

Thurrock: An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

General Services Committee

The meeting will be held at **7.00 pm** on **5 July 2023**

Committee Room 2, Civic Offices, New Road, Grays, Essex RM17 6SL

Membership:

Councillors Andrew Jefferies (Chair), John Kent (Vice-Chair), Deborah Arnold, Kairen Raper, Graham Snell, Luke Spillman and Lynn Worrall

Substitutes:

Councillors Paul Arnold, George Coxshall, Barry Johnson, Ben Maney, Valerie Morris-Cook, Sara Muldowney and Lee Watson

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Items of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
3 Declarations of Interests	
4 Constitution Review Process	5 - 16

Exclusion of the Public and Press

Members are asked to consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

5 Employment Matter - Senior Management Arrangements 17 - 30

Queries regarding this Agenda or notification of apologies:

Please contact Jenny Shade, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **27 June 2023**

Information for members of the public and councillors

Access to Information and Meetings

Advice Regarding Public Attendance at Meetings

If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.

Hand sanitiser will also be available at the entrance for your use.

If you have any queries regarding this, please contact Democratic Services at 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 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-GUEST
- 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



You can view the agenda on your [iPad](#) or [Android Device](#) with the free modern.gov app.

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.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

5 July 2023	ITEM: 4
General Services Committee	
Constitution Review Process	
Wards and communities affected: Not Applicable	Key Decision: Non-key
Report of: Matthew Boulter, Democratic Services Manager	
Accountable Assistant Director: Not Applicable	
Accountable Director: Asmat Hussain, Interim Director of Law and Governance	
This report is public	

Executive Summary

This report sets out the proposed way forward with regards to reviewing the Constitution, setting out a new internal review process in line with Improvement and Recovery Plan (IRP) requirements.

1. Recommendation(s)

1.1 Endorse the Constitution Working Group (CWG) process for the forthcoming review of the constitution, including the involvement of external organisations for aspects of the constitution.

2. Introduction and Background

2.1 Under Part 2, Article 15 of the Constitution the Council has the responsibility for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the constitution are given full effect. All major changes to the constitution must approved by Full Council.

2.2 The Improvement and Recovery Plan (IRP) recognises the need to review the constitution as part of the council improvements. Although generally only Full Council can agree changes to the constitution the recommendations are formed by a Constitution Working Group (CWG) via formal recommendations from the General Services Committee or the Standards and Audit Committee, who are the constitutionally recognised committees which recommend changes to the Council.

2.3 The proposal to undertake this review in-house through a Constitution Working Group (CWG) process. This process was agreed at the Senior Leadership

Team (SLT) in March 2023 and was sent to group leaders that month for comment. There will be a requirement to bring in other external experts as and when needed.

- 2.4 Part of the improvement outlined in the IRP is to have a specific review of the Constitution's Finance Procedure Rules which sets out the standards to regulate the Council's financial administration and control processes. The Council proposes for this piece of work to be undertaken by the Chartered Institute for Public Finance and Accountancy (CIPFA) who will report to CWG and compliment the internal working group. CIPFA are the leading national professional body for public finance and good governance.
- 2.5 The Local Government Association (LGA) will provide additional support to the Council in reviewing other sections of the Constitution in line with the improvement plan. Under this umbrella, the Centre for Governance and Scrutiny (CfGS) will review the Overview and Scrutiny aspects of the Constitution as part of the overall review of the Overview & Scrutiny function.
- 2.6 This in-house review of the constitution will take several months and there are resource implications for the Legal and Democratic services team who will be involved in the process and implementation. This will include but not limited to the communications and engagement strategy to Members and officers to socialise the new constitution.

3. Issues, Options and Analysis of Options

The New CWG Process

- 3.1 Constitutionally major amendments to the constitution are agreed at Full Council upon recommendation by the General Services Committee (GSC). In recent years the GSC recommendations have been formed by a CWG meeting to discuss amendments in detail.
- 3.2 The new proposed process will be for amendments to be formulated, discussed and drafted by an Officer Constitution Working Group (OCWG) before these amendments are presented to a Member Constitution Working Group (MCWG). Once formal recommendations on the amendments have passed both groups, formal reports will be presented to GSC and on to Full Council. See Appendix A for a diagram of the process and Appendix B for the proposed terms of reference for the two CWGs.
- 3.3 The Membership of the MCWG was included in the nominations booklet for Annual Council on 24 May 2023. A membership of 8 has been appointed and will hold its first meeting in late July.

Resource Implications

- 3.4 The constitution review is a long term and involved piece of work. Placed

within the context of the wider improvement activities and expectations, it poses a significant demand on the capacity of the current Legal and Democratic Services teams to support and deliver. The Democratic Services Team is currently subject to a restructure in order that capacity can be created for improvement projects relating to governance. It is also expected that the LGA support being offered will also provide further capacity.

4. Reasons for Recommendation

- 4.1 The review of the Constitution is a cornerstone of the IRP and an inhouse review process will provide stronger infrastructure for future years. The use of external, specialist and nationally recognised bodies to review specific aspects of the constitution will ensure the document represents nationally accepted best practice.

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

- 5.1 The new CWG process was presented to SLT in March 2023 followed by consultation with group leaders to ensure it reflected the broad wishes of both officers and Members.

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

- 6.1 The comprehensive review of the Constitution aligns with the IRP priorities of the Council and will ensure good governance across the council. The review of the Council's Finance Procedure Rules and Overview and Scrutiny are key priorities highlighted by Commissioners. The review itself will also facilitate any future changes to the committee structure desired by Members.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Senior Management Accountant

The additional financial cost in appointing CIPFA has been agreed corporately through the Expenditure Control Process. Other costs relating to the LGA and CfGS's support have been agreed strategically between Commissioners, the LGA and Thurrock Council. Any restructure of teams associated with this work will be covered by the improvement and recovery corporate budget and will require to be agreed through the relevant internal expenditure bodies. The cost of undertaking the substantive part of the review will come from existing officer time and resources.

7.2 Legal

Implications verified by: **Gina Clarke**
**Governance Lawyer & Deputy Monitoring
Officer (21.06.2023)**

There is a statutory duty for the Council to maintain and keep under review the Constitution and keep it up to date, which complies with the Local Government Act 2000.

It is also a requirement of the Council's Constitution that its operation is monitored and reviewed.

The proposal to review the Constitution, including the Overview and Scrutiny Committees and also the Finance Procedure Rules, which form part of the Constitution is compliant with the Council's duty. Furthermore, the review is also compliant with the requirements of the Improvement Recovery Plan which the Council is subject to following government intervention.

Changes to the Council's Constitution by law is a matter for full Council with the exception where such changes have been delegated to the Monitoring officer as set out in the Constitution.

The Council has adopted executive arrangements and therefore is required to establish overview and scrutiny committees. This is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011. Overview and scrutiny committees were created to ensure that members of the Council who are not part of the executive, act as a check and balance to hold the executive to account for the decisions and actions that affect the area of Thurrock.

The scrutiny function also can play a role in making improvements to Council policies and how they are implemented and developing policy. Current overview and scrutiny legislation recognises that local authorities are best placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt. A review of the Council's overview and scrutiny arrangements is compliant with legislative requirements.

7.3 Diversity and Equality

Implications verified by: **Becky Lee**
**Team Manager – Community Development and
Equalities**

Relevant diversity and equality rules, procedures and statutory requirements will be picked up as part of the review and incorporated into the Constitution accordingly.

A Community Equality Impact Assessment will be completed with relevant diversity and equality rules, procedures and statutory requirements picked up as part of the review process and incorporated into the Constitution accordingly.

7.4 **Other implications** (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

The Constitution is a legal and procedural document and may well link to other services in the Council. If they do they will be considered as part of the review.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- The Council's Constitution (<https://www.thurrock.gov.uk/constitution-of-council/thurrock-council-constitution>)

9. **Appendices to the report**

- Appendix A – CWG process flowchart
- Appendix B – Draft terms of reference for MCWG and OCWG

Report Author:

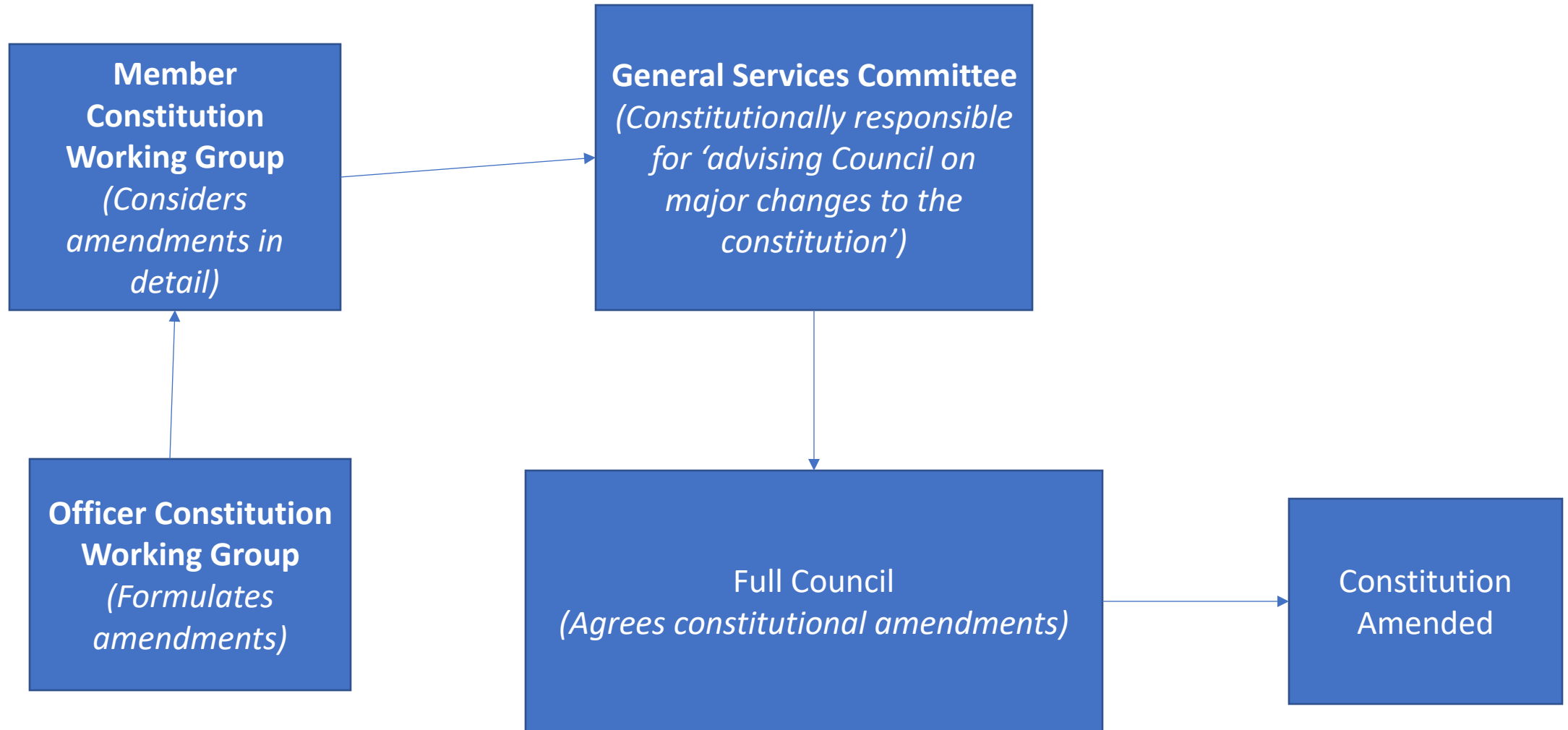
Matthew Boulter

Democratic Services Manager

Legal and Democratic Services

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Flowchart for Non-consequential Amendments to the Constitution



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Member Constitution Working Group	
Appointed by: Full Council	Number of Elected Members: 8
Chair and Vice-Chair appointed by: To be appointed by The Constitution Working Group at their first meeting.	Political Proportionality: In accordance with political proportionality.
Quorum: One third of the Group's Members (3)	Co-opted Members to be appointed by Council: None
Aims of the Constitution Working Group: <ol style="list-style-type: none"> 1. To receive and discuss officer recommendations with regards to constitutional amendments. 2. To consider any other recommendations raised regarding Thurrock Council's Constitution during the term of the group. 3. To make recommendations to General Services Committee for formal recommendation to Full Council. 	
Functions determined by Statute: None	

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	Officer Constitution Working Group
Membership	
<ul style="list-style-type: none">• Appropriate senior officer representing each directorate and/or service if significantly linked to constitution.• Monitoring Officer• Democratic Services Manager• The Governance Lawyer• Other officers as and when required.	
Frequency of Meeting	
<ul style="list-style-type: none">• To meet quarterly• In the current period of reviewing it may be required to meet more regularly to progress a substantive review of the constitution.	
Aims of the Officer Constitution Working Group:	
<ol style="list-style-type: none">1. To review the relevant aspects of the constitution and identify amendments.2. To test those amendments across departments within the group to ensure impacts on other services and procedures are known.3. To draft wording for presentation at subsequent Member committees and groups.4. To make recommendations to the Member CWG and subsequently General Services Committee for formal recommendation to Full Council.	

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