

## Centre for Governance and Scrutiny

### Thurrock Council

#### Governance Recovery Board – 12 September 2023

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#### Introduction

The Centre for Governance and Scrutiny (CfGS) has been commissioned by the LGA and Thurrock Council (the Council) to repurpose the overview and scrutiny function, and associated scrutiny-related, activities further to the Best Value report and the Council entering intervention under the Local Government 1999 Act.

The CfGS has over twenty years' experience of working with Councils across the UK to establish good governance, inc. an express competence in overview and scrutiny. In recent times, we have worked with Councils in intervention (Slough, Northumberland, Rotherham, Croydon et al) and have recommended fit for the future scrutiny arrangements.

This paper sets out findings and recommends specific actions that will accelerate the implementation of firm foundations from which to build a successful O&S function. These foundations will be amplified, codified and accompanied by an Overview and Scrutiny Protocol which will set out *how* the function will work in practice and, amongst many other things, the roles and responsibilities of Members, officers and partners. This protocol will be co-produced principally by Scrutiny Members, the CfGS and the Scrutiny Team at Thurrock over the Autumn.

In summary, recommendations relate to restructuring the function to have fewer Committees with wider connected remits. Task and finish groups would be utilised to undertake more detailed investigations where needed and opportunities to be briefed by executives and officers should be taken to maintain an oversight over the strategic dimensions of Council business. Work programming must be recalibrated to drive prioritisation and better outcomes and the process must command the attention of senior officers and Executive Members. Lastly, resources aligned to the function are to be clarified and confidence of Members increased via trust placed in the ready flow and quality of information they receive.

It would be prudent to review the implementation of these changes. This structure could be in place for a year from the date it is implemented (1 January 2024) with an independent review by the CfGS after 9 months to test its efficiency and effectiveness and make any changes within three months.

The CfGS are willing to bolster the capability and capacity of this system over the period by providing support to officers and Members at key periods (transition to new arrangements, setting the work programme, brokering conversations with internal and external partners, laying foundations for budget scrutiny and assessing impact all through a programme of bespoke action learning).

This report and the energies of the Council to accelerate improvement provide a significant opportunity to fundamentally reset Overview and Scrutiny at Thurrock. Such energies should not be wasted.

#### Recommendation

- That the report, recommendations and approach to moving forward are considered and endorsed by the Governance Recovery Board;
- That the new scrutiny model 'goes live' from 1 January 2024;
- That GRB endorse the coproduction of an Overview and Scrutiny Protocol and an implementation plan that covers all CfGS related activity for the remainder of 2023/24;
- That Group Leaders consider implications for SRAs and consideration be given to model SRA change given the IRPs ongoing work on SRAs at the present time;
- That the terms of engagement with the CfGS are refreshed based on the outcome of this work to ensure our contract with the LGA and the Council remains relevant;
- To surface any other issues that could stall or prevent implementation.

## Background

The brief between the Council and the CfGS completely rests on the Council being in active intervention. The best value report frames the challenge as;

*'Significant weaknesses in the Council's scrutiny function. Scrutiny members told us, and we agree, that at present scrutiny **does not add significant value** to the work of the Council. Scrutiny at Thurrock **consumes a lot of member time** with the Council having **a large number of committees**, which meet infrequently, follow **work programmes that are largely controlled by officers**, and spend a disproportionate amount of time **reviewing forthcoming cabinet reports** in a way which does not comply with best practice or add value. **Members are not given the information** they request and when Scrutiny make **comments these are frequently not recorded properly** and are not passed to decision-makers. **Senior officers and members do not engage with scrutiny**. Such was the lack of engagement that early in the inspection it became clear that there was **no one appointed to the statutory role of scrutiny officer**. These factors limit committee members' ability to engage meaningfully with key issues, undermining the extent to which they can provide meaningful scrutiny of council activity.*

It would therefore be prudent to focus change on the challenges highlighted in the BV report and those raised in conversation with the Senior Governance Consultant so to repurpose the function and contribute overall to the Council's recovery efforts leveraging all available, but limited, resources (Member and officer) to very best effect.

The rapid method that the CfGS have used:

1. Leveraging over 20 years' experience working with Councils to enhance O&S arrangements, most recently with those in intervention;
2. Interviews with Chairs and Vice Chairs of Scrutiny Committees, related Committees and taskforces, Senior Members and Officers closet to the O&S function;
3. A small randomly sampled review of meetings, reports and work programmes.

## Opportunities to Repurpose Overview and Scrutiny

There are two clear and interlinked programmes of work that could recalibrate the function and better support the Council's Members to hold decision makers to account on the public's behalf.

### Theme 1: Adding Value, Time Consuming and Number of Committees

At present, O&S at Thurrock has a 'heavy' Committee structure. There are 6 formal Overview and Scrutiny Committees with the associated powers and 3 other structures (two taskforces and a Committee) covering Hidden Harms, the Local Development Plan and the Lower Thames Crossing.

These operate in a *scrutiny fashion* but are not Scrutiny Committees with relevant powers. This lacks clarity of role and responsibility. Some of these groups meet every other month, give or take, and others to a more irregular timetable. There's no mention of these structures in the Council's Constitution. The matters they consider may be a priority but it doesn't appear advantageous to have separate structures to consider such issues given their wider impacts.

This structure has been in place for some time and could be reflective of the 'silo working' issues raised within the BV report. A recalibration of Overview and Scrutiny to look at matters across a broader portfolio of work could support the Council to change its outlook.

The function generates significant activity whether that be report writing, preparation for the committee, member attendance and ultimately member expenses. It is for the Council to decide how it spends its capacity, but the activity generated by that capacity at present doesn't lead to clear value or outcomes. This was firmly articulated by Members. There are significant opportunities in which to unlock and realign *existing* capacity within the current system towards matters where scrutiny Members can make a difference.

We would strongly encourage the Council to reduce the number of Committees and options are below for further consideration. The CfGS would wish the Council to strongly consider option 2 or 3.

Option 1 – Reducing to one Committee

This would involve lifting and shifting the functions of all Scrutiny Committees and their current task groups into a single Committee. This arrangement is in place at Slough Borough Council (a similar size Council to Thurrock and also in active intervention). There are opportunities here to consolidate work and heavily prioritise issues for the work programme.

It is understood that there is a corporate ambition for Thurrock Council to be more outwardly focussed, to engage partners broadly and a single committee with a relentless focus on prioritisation may struggle to do this to the requisite breadth.

Option 2 – Reduce to three Committees to cover cross cutting portfolios (such as People, Place and Corporate)

This would involve lifting and shifting relevant functions of existing Committee's into three new Committees. This suggestion has already been made within the Council. During interviews, some Members highlighted that a similar structure is in place at a neighbouring Authority and the report author has worked under similar structures in previous Councils.

This would involve sharing the existing functions of all Committees and other structures into three as highlighted below. Coopted Members of the Health and Housing Committee (Healthwatch and Thurrock Coalition) would be invited to join People O&S Committee. Cooped Members on the Children's Services Committee would also be invited to join the People O&S Committee.

Current Structure	Future Structure
Childrens Services	People O&S
Cleaner, Greener, Safer	Place O&S
Corporate	Corporate O&S
Health and Wellbeing	People O&S

Housing	Place O&S
Planning, Transport, Regeneration	Place O&S
Hidden Harms	People O&S
Local Development Plan	Place O&S
Lower Thames Crossing	Place O&S

Option 3 – Reduce to four Committees to cover cross cutting portfolios and a separate education scrutiny committee (People, Place, Corporate, Education).

There are opportunities within this to have Education as a separate Committee or as a sub-committee to People O&S in order to formally hardwire a reporting arrangement. The value of this is that it supports statutory co-optees whose interest is education to contribute to education matters only. It would also lighten the load of the People Committee's agenda. These benefits should not be overlooked.

Current Structure	Future Structure
Childrens Services (education functions only)	Education
Children's Services (all other functions)	People O&S
Cleaner, Greener, Safer	Place O&S
Corporate	Corporate O&S
Health and Wellbeing	People O&S
Housing	Place O&S
Planning, Transport, Regeneration	Place O&S
Hidden Harms	People O&S
Local Development Plan	Place O&S
Lower Thames Crossing	Place O&S

**Recommendation:** That the Council considers reducing the number of Committees in line with the suggestions above.

With all these options, we would recommend a Committee size of 6-10 Members depending on the option progressed. This is proportionate to the size of Committees and indeed the Council itself. We would also wish to see a bi- monthly informal meeting between the Committee Chairs and the Chair of Audit and Standards to share intelligence, work programmes and prioritisation. All these arrangements would be codified within the protocol.

Conversations will need to take place on who should Chair these new Committee's and group leaders should appoint Chairs, at the appropriate Full Council meeting, based on the available time, authority

and expertise of Councillors to Chair and lead the scrutiny function. The recommendations in this report will lead to a greater need to not just engage but involve Chairs and their Deputies in work in between Committee meetings.

These are important, visible, remunerated roles and it would be the intention of the Council to revisit remuneration because of any changes made. Draft role descriptions are contained in **Appendix 1**.

In dealing with SRAs, the Council should undertake to review SRAs in tandem with implementation. The Council may need to provide assurance to Members that SRAs will be resolved but that the timescale for doing that may fall slightly outside of the 'go live' 1 Jan.

We would encourage the Committees to meet every other month (except August) and opportunities provided for joint sittings of 2 or more committees to deal with issues of strategic importance eg. The Recovery Plan or the Council's budget. Again, this is to be codified in the Protocol.

In concert with refreshing the Committee structure, we would strongly encourage that the Council rigorously prioritises and codifies its approach to the establishment of any task and finish groups within the Scrutiny Protocol.

All task and finish groups must be connected to the work of the parent Committee to undertake deep dives into priority areas and/or track the progress of, and contribute to, longer term work that the Council is undertaking which again is a priority for Scrutiny Members.

The BV report stated, and we heard reports of a practice of scrutiny committees receiving reports destined for Cabinet immediately prior to the decision-making meeting. An example of this was a meeting of Children's O&S Committee receiving a report on the 14<sup>th</sup> March on the Schools Capital Programme and verbal feedback was provided to Cabinet on 15<sup>th</sup> March. On that occasion, the Committee endorsed the Cabinet's approach but it could have been quite different and if so, there would have been no time or indeed courtesy to Cabinet to thoroughly consider the Committee's position/s and potentially change its own.

This report will cover re-setting Scrutiny's approach to work programming and the need for pre – decision scrutiny later, but the CfGS would strongly encourage Scrutiny to cease the practice of considering Cabinet reports immediately prior to the decision-making meeting. There may be, on occasion, exceptions to this, but such a practice does not allow considered time for Scrutiny to consider issues and make formal recommendations.

**Recommendation:** That the practice of reviewing Cabinet reports at Committee in very close proximity to the decision-making meeting ceases.

## **Theme 2: Work Programming, Officer Control, the Statutory Scrutiny Officer and Access to Information**

Given the sharp challenges faced by this Council, there is a clear and pressing desire of Members to now over-scrutinise and to seek opportunities to look at as much as possible. Whilst a noble desire, this is somewhat at variance with the spirit of good scrutiny and the resources available.

There is evidence in the BV report of controlling scrutiny work programmes by officers to divert attentions away from the strategic dimensions of Council business. This has led to a near collapse of confidence in officers from Members spoken to. That said, Members must however note that current staff who are very close to the function and interviewed as part of this process do not share these characteristics.

With the endorsement of a reduction in the number of Committees, a refreshed process and profile for the development of each Committee's work programmes should be progressed.

We would suggest that a joint meeting of Scrutiny Chairs and Vice Chairs, SLT and Cabinet is organised to understand plans for the year ahead and timings of decisions to allow scrutiny members to develop **their** work programme, briefing and stakeholder needs. This arrangement is to be replicated prior to the commencement of the new municipal year or at the start of the new one, each year. This would enable Members to take part in pre-decision scrutiny; influencing the development of policy and appraising options and any consultation and engagement approaches with the public and partners at the earliest and most valuable, opportunity. It should be highlighted that this should not be the only type of scrutiny that the Council prioritises. Holding executives and partners to account for service delivery is of relevance here too.

Similar conversations must take place with key partners such as the NHS and Essex Police to determine priorities. This is especially relevant for the NHS given the health service focus of the activities of the Health and Wellbeing Committee.

From this, a long list of potential topics can be developed, and Members supported to refine into a shortlist based on an agreed methodology. Given the Council is in intervention, we would strongly encourage a coordinated focus across all Committees towards the recovery plan and ultimately stepping out of intervention. This will require all-scrutiny chair planning activities and strong officer planning to ensure each meeting (whether formal or informal) adds value.

The overall process for creating work programmes should attract the attention and commitment of senior officers and the executive. Meetings must take place with those with the authority and expertise to advise Members on priorities and the whole process should have a profile not dissimilar to the setting of the council's budget. We would highlight here the strong relationships needed between Scrutiny Chairs and the Chair of the Audit and Standards Committee. This is to ensure a positive flow of insight between the functions, its Members and its staff which should develop work programmes that add maximum value.

Opportunities to look backwards as well as forwards is essential. Work programming must also consider the ability to track recommendations.

**Recommendation:** That the work programming process is reset and a significant profile attached it. Space within the programme must be afforded to monitor recommendations. The inputs, activity and outputs associated with work programming and preparations for Committees must be codified within a refreshed Scrutiny Protocol.

Opportunities to involve 'backbench' Councillors should be strengthened to enable them to contribute to scrutiny work programmes and the work of task and finish groups. Their attendance should be welcomed at Committee, questions invited and relevant scrutiny training extended to them.

**Recommendation:** That the role of backbench members and the inputs and outputs of a refreshed work programming process is codified within a refreshed Overview and Scrutiny protocol.

The Statutory Scrutiny Officer has been identified and his role should be highlighted on the Council's intranet, in its Constitution and in any induction materials the Council holds. They should be invited to directorate management team meetings where needed to impart vital perspectives. Consideration should be given by the Managing Director Commission on how to involve the Statutory Scrutiny Officer at the earliest opportunities in the planning of decisions.

**Recommendation:** That the Managing Director Commissioner, the Monitoring Officer and the S151 Officer maintain close, cordial relations with the Statutory Scrutiny Officer ensuring his visibility, authority and credibility within the organisation.

It should be expressly noted Members interviewed as part of this work called strongly for additional, dedicated resources, citing curious examples of 'over resourcing' in specific perceived non-essential areas of the Council but balanced that against the urgency to generate very significant cost savings.

**Recommendation:** That the Council revisits the FTE associated with the operation of the Scrutiny function with a view to increasing resources.

We heard that Members had in the past felt powerless to act as they were unable to access the information needed to ask questions, be informed of Council business and to hold to account. We have already drafted an access to information protocol which should provide assurance to Members of their abilities to access the information they need. This will form part of the Overview and Scrutiny Protocol. What is necessary now is to ensure a strong culture of officers **enabling** Members to access the information they need to know undertake their roles.

Scrutiny Members are afforded a broader range of information to a timescale unlike other Councillors. The use of the 'need to know' principle to restrict information, especially to scrutiny Members who have rights is a sign of an unhealthy organisational culture.

**Recommendation:** That training takes place with a range of colleagues to support the resetting of organisational culture in favour of supplying information to Scrutiny Members (and indeed all Members) to allow them to transact their roles to best effect. This must be overseen by the Statutory Scrutiny Officer, Monitoring Officer, and Deputy Monitoring Officer.

**Recommendation:** That appropriate records are kept to document the frequency of refusals to supply information and the reasons why.

### Call In

We note the concerns raised in the BV report in respect of the call in process and the role played by former Officers in which to restrict call ins. There are opportunities to reset the role of officers and Members in this process, especially clarifying the difference between the validation of a call in, and deciding upon it.

**Recommendation:** That the process of call in is refreshed and codified within the Constitution and the Scrutiny Protocol.

### Training and Induction

Once Members have considered this paper, and have decided to act on it, it would be appropriate to develop an implementation plan to progress changes.

Furthermore, a session/s with scrutiny Members, executives, backbenchers, officer tiers 1 – 3 of the organisation, key partners and corporate colleagues directly involved in scrutiny should be held to drive understanding of scrutiny's powers, how these powers are transacted and their role and responsibilities around overview and scrutiny. It should also raise awareness of the changes to be made as part of this review.

These session/s will be led by the Statutory Scrutiny Officer, with close support from the CfGS and should form part of a programme of training in which to induct the Council into new ways of working to support the delivery of an enhanced Overview and Scrutiny Function.

**Recommendation:** That a training programme commensurate to the level of change expressed in this paper, as well as broader skills-based training needs already identified as part of the CfGS' commission, be designed, and delivered.

## **Moving Forward**

We now wish to move into implementation stage of this work with a view to having support in principle for the recommendations made and a preferred structural option to work up. This is in tandem with working up a Scrutiny Protocol with current Chairs and Vice Chairs.

### Key Engagement Moments

Overview and Scrutiny Chairs and Vice Chairs – Early September (for a steer on recommendations and preferred structure)

GRB – 11 September (for a steer on recommendations and preferred structure)

SLT – late September (for a steer on recommendations and preferred structure)

IRB – 23 October (for endorsement of recommendations and preferred structure)

Council – 29 November (for agreement of recommendations and preferred structure)

As we work through the groups above and the strength of support for recommendations and structural change is clarified, an implementation plan will be worked up in concert with the Statutory Scrutiny Officer and others to manage the transition. Timescales and capacity will need to be stress tested to ensure we can implement, review SRAs and redraft the Constitution all in line for 1 January.

## **Appendixes**

Appendix 1 – Draft role descriptions of Chair, Vice Chair and Committee Member



## **Appendix 1**

### **Role Description**

#### **Chairman**

The main functions of this role are:

#### **Chairing**

1. Can confidently, and orderly, lead a Committee meeting and its Members through an agenda in a public facing setting;
2. Can facilitate conversations within a time limited environment ensuring all voices are heard, no matter how challenging;
3. Can set a positive and productive tone even in challenging circumstances.

#### **Leading the Scrutiny Function**

1. A visible, respected leader within and outside the organisation who advocates for good scrutiny and a culture of openness, transparency and securing good outcomes for the people of Thurrock;
2. To have strong individual and collective relationships with the Deputy, Committee Chairs, Executives, Chair of Audit and Commissioner and officer community across the Council and key partners;
3. Has a clear grasp of the strategic issues facing Thurrock (the Council and the place) and is able to translate that into relevant scrutiny action.

#### **Developing the Committee's Work Programme and Advocating Best Use of Available Resources**

1. Ability to convene a diverse set of internal and external stakeholders (elected, officer and appointed) towards a shared set of scrutiny priorities and outcomes;
2. To work in concert with the Statutory Scrutiny Officer to rigorously prioritise, and ultimately reprioritise, the workload of the Committee and its Members in a dynamic fashion;

3. To personally maintain an overview / watching brief of the strategic dimensions of Council business and issues facing Thurrock to develop own understanding and support the understanding of others.

#### **Vice Chairman**

1. To fulfil all the functions above and especially so in the event of the Chair's absence;
2. To be a close and trusted support to the Chairman.

#### **Committee Member**

##### Attendance at Meetings and Chairing Taskforces

Consistent attendance at, and continuous engagement between, meetings;

Provide active, informed comments and questions to drive understanding and scrutiny of key areas of interest;

Chairing a taskforce where needed on a time limited basis into an issue of relevance to the Committees work programme.

##### Developing the Committee's Work Programme and Advocating Best Use of Available Resources

To contribute to the development of the Committee's work programme taking ownership of items put forward balancing evidence, rigorous prioritisation and resource demands on the Committee and its Members' wider agenda.

To personally maintain an overview / watching brief of the strategic dimensions of Council business and issues facing Thurrock to develop own understanding and support the understanding of others based on former Chairmanship role.

##### Leading the Scrutiny Function

A visible, respected leader within and outside the organisation who advocates for good scrutiny and a culture of openness, transparency and securing good outcomes for the people of Thurrock.

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