

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 **13 February 2024**

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

Membership:

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

Substitutes:

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

Agenda

Open to Public and Press

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2 Minutes	5 - 16
To approve as a correct record the public minutes of General Services Committee meeting held on the 16 January 2024.	
To approve as a correct record the public minutes of General Services Committee meeting held on the 22 January 2024.	
To approve as a correct record the public minutes of General Services Committee meeting held on the 23 January 2024.	
To approve as a correct record the public minutes of General Services Committee meeting held on the 24 January 2024.	
To approve as a correct record the public minutes of General Services Committee meeting held on the 29 January 2024.	
To approve as a correct record the public minutes of General Services Committee meeting held on the 30 January 2024.	

3 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.

4 Declarations of Interests

5 Overview and Scrutiny Function

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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

6 Employment Matter - Phase 2 Senior Management Arrangements

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Queries regarding this Agenda or notification of apologies:

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

Agenda published on: **5 February 2024**

Information for members of the public and councillors

Access to Information and Meetings

Advice Regarding Public Attendance at Meetings

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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.

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- Access the modern.gov app
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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

Public Minutes of the Meeting of the General Services Committee held on 16 January 2024 at 7.00 pm

Present: Councillors Andrew Jefferies (Chair), Deborah Arnold, Barry Johnson, Graham Snell, Lynn Worrall and Lee Watson (Substitute) (substitute for Kairen Raper)

Apologies: Councillors John Kent (Vice-Chair) and Kairen Raper

In attendance: Dr Dave Smith, Chief Executive and Managing Director
Commissioner
Jackie Hinchliffe, Director of HR, OD & Transformation
Tina Dempsey, Strategic Lead – HR, OD & Transformation
Greg Hayes, Tile Hill Recruitment Consultants
Anthony Lewis, Tile Hill Recruitment Consultants
Jenny Shade, Principal Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting was being recorded, with the audio recording to be made available on the Council's website.

38. Minutes

Councillor Johnson to be added to the attendance list for the meeting.
Following this change the minutes of the General Services Committee held on the 5 December 2023 were approved as a correct record.

39. Items of Urgent Business

There were no urgent items of business.

40. Declarations of Interests

There were no declarations of interest.

41. Shortlisting - Assistant Directors

At 7.01pm the meeting went into exempt session.

At 7.27pm the meeting concluded in open session.

The meeting finished at 7.29 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**

Public Minutes of the Meeting of the General Services Committee held on 22 January 2024 at 7.00 pm

Present: Councillors John Kent (Vice-Chair), Deborah Arnold, Barry Johnson, Kairen Raper, Graham Snell, Lynn Worrall and Paul Arnold (Substitute) (substitute for Andrew Jefferies)

Apologies: Councillor Andrew Jefferies

In attendance: Dr Dave Smith, Chief Executive and Managing Director
Commissioner
Nicole Wood, ECC Best Value Commissioner
Jackie Hinchliffe, Director of HR, OD & Transformation
Steven Mair, Interim Chief Financial Officer/Section 151 Officer
Jenny Shade, Principal Democratic Services Officer

42. Items of Urgent Business

There were no urgent items of business.

43. Declarations of Interests

There were no declarations of interest.

44. Shortlisting - Assistant Directors

At 7.01pm, the meeting went into exempt session.

The meeting finished at 7.10 pm

Approved as a true and correct record

CHAIR

DATE

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Minutes of the Meeting of the General Services Committee held on 23 January 2024 at 9.00 am

Present: Councillors Deborah Arnold, Paul Arnold, John Kent, Lee Watson (substitute) (substitute for Kairen Raper) and Valerie Morris-Cook (substitute) (substitute for Lynn Worrall)

In attendance: Gavin Jones, Commissioner, Essex County Council
Dr Dave Smith, Chief Executive and Managing Director
Commissioner
Alex Powell, Assistant Chief Executive
Jackie Hinchliffe, Director of HR, OD & Transformation
Jenny Shade, Principal Democratic Services Officer

45. Items of Urgent Business

There was no urgent items of business.

46. Declarations of Interests

There were no declarations of interest.

47. Assistant Director - Interviews

The meeting went into exempt session.

The meeting finished at 5.32 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

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Minutes of the Meeting of the General Services Committee held on 24 January 2024 at 9.00 am

Present: Councillors Andrew Jefferies, Deborah Arnold, John Kent, Valeria Morris-Cook (substitute), Lee Watson (substitute) and Lynn Worrall

In attendance: Gavin Jones, Commissioner, Essex County Council
Dr Dave Smith, Chief Executive and Managing Director
Commissioner
Jackie Hinchliffe, Director of HR, OD & Transformation
Daniel Fenwick
Jenny Shade, Principal Democratic Services Officer

48. Items of Urgent Business

There were no urgent items of business.

49. Declarations of Interests

There were no declarations of interest.

50. Assistant Director - Interviews

The meeting went into exempt session.

The meeting finished at 5.05 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

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Public Minutes of the Meeting of the General Services Committee held on 29 January 2024 at 2.00 pm

Present: Councillors Andrew Jefferies (Chair), John Kent (Vice-Chair), Deborah Arnold and Lynn Worrall

In attendance: Jenny Shade, Principal Democratic Services Officer

51. Items of Urgent Business

There were no urgent items of business.

52. Declarations of Interests

There were no declarations of interest.

53. Assistant Directors - Interviews

The meeting went into exempt session.

The meeting finished at 4.15 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

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Public Minutes of the Meeting of the General Services Committee held on 30 January 2024 at 9.00 am

Present: Councillors Andrew Jefferies (Chair), John Kent (Vice-Chair) and Deborah Arnold and Lee Watson

In attendance: Jenny Shade, Principal Democratic Services Officer

54. Items of Urgent Business

There were no urgent items of business.

55. Declarations of Interests

There were no declarations of interest.

56. Assistant Directors - Interviews

The meeting went into exempt session.

The meeting finished at 5.00 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

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13 February 2024	ITEM: 5
General Services Committee	
Overview and Scrutiny Function	
Wards and communities affected: Not Applicable	Key Decision: Key Decision
Report of: Asmat Hussain, Interim Director of Law and Monitoring Officer	
Accountable Assistant Director: Not Applicable	
Accountable Director: Asmat Hussain, Interim Director of Law and Monitoring Officer	
This report is public	
Version: Final	

Executive Summary

This report presents the progress and decisions required to action improvement activity around the Overview and Scrutiny (O & S) Function. The report asks Members to support the introduction of a new Overview and Scrutiny Committee Structure with a view to further developing culture, skills, work programming and constitutional procedures of the function in future months.

Commissioner Comment:

None.

1. Recommendation(s)

To recommend to Full Council:

- 1.1 Agree the restructuring of the Overview and Scrutiny Function to consist of three committees: People, Place and Corporate, as detailed in this report and appendices.**
- 1.2 That the new Overview and Scrutiny committee structure starts for the municipal year 2024/25.**
- 1.3 Agree the terms of reference of these committees at appendix 1 and delegate authority to the Monitoring Officer to include them in the Constitution.**
- 1.4 Cease the Lower Thames Crossing Task Force, Local Development Plan Task Force and the Hidden and Extreme Harms Prevention Committee from the 2024/25 municipal**

Version Control (delete as appropriate)

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year in accordance with Centre for Governance and Scrutiny’s (CfGS) findings and recommendations.

1.5 Formally adopt the Overview and Scrutiny Protocol attached at appendix 2 and incorporate it into the constitution as part of the forthcoming revised Overview and Scrutiny Chapter.

2. Introduction and Background

2.1 The Overview and Scrutiny function is a key element of the Council’s improvement following Government intervention in 2022. The Council engaged with the national body, the Centre for Governance and Scrutiny (CfGS), to lead a review and progress change activity throughout 2023.

2.2 The CfGS is the leading national body for advising councils on O & S work and operations. The CfGS is engaged in collaborating with Thurrock Council’s Members to reassess the shape, priorities and culture of the O & S function. This project has been split into two phases:

PHASE 1: Up to March 2024	<ul style="list-style-type: none"> • Review the current O & S function in collaboration with officers and Members. • Produce an options report signposting potential new committee structures and work programming aims. • Produce a new protocol for O & S at Thurrock • Conduct work programming sessions for chairs and vice chairs to re-prioritise future work programmes. • Consult Members on the proposals with a view to gaining an agreement on a new structure at March Council.
PHASE 2: March 2024 onwards	<ul style="list-style-type: none"> • Implement the new committee structure. • Develop Member skills and approach to ensure the new function is effective and efficient, • Undertake further work programming support

2.3 The CfGS has undertaken an extensive consultation with Members and officers to best identify the needs of the Council’s Scrutiny function and to offer the appropriate recommendations. The key consultation activity has been:

July 2023

2.4 The CfGS attended on site in July 2023 to meet key Members holding two training sessions to support Members in i) O & S during intervention and ii) Chairing skills for O & S during intervention.

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Summer 2023

- 2.5 CfGS held virtual catch up sessions with Members to discuss an O & S Protocol, as well as holding a number of 'Lunch and Learn' sessions for key officers to learn more about O & S and best practice from an officer perspective.

November 2023

- 2.6 The CfGS provided two budget scrutiny training sessions for Members in advance of the first round of budget scrutiny, followed by a further training session directed to chairs and vice chairs in January 2024.

January 2024

- 2.7 Three work programming sessions were organised to guide chairs, vice chairs, committee members and key officers through the potential new three committee model and to understand practices in compiling effective work programmes through prioritisation and aligning them with the Corporate Plan and improvement activity.
- 2.8 The sessions were constructive and a number of comments were received in relation to the proposed People Committee:
- Members and Officers thought the role of bringing the NHS to account was vital and needed to be considered. There was a suggestion that an additional Health Overview and Scrutiny Committee (HOSC) could be created to deal expressly with NHS matters.
 - The role of Healthwatch representatives and Looked After Children were valued within the current structure and Members and Officers felt there was merit in including them within the membership of the People Committee in an appropriate way.

New Committee Structure

- 2.9 Through the CfGS's consultation activity and independent assessment, a number of recommendations were formed, which are included in the CfGS report attached at appendix 3. The highlight recommendations of this report were:
- O & S needed to refocus its activity into a more efficient and responsive structure with a reduced number of core committees.
 - Work programming is similarly refocussed to closer align to the key priorities of the Council during intervention and that the work programming process be given suitable profile and support.
 - A new scrutiny protocol is developed and launched to codify roles and responsibilities within the Function.
 - That the Function is appropriately resourced.
 - That the Lower Thames Crossing Task Force, the Local Development Framework Task Force and the Prevention of Hidden and Extreme Harms Committee are not continued into 2024/25 in order that their remits can be appropriately resumed into the O & S Function, adding weight and relevance to the core O & S activities.

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- 2.10 Following the CfGS activities throughout 2023/24 the structure of the Function was developed to recommend three main committees, People, Place and Corporate. This base structure could then be supplemented by task and finish reviews which added value to the council's strategic aims.
- 2.11 The terms of reference for each of the proposed committees is attached at appendix 1.
- 2.12 The CfGS came to the view, following consultation, that certain committees and task forces currently set up were better served within the new O & S structure and by being brought back into the remit of O & S, gave weight and importance to the primacy of O & S as the review function of the council. Changes to the wider committee structure will therefore be reflected in the Annual Council report on committees in May 2024.

Overview and Scrutiny Protocol

- 2.13 The O & S Protocol was developed by the CfGS in close collaboration and consultation with Members. The new protocol expands on the 'Executive-Scrutiny protocol' which was developed by the Corporate O & S Committee in 2019. The new protocol sets out expectations and behaviours linked to good scrutiny and will act as a reference for Members and officers when conducting O & S business in the future. The protocol will be a reference document and, if desired by Members through consultation with the constitution working groups and General Services Committee, can be recommended to Full Council for inclusion in the constitution.

O & S Constitution Procedure Rules

- 2.14 The development and drafting of the associated procedure rules in the constitution, to sit alongside this new structure, is a longer process which involves Members both informally but across an array of committees (General Services Committee) and working Groups (Officer and Member Constitution Working Group). Therefore, the delivery of a refreshed O & S chapter within the constitution will follow in the 2024/25 year and Members are simply asked to agree the structure in this report.

3. Issues, Options and Analysis of Options

- 3.1 The CfGS has brought external specialist resources into the council to ensure the reviews reflects national best practice whilst collaborating with Members and officers to ensure the recommendations and findings are owned by the Council.
- 3.2 Members and officers have had the opportunity, through the formal boards, working groups, committees and the consultation exercises to contribute to the design of the final recommendations found in this report.
- 3.3 The CfGS, with Members, has explored alternatives to the committee structure and what should be included or not in the new protocol.
- 3.4 the establishment of a restructured and refreshed O & S Function is only half the project and Members will be required to engage further in training, development and collaboration to

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ensure the refreshed function is effective and efficient for the resources available to the council.

Health Overview and Scrutiny (HOSC)

- 3.5 At the January 2024 workshops Members and officers considered whether there was a case to amend the three committee model to include a fourth committee (HOSC) to focus on NHS items. The Council, in accordance with the Health and Social Care Act 2001 and 2012, is required to have facility to scrutinise the Health Service. The CfGS considered this and has recommended that these functions can be appropriately accommodated within the proposed People Committee.
- 3.6 In December 2023, Thurrock was invited to begin discussions with Southend Council and Essex County Council to establish a joint HOSC to deal with regional NHS matters. An initial discussion has taken place but no further action taken.

4. Reasons for Recommendation

- 4.1 The recommendations reflect the work of an external national body in collaboration with Members and officers. The recommendations represent the changes required to deliver the Council's Improvement Recovery Plan to ensure stronger governance in decision making and the effective discharge of the O & S function.

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

- 5.1 The consultation activities are covered in previous sections of this report. O & S Chairs, Vice-chairs and committee members have been consulted by the CfGS throughout their project with the wider Council Membership being kept updated and informed through the Member newsletter.

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

- 6.1 The recommendations directly address the Council's improvement journey and plan, putting in place developed systems of governance and decision making.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Finance Manager (14/12/23)

The cost of engaging the CfGS in this work has been covered by the corporate funding provided through the Local Government Association (LGA) for improvement activities following the Government intervention. Members Allowances in relation to the proposed new committees remain unchanged and would be subject, upon Members request, to an independent review from the Remuneration Panel following 6 months of the new structure being in place.

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7.2 Legal

Implications verified by: **Gina Clarke, Governance
Lawyer and Deputy Monitoring Officer (21/12/23)**

The importance and legitimacy of the scrutiny function is afforded by the law to act as a check and balance on the Council's Executive. It is a statutory requirement as set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011 for all authorities operating executive arrangements to establish overview and scrutiny committees.

Statutory Guidance has been issued by Government which Local authorities and combined authorities must have regard to it when exercising their overview and scrutiny functions. This means that not all sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

Overview and scrutiny legislation gives the Council the power to determine which overview and scrutiny arrangements best suit its needs, and so gives the Council a great degree of flexibility to decide which arrangements to adopt.

As to the proposed Overview and Scrutiny Protocol, Statutory Guidance states that Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting. The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider

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aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

SLT to consider whether it would be beneficial for any work further work to be carried to address the above matters which at the time of writing these implications are not included in the proposal protocol, in particular bullet points 2, 3 and 4. The Council will need to consider how to formally adopt the proposed protocol.

The proposed changes to the Council's existing scrutiny arrangements will enable the Council to discharge its scrutiny functions in a more effective and efficient way. The legal implications set out in this report will be reviewed and updated as required prior to this report being presented to Council to approve new scrutiny arrangements.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer
(14/12/23)

The new O & S Function does not present any equality or diversity implications, although it is noted that the CfGS led process has been inclusive and considered all Members of the Council regardless of their political allegiance or position within the Council.

7.4 Risks

There are significant corporate risks relating to decision making and governance if the O & S Function is not revised in line with directions set out through the intervention. This report represents the first step in refreshing the function in line with national best practice, the intervention and Member aspirations. The review and refresh of the culture, practice and procedures surrounding the Function will further reduce this risk in coming months.

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

The improved efficiency, functionality and ability of the Function to add value to the decision making process will impact on all services of the council in a positive way.

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):

- None

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9. Appendices to the report

- Appendix 1 – New O & S Committee Terms of Reference
- Appendix 2 – New O & S Protocol
- Appendix 3 – CfGS Report on O & S Function

Report Author:

Matthew Boulter

Head of Democratic, Member and Scrutiny Services

Legal Services

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Proposed Overview and Scrutiny Committee Responsibilities

January 2024

Following a review of scrutiny arrangements, the council is planning to consider new arrangements from its March council meeting.

Changes to the council's constitution will therefore be necessary.

We suggest that meetings operate in accordance with current arrangements in terms of procedure but changes are made to the structure and responsibilities of the committees as follows:

1. Membership

(a) Each Overview Committee and each Scrutiny Committee shall consist of 10 Members including its appointed Chair and Vice Chair.

(b) The quorum of each Committee is 4 members of the committee who are Councillors.

(c) To the extent that the law requires an Overview and Scrutiny Committee to include a person who is not a Member, then the membership shall be made up of 10 Members plus the number of additional persons required, provided that for the avoidance of doubt this provision does not apply to any joint arrangements entered into by the Council.

(d) In relation to the exercise of overview and scrutiny functions relating to education matters, the membership of "People Overview & Scrutiny Committee shall include: (i) a person nominated by a Diocesan Board of Education for a Church of England diocese falling wholly or partly within the area of the Council; (ii) a person nominated by the Bishop of any Roman Catholic diocese falling wholly or partly within the area of the Council; and (iii) two parent governors from maintained schools within the area of the Council 20230116

(e) No Overview & Scrutiny Committee or task & finish group shall include any Member of the Cabinet-Executive whilst so appointed.

(f) Subject, where appropriate, to relevant provisions set out in a scheme made by the Council for such purposes and to any other relevant legislative limitations an Overview Committee and a Scrutiny Committee may include persons who are not Members to act as advisors or non-voting contributors.

(g) There shall be no power to appoint substitutes to any Overview and Scrutiny Committee

2. Appointment of Chair and Vice Chair

(a) The Chair and Vice-Chair of each Overview Committee and each Scrutiny Committee shall be appointed annually by Full Council unless Full Council determines otherwise.

(b) The Chair and vice-chair of each Scrutiny Committee shall be nominated at the Annual Council each year where Full Council will be asked to agree appointments.

Sub-Committees and task and finish groups

(a) Overview Committee and Scrutiny Committees may not appoint Sub-Committees.

(b) Each OSC may appoint up to 2 task and finish groups per year, providing these can demonstrate a positive and necessary contribution to the council's priorities. Task and finish groups to comprise of up to 6 members and should complete its work within 10 weeks.

(d) The Proper Officer shall maintain a list of all task & finish groups, including: (i) membership; (ii) terms of reference; (iii) objective (iv) reporting deadlines

Meetings

(a) The number of ordinary meetings of each Overview Committee and each Scrutiny Committee in a year will normally be 8 unless otherwise determined by Full Council.

(b) The Chair of each Overview and Scrutiny Committee shall have the power to call one or more special meeting(s) of the Committee of which s/he is the Chair.

(c) The Chair of an Overview and Scrutiny Committee may determine that any of its meetings should be cancelled for insufficient business.

Functions

(1) Policy development ("pre-decision scrutiny"). Committees may undertake 'pre-decision scrutiny' in areas which will assist the Council and the Cabinet in key areas of policy or corporate improvement – this should be with the agreement of the Cabinet but there may be a small number of extraordinary circumstances where such agreement is either not appropriate or possible; (ii) investigate areas and issues of emerging concern in the Borough with a view to making recommendations to the Cabinet.

(2) Scrutiny committees may:

(i) review and scrutinise decisions made by the Cabinet and/or Council officers, and the impact of these decisions, both in relation to individual decisions as well as the aggregated impact of multiple decisions; (ii) take a strategic approach to reviewing organisational performance against council improvement.

Committee responsibilities

The three proposed new committees would therefore have the following responsibilities:

Place

This committee will consider and hold to account the relevant cabinet member(s) and Director(s) for the delivery of the council's plans and financial strategy as they relate and impact on the Borough's amenities, infrastructure, local economy, development, and community-based services, such as libraries and leisure facilities.

Its focus will be on improvement in these areas to support the council's recovery plans, including service transformation, financial and savings targets and asset management or disposal.

It will need to have oversight and scrutiny of policy as it relates to local services, development and community well-being but will retain overall financial recovery in these areas as a priority.

It will also challenge through constructive scrutiny the Cabinet's proposals and plans and their impact and effectiveness of proposed improvements or changes on communities, and individuals.

People

This committee will consider and hold to account the relevant cabinet member(s) and Director(s) for the delivery of the council's plans and financial strategy as they relate to children and adult social care, health, education and wellbeing.

The remit of the committee will therefore cover;

Children's Social Care & wellbeing:

Including; safeguarding, children in care, early years, childcare, learning and school effectiveness, special educational needs, and disability (SEND), School admissions, organisation and place planning and transport.

Adult Social Care:

Including; commissioning and delivery of social care services for adults and older people, support for carers, safeguarding vulnerable adults, public health.

Health Scrutiny:

Review and scrutinise matters relating to the planning, provision and operation of health services in Thurrock through exercising the powers under Section 244 of the National Health Service Act 2006 as amended by the Health and Social Care Act 2012, Protocol for Health Overview.

Corporate

This committee will consider and hold to account the Leader of the Council and Cabinet Member for Finance, Chief Executive and Director of Finance (Sec 151) for the delivery of the council improvement and recovery plans and financial strategy.

Its focus will include:

Council budget, medium term financial plan, capital programme and budget monitoring. This committee will also provide scrutiny oversight of; transformation plans, assets disposal and disinvestments.

Additionally the committee will provide constructive challenge to Cabinet on organisational change and development of council policy, corporate plan and improvement plans to add value, through early pre-decision scrutiny and shaping. It will also take account of community impact of corporate and financial plans.

Matters that are considered cross-cutting and which may affect more than one scrutiny committee will, by agreement of committee chairs be referred to the Corporate Scrutiny Committee, to avoid duplication or the issue being overlooked.

Ian Parry | Director

Centre for Governance and Scrutiny | 77 Mansell Street | London | E1 8AN

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Thurrock Scrutiny Protocol – Working Document

The purpose of this document is to set out how the Overview and Scrutiny function will operate in Thurrock from May 2024/5 municipal year. This is to allow Members, officers and partners to have a Council adopted document to provide clarity over ways of working and relationships between those stakeholders who hold a relationship with the Overview and Scrutiny function.

This document is being drafted in advance of a comprehensive review of the existing Constitution.

Responsibilities of Overview and Scrutiny

The key responsibilities of overview and scrutiny at the Council are to:

- Support the Council to implement the enhanced Improvement Recovery Plan with a focus on financial sustainability, governance, leadership, and culture following the Best Value Inspection.
- Ensure effective political accountability for the executive and senior council officers, as well as providing a space for Commissioners and partners to be scrutinised.
- Contribute to the development of policy by the council and its partners, making proportionate and deliverable recommendations to key local stakeholders;
- Review certain executive decisions before they are made and implemented;
- Review how decisions, and Council policies, are implemented based on insight from a range of sources, including local people.

Role of this Protocol

- To complement the Constitution and establish a positive framework for scrutiny to work effectively.
- To maximise the effectiveness of Scrutiny Members, Lead Members, and officers by enabling them to understand their powers, roles, and responsibilities in relation to the scrutiny function.
- To promote and maintain an ethos of mutual respect and trust in the relationships between Scrutiny Members, Executive Members, and officers in a climate of openness to enable a constructive and challenging debate.
- To support scrutiny councillors to hold the Executive to account by monitoring the effectiveness of policies and through regular, proportionate, and focused review of performance in relation to services.
- To ensure that scrutiny is able to maximise its value and impact by aligning its work with that of the Leadership Team, and Commissioners.

The Scrutiny Work Programme

The development of a work programme to guide scrutiny activity over the course of the year, or to a longer timescale, is essential. All Scrutiny Committees must have a work programme. The process, content and execution of the work programme must be led by Scrutiny Members.

Work programming is a continuous exercise but there should be a burst of activity in quarter four of the municipal year in which to start to develop the significant contents of that plan for the municipal year ahead.

Work programmes must be developed taking account of feedback and suggestions from a range of sources. As a general principle, scrutiny will focus its efforts on:

- matters where there is a critical business need,
- matters which have a direct impact on the council's delivery of services to vulnerable people (for example, children and those in receipt of adult social care services);
- matters of particular local contention (including political contention);

Matters that have a particular level of complexity arising from their being cross-cutting, and/or involving a wide range of local partners/stakeholders. In coming to a judgement on whether subjects proposed to be considered meet these criteria, members will have regard to:

- The priorities of the Council.
- The contents of the Council's Forward Plan of executive decisions (on which "pre-scrutiny" might be conducted).
- The opinions of the executive, senior officers, and Commissioners.
- Insights from the public, either provided directly or via members' ward work.
- Business being undertaken by other bodies, especially the Audit Committee.
- Information relating to risk, service performance and finances.

In bringing together a work programme, Scrutiny Members must develop a long list of topics and agree a process for the creation of a shortlist which should have regard to the criteria set out above. As part of that shortlisting process Members must ensure the topics:

- are clearly understood,
- with a defined purpose and scope,
- are placed onto the work programme at the most valuable time and that scrutiny is undertaken in the right way (at Committee or within a task and finish group).

Ultimately, Members must be confident that the work they will undertake over the course of the year will add value to public services in Thurrock and lead them out of intervention.

In refining the work programme, Members should ensure flexibility and create time for business that could 'crop up' in year. This is especially relevant for scrutiny of local health and care services.

The work programme will be managed through regular meetings of Chairs, Vice Chairs and relevant officers. This meeting should identify forthcoming issues, Cabinet decisions and topics which might be usefully added to the work programme, subject to the framework agreed at the start of the year.

In respect of forthcoming decisions, following this process will ensure that the Cabinet Member attends the relevant Scrutiny Committee in sufficient time that any recommendations made by scrutiny can be considered ahead of the decision being made.

Meetings of Committees – Agenda Planning and Conduct

The agenda for each meeting will be prepared by the Statutory Scrutiny Officer, following close liaison with the relevant Chair, the Committee and

- The relevant Executive Director(s) and/or Directors and Cabinet Member/s.
- Where appropriate, other relevant persons such as partner organisations.

In finalising those items that will comprise each agenda, the Chair will have careful regard to the Committee's terms of reference and:

- The Committee's agreed Work Programme.
- The criteria and information set out above.
 - The need to identify a modest number of items (ideally no more than three per meeting) on which the Committee can 'add value' in terms of developing or reviewing policies; proactive work on strategic issues; scrutinising performance where there is evidence of concern.
- The exclusion from agendas of routine items or those that are simply 'for noting' or 'for information' : in normal circumstances such items should be circulated separately.

The Conduct of Meetings

Scrutiny Members

All Scrutiny Members must ensure that they attend meetings prepared and wish to engage in the meeting in an independently minded fashion.

Members must lead by example in their behaviours and general conduct at meetings in accordance with the Council's code of conduct and the Nolan Principles.

Relevant for the conduct of Scrutiny Committees, Members must be mindful to operate with respect towards those attending Committee and to whom they may be holding to account, regardless of the topic under discussion.

Cabinet Members

The Overview and Scrutiny Committee and any of its task and finish groups can require the attendance of the relevant Cabinet Members. Requests for Cabinet Member attendance will be made, as far as possible, in good time to facilitate that Member's attendance and any of their officers. The Chair will normally invite the Cabinet Member and/or the relevant Executive Director to present the report and answer questions. They are free to bring any other officers with them.

More generally, Cabinet Members:

- can attend all Scrutiny meetings and may, with the Chair's permission, speak on any item under discussion;
- can attend presentations made to committees and take part in the subsequent discussion, with the permission of the Chair;

Executives must have regard for the need to ensure a healthy separation between Cabinet and Scrutiny and be mindful of the need to visibly demonstrate such separation else it becomes unclear of roles and responsibilities and specifically who is undertaking scrutiny and who is receiving it. In practical terms this will involve sitting at the meeting, at a seat or table set aside for witnesses, and making it clear at the start of the meeting of their status and the role they expect to perform both in assisting the committee and being held to account.

It is essential for the Executive Member and their officers to have regard to the fact that their attendance is at the request of the Scrutiny Committee. There will be other pressing matters of business on the Committee's agenda and to keep any presentations short and introductory and questions answered succinctly and with candour.

Partners

The Overview and Scrutiny Committee or its tasks groups can request the attendance of relevant partners to present reports and / or give evidence.

Requests for their attendance will be made, as far as possible, in very good time to facilitate that Member's attendance and any of their officers. The Chair will normally invite the Cabinet Member and/or the relevant Executive Director to present the report and answer questions. They are free to bring any other officers with them.

The Role of the Chairs and Vice Chairs

The role of the Chairs and Vice Chairs is to lead the scrutiny function within the Council, with partners and across the Borough. Key elements of their roles is contained at **Appendix 1**.

All Chairs and Vice Chairs will work together in a collegiate fashion to ensure that Scrutiny is seen positively and a source of good governance within the organisation.

Chairs and Vice Chairs will meet to a regular timetable to discuss the performance of scrutiny and any issues preventing it from operating to a high standard, as well as the work

programme and matters which could cut across the work of all three Committees. On occasion, this informal group should invite the Chair of Standards and Audit to contribute to conversations, specifically on issues which could overlap scrutiny and audit and to share insight to inform each other's work programmes.

Responses to Scrutiny Recommendations

Recommendations can be made through two routes.

The first is at Committee, arising from a discussion in which it is evident that Members wish to draw the Cabinet's attention to an issue and/or to affect a change. With the support of the SSO, or the Scrutiny Officer supporting the Committee, precise wording of a recommendation/s would be made and endorsed by the Committee. If it were not possible to do this, the Chair should move a resolution in which to arrive at the wording of a recommendation/s in consultation with the Vice Chair and relevant Scrutiny Officer. That wording will be shared with Members of the Committee via email.

The second route is via a task and finish group. At the conclusion of a review undertaken by the group recommendations should be made to Cabinet, Council and/or partners. Those recommendations should be drafted by the SSO further to the objectives of members of the group and presented to the task group for endorsement.

The final report and recommendations made will be presented to the Committee which agreed to establish the task group. The recommendations will be endorsed in full, in part or not. Those recommendations will then go to Cabinet, Council, or partners.

On the receipt of recommendations to Council or Cabinet, Scrutiny Members must expect a response within two months (LGA 2000, s9FE). That response should state whether the recommendations have been accepted, partly accepted or not accepted alongside an accompanying explanation and plan of action for how those accepted recommendations will be delivered. Where Council and/or Cabinet determines that they will not accept the recommendations, reasons should be given.

Once the responses have been supplied to the Statutory Scrutiny Officer, the Committee will be made aware, and it will be considered at the next available meeting of the Scrutiny Committee where the relevant Cabinet Member will attend to present the response.

Participation of The Public

Participation of Members of The Public at Committee Meetings

Local and interested persons can, with the permission of and at the discretion of the Chair, speak at Committee meetings on any item of the agenda, in accordance with the Council's Constitution.

The Chair and other members of the Committee will consider, with the support of officers, how to promote public attendance and participation at meetings of the Committee and of meetings related to scrutiny reviews.

Role, Responsibilities and Governance of Task and Finish Groups

It is essential to recognise that how overview and scrutiny is undertaken, is as important as what issues are selected. Members and officers must recognise the value in pivoting between formal (Committee) settings for certain types of business and informal (task and finish) settings for others.

In establishing the Committee's work programme, discussions should take place at the earliest opportunity on whether a task and finish group should be used, when it should commence and what is within scope and who should sit on it.

When To Use

Issues that require extensive exploration, the use of experts/witnesses and matters which could be sensitive in nature may lend themselves to be better placed for inquiries within a task and finish group. Task and finish groups will convene through informal meetings, not Committee meetings. Meetings of task and finish groups will generally be held in private and are not accompanied by the usual formality that a Committee meeting brings. However, they should be accurately noted, and the notes of meetings should be submitted to the commissioning Committee to be placed on the public record once the group's work has concluded.

Establishment of a task and finish group should be undertaken by a resolution to do so at a Committee whose terms of reference fit with the scope and objectives of the work to be undertaken by that group. The Committee must agree who will chair that task and finish group and seek nominations from the wider Committee to sit on it. The Chair may also wish to seek nominations from wider backbenchers who may have the time, authority, and expertise to contribute.

Practically, task and finish groups should have a membership of between 4-7 members. They need not be perfectly politically balanced because of their small number of members. Members must, however, agree to operate within these groups in an independently minded fashion.

The Relationship Between Commissioners and Overview and Scrutiny

The relationship between Government appointed Commissioners and Overview and Scrutiny must be based on mutual trust and recognition of each other's roles within the governance of the Council. The Chairs and Vice Chairs of the Committees should, to a reasonable timetable, meet with Commissioners to keep abreast of their activity, progress and concerns and seek out ways to add value to each other's work.

Commissioners are primarily accountable to the Secretary of State, but recognise that importance of answering to local people, and to local politicians, in how they carry out their work. The way that they engage with scrutiny committees will reflect and acknowledge these relationships.

Commissioners may wish to identify opportunities to request that O&S look into issues on their behalf and O&S should consider such referrals. There should be no expectation that the requests of commissioners will automatically accepted.

The Relationship Between the Executive and Overview and Scrutiny

The relationship between the Executive and Overview and Scrutiny must be based on mutual trust and recognition of each other's roles within the governance of the Council.

The Chairs and Vice Chairs of the Committees must meet with the Executive as part of setting the Committees' work programmes for the year ahead, establishing priorities, necessary timings of the delivery of such priorities and ultimately areas of shared interest. In year engagement should also be welcomed.

The Executive will work openly and transparently with those Chairs to identify areas that Scrutiny may wish to review and investigate, and that Scrutiny will have regard for the Executive's timings in respect of decision making. The Head of Paid Service and principal statutory officers should ensure that senior officers recognise the need for accountability to scrutiny committees as part of their wider member engagement. This includes ensuring that scrutiny Members and Officers are treated with respect, provided with information and supported to undertake their enquiries.

The Executive must support scrutiny by providing relevant information directly, or via its Officers, to allow Members to be actively involved in pre-scrutiny. That is, involvement at the early stages in the formulation of new policies, strategies etc where scrutiny can add value well in advance of a decision being made. The same principle applies also to scrutiny's work undertaking post decision work that is ensuring that the performance management of services.

The Committees will remain non-political and be effectively led by Members who take responsibility in their role to drive service improvements.

Executive Members will be given reasonable notice of a request to attend a Scrutiny Committee and those Members can be accompanied by a relevant member/s of staff. Executive members will be asked to submit a report and to take questions at Committee. It is essential that the executive recognise their attendance is at the invitation of the Committee at the same time recognising that these are public meetings. The Executive member(s) need not stay for the whole meeting.

The Cabinet's response to Scrutiny's recommendations will be published in the agenda of the next available relevant Committee meeting. The Overview & Scrutiny Committee will monitor the effectiveness of services and undertake regular reviews of performance in relation to the Council's services.

The Relationship Between Council and Overview and Scrutiny

Council has a key role in which to receive and discuss the Scrutiny Annual Report so to draw Members' attention to the work undertaken by the function over the course of the municipal year.

Council, on occasion, may request O&S to review matters on its behalf. A referral to the relevant O&S Committee can be made by Council but the decision to accept that referral is a matter for the Committee itself.

If the referral is accepted, any reports and/or recommendations would then be made to the decision maker.

Access to Information

See attached appendix 1

Health Scrutiny

- **Relationship between Healthwatch Thurrock and the People Overview and Scrutiny Committee**
- **Relationship between the ICB, ICP and the People Overview and Scrutiny Committee**
Responses to recommendations
- **Substantial Variations and Developments to Services**

Ensuring Compliance with the Protocol

The Statutory Scrutiny Officer, and Monitoring Officer, are the responsible officers for overseeing compliance with the Protocol and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny. The Scrutiny Annual Report will include an assessment of the effectiveness of the Protocol.

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 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.

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Centre for Governance and Scrutiny

Thurrock Council

Governance Recovery Board – 12 September 2023

Author: Helen Mitchell, Senior Governance Consultant

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 14th March on the Schools Capital Programme and verbal feedback was provided to Cabinet on 15th 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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