was likely to result in the following actions.

- Principles of Fairness - The Council will support by issuing press releases, publicising the principles and promoting the process to support residents who have reason to complain about something against the principles.

- Strengthening Communities - The Council will arrange a summit of partners to consider how best to design a campaign. This will include businesses and the potential for inward investment. It will also include Stronger Together a partnership supporting asset based community development of which the Council is a partner.
- Improved Communications - Thurrock Council will be developing a new Customer Service Strategy in 2016. The strategy will be informed by recommendation 1 and 3.
- Residents Survey - Thurrock Council agrees that a regular survey would support policy development and will be exploring the feasibility of this in the coming months.
- To provide feedback to those consulted – The Council will publish the report on the website.
- Review Thurrock's Single Equality Scheme – The Council welcomes the observations provided by the Commission and will be reviewing the Single Equality Scheme accordingly.

Councillor Stewart queried whether the recommendations made by the Thurrock Fairness Commission board were seen as the Council's difficulties. The Community Development and Equalities Manager explained that the recommendations were formed on residents' perception of the borough not just Council services, it was added that these perceptions were usually due to a lack of knowledge.

Councillor Liddiard agreed with the recommendations and proposed that if implemented the Council must ensure that different service areas emphasize fairness but avoid duplicating workloads.

Councillor Snell asked Chair of the Thurrock Fairness Commission Board to explain what fairness meant to the residents of Thurrock, it was explained to the committee that feedback from direct engagements was gathered together with survey results received during the course of the online consultation. The key themes that emerged from the Summer of Listening campaign were:

- The environment – the look and feel of the Borough
- A growing population
- Activities for children, young people and families
- Public transport

The Committee commended the Thurrock Fairness Commission Board on their hard work.

The Committee felt that communication was a key issue between residents and the Council. The Chair of the Committee felt that the recommendations were something that the Council should already be adhering to, it was added that the residents of Thurrock should not need to complete a survey to enforce changes.

Councillor Stewart queried how confident departments were when looking to extend workloads to ensure that these recommendations were adhered to. All Senior Officers confirmed that these recommendations were already practiced

in their workload but agreed that this was a helpful boost to emphasise fairness.

The Chair of the Committee felt cautious about setting objectives and priorities formed upon small percentage of data. Chair of the Thurrock Fairness Commission Board explained that the percentage of people who completed the survey at the event was very high it was added that it would be difficult to receive the opinion of the whole community. The Head of Strategy and Communications felt that this was reflected in the wording of the 'Residents Survey' recommendation which recognised that fairness was a borough wide issue for many which would require methodology and resources, it was added that the 'Summer of Listening' had given confidence in the quality of data due to the quantity of information collated in a small timeframe, which could be used to build upon questionnaires such as the residents survey.

Councillor Stewart questioned if the Council could look at complaints reviews to examine the difficulties and source where there had been a lack of communication. It was also questioned if the complaints coincided with the perceptions of the residents from the Fairness survey and whether this data could be used to broaden the survey to save expenditure on other surveys. The Head of HR, OD & Customer Strategy explained that there was already a complaints service review in place, but added that the Fairness Commission was looking for a broader approach of the borough rather than just residents who had experienced difficulties with the Council. The Committee were informed that the Council could look to integrate data from the Fairness Commission Survey in relation to complaints regarding poor communication and lack of response.

Councillor Liddiard suggested that a working report which presented methodology, expenditure and savings, would be helpful to Members.

Councillor Snell felt that there was greater need to focus on what the fairness commission was.

Members voted unanimously in favour of the recommendation, the following observations were agreed by the committee for Cabinet to consider;

- That the outreach of the Fairness Commission was just 0.18% of Thurrock residents, and therefore there are risks that it would be premature to adjust strategies and priorities for the council with limited data.
- Directors and Heads of Service confirmed that the findings that had been collated mimic existing council priorities and do not present a strategic direction change requirement for any Directorate.
- The intent behind the word "fairness" should be clarified, and be made contextual and relevant to a community before it can be expected that many residents would engage with a survey.
- The Committee felt that further work on this project is endorsed by Cabinet to allocate more resource to the project, the Committee questioned over what the Commission is seeking to achieve differently

from what is in place now, given most of the work streams emerging are related to better outward communication and are, at this stage, only useful as an indicator that existing corporate priorities are aligned to what the data returns are telling the Council.

RESOLVED:

That the Corporate Overview and Scrutiny Committee noted the contents of the report and gave consideration to how the Council responds to the recommendations detailed at 3.8 prior to the report being presented at Cabinet in February 2016.

29. Review of Pre-Election Period Guidance

Deputy Head of Legal & Monitoring Officer introduced the report explaining to the Committee, that 'Purdah' was a political convention, which formally applied to government ministers and civil servants in central government during the period immediately before a general election, which was designed to prevent actions being taken by government or local authorities in the run up to an election being used (or perceived to be used) to influence the outcome of an election. It was added that during this time the Council (staff and councillors) should, unless circumstances dictate otherwise, refrain from taking decisions or making policy announcements which are significant and may be viewed as politically contentious.

The Committee were enlightened that the restriction on decision making was largely a political convention, which was confirmed in the Local Government Association' 2015 guidance "Purdah: A short guide to publicity during the pre-election period" councils can, "continue to discharge normal council business (including determining planning applications, even if they are controversial)."

The Committee were requested to review the following advice and guidance in relation to press releases;

- that all press releases will be signed off by legal and the Chief Executive during a pre-election,
- that in the vast majority of such releases a lead officer should be used instead of a Member;
- that where a Member is used for civic announcements or where there is a genuine need for a Member level response - such as an emergency situation or an important event beyond the Authority's control - in such special cases the Mayor can be used in line with the flexibility acknowledged in the code;

Councillor Stewart questioned what the consequences would be if the pre-election guidance was not adhered to in order to receive political gain, the Deputy Head of Legal & Monitoring Officer explained that this would potentially ground a challenge at the Election Court.

Councillor Snell queried if the 'Committee' could be referred to in press releases, The Committee were informed that press releases could and will

continue during purdah but the main difference were that they will not quote or be in the name of councillors but rather will quote senior managers and be checked for controversiality.

The Chair of the Committee made the point that decisions about the cancellation of meetings should be made pragmatically, and that there had historically been an over excessive application of the purdah convention, giving examples where meetings were cancelled which had business not related to the ward where an election was taking place.

Councillor Snell questioned how press releases would be monitored; the Deputy Head of Legal & Monitoring Officer explained that an audit log of communications during purdah could be created.

The Corporate O & S Committee suggested that the Standards and Audit Committee acknowledge the following points.

- It was suggested that all media releases communicated by council during pre-election periods are to be collated and reviewed at the proceeding Standards and Audit Committee, after the said election, to ensure that there has been consistent application of the 2011 code of practice. The Monitoring officer agreed that this was possible.
- The Chair noted that between the Chief Executive, the Monitoring Officer, and the leaders of all political groups look to review all meetings inside a purdah window and make a pragmatic, reasoned decision about what meetings and agenda items can continue to proceed during purdah.

RESOLVED:

That comments made by the Committee through the discussion of the current Pre-Election Period guidance are taken into consideration when the guidance for the 2016 elections is prepared

30. Fees and Charges 2016/17

The Head of Corporate Finance informed the Committee that the report sought approval to revise fees and charges for Thurrock Council with effect from 1 April 2016. It was explained that the report provided a narrative for all discretionary charges for each directorate, it was added that there was a wider review of commercial opportunities across the Council in progress. Members were informed that any proposed price changes proposed as part of the wider review will be managed under the delegated authority of the Chief Executive and relevant Cabinet Member.

The Committee were informed that licencing fees had been increased to recover their costs to the Council. Councillor Stewart felt that the Committee could not consider the target set to recover cost without knowing the actual cost of licences to the Council. Councillor Stewart suggested that a RAG status would enable a better understanding of the percentage tolerances in relation to target reaching and the discretionary services that were recovering

cost. The Head of Corporate Finance confirmed that the use of a RAG Status would be investigated to show how cost recoverable the fees were in the fees and charges report.

RESOLVED:

- 1. That the committee considered the proposed charges as detailed in the appendix**
- 2. The Committee suggested that the Corporate Overview and Scrutiny Committee make data-based commentaries on each line, that the cost to the local authority for each item needed to be presented on a subsequent report, and all reports moving forward.**

31. Work Programme

The Committee examined the work programme for the meeting on the 2 February 2016, The Head of HR, OD & Customer Strategy explained that the update on the Council's temporary, contract and agency staff performance ratings was unable to go to Committee in February due to being unable to collate the data required. The Committee agreed that this would be moved to the March Corporate Overview and Scrutiny Committee. The Chair of the Committee explained that the Committees work programme was circulated at the beginning of the municipal year; however it was added that there had regrettably been lots of changes to the work programme since then.

RESOLVED:

That the work programme be noted.

The meeting finished at 9.18 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**