

## Minutes of the Meeting of the Constitution Working Group held on 27 July 2023 at 7.00 pm

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**Present:** Councillors Graham Snell (Chair), Lynn Worrall (Vice-Chair), Deborah Arnold, Andrew Jefferies, Joycelyn Redsell, Neil Speight and Lee Watson

**Apologies:** Councillors John Kent

**In attendance:** Matthew Boulter, Head of Democratic, Scrutiny and Member Services  
Asmat Hussain, Director of Legal and Governance and Monitoring Officer  
Rhiannon Whiteley, Senior Democratic Services Officer

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

### **1. Election of Chair**

Councillor G Snell was nominated and it was agreed he would be Chair.

### **2. Election of Vice-Chair**

Councillor L Worrall was nominated as Vice-Chair and this was unanimously agreed.

### **3. Apologies for Absence**

Apologies were received from Councillor J Kent.

### **4. Items of Urgent Business**

There were no items of urgent business.

### **5. Declarations of Interest**

No interests were declared.

### **6. Terms of Reference**

The Senior Democratic Services Officer introduced the item and explained that the terms of reference set out what the Working Group were

constitutionally required to do. There were no comments or queries from Members.

## **7. Briefing Note - Update on the Constitution Review**

The Head of Democratic, Scrutiny and Member Services introduced the item and explained that the BVI report had highlighted the need to review the constitution. It is a very big project and input from members and officers as well as experts from outside the Council will be required. Feedback from members and officers as to how they use the constitution day-to-day will be extremely useful. Madeleine Humphrey and Steve Rowley from CIPFA have been working on the Financial Regulations and Rules.

Councillor Speight commented that in his view the current structure enables secrecy and this is evidenced by what has happened as power was vested in a small number of people. The BVI is a new beginning. Councillor Speight stated he was concerned about governance by Cabinet and the strong leader model and wanted a return to the Committee system.

The Head of Democratic, Scrutiny and Member Services confirmed as part of the review they were looking at bringing the Overview and Scrutiny Committees down from 6 to 3 and calling them Place, Realm and People.

The Chair highlighted that this is the very first meeting and commented that these issues will crop up throughout the process. He responded that Cabinet was accountable, and people were within their rights to call-in Cabinet decisions. However, the call-in procedure has been under used by those on both sides. He also commented that larger Committees worked really well in some other Local Authorities.

The Vice-Chair agreed as they work through the Constitution review it will naturally fall to what it needs to be.

The Head of Democratic, Scrutiny and Member Services confirmed that there are 400 pages to look at and therefore there has to be a first point of entry as not all things can be changed at the same time.

The Interim Director of Legal and Governance and Monitoring Officer confirmed she has been part of a constitution review and in her experience at other Local Authorities this would take around 12 months to complete a page-by-page review. Thurrock's constitution is light in comparison others she has worked on and the test of a successful constitution is if an ordinary member of the public can understand it. It is a live document and should be regularly reviewed.

Councillor Watson commented that work was completed previously and some of the amendments made by the Constitution Working Group have come into place this year. Following the BVI report, there are parts that need to be embedded quickly such as the Finance Procedure Rules and she would like this to be looked at first.

## **8. CIPFA Update on Finance Procedure Rules**

Madeleine Humphrey provided an update from CIPFA. She confirmed the following: -

- that they have interviewed members about the finance procedures.
- There was a lack of transparency around financial decision making. The new Financial Procedure Rules need to set up a framework so that everyone knows what their roles are and they need to be written in plain English.
- They will be looking at Council owned Companies and how they are established, run and governed.
- Investment delegations and financial limits will be looked at and whether they work for members and officers.
- There will be different provisions during the intervention period and these will be disapplied once the Council is no longer in intervention.

Steve Rowley explained that he is an accountant and confirmed that whilst there was some good parts to the constitution, small groups of officers had too much latitude and this needs to be tied down. Once the new rules are written and agreed CIPFA will help officers and members to understand them and embed them.

Councillor Snell responded that as Portfolio Holder for Finance he had already seen a huge change in how things are reported to him and he is now receiving reports on everything.

Councillor Watson queried what number of delegations was recommended as normal in a Local Authority.

Steve Rowley confirmed that there isn't a number, they can benchmark against other Local Authorities and come up with what is right for Thurrock.

Councillor Speight highlighted that all transactions should be available to the public. Councillor Redsell agreed that Officers do not provide enough detail.

Councillor Watson raised the issue of Procurement contracts and queried if they can be more robust in how they are delegated and who is responsible at what level. Steve Rowley responded that he will look at them from a financial perspective and Madeleine and the Interim Director of Legal and Governance will look at them from a legal perspective. The meeting discussed that there are new procurement rules coming into force next year.

The draft new Financial Procedure Rules should be completed by 21<sup>st</sup> August 2023.

## **9. Draft Action Points and Work Programme**

The Head of Democratic, Scrutiny and Member Services referred to the draft action points and work programme in the agenda and confirmed their purpose is to track actions. Every other month there will be input from Officers via the Officers Constitution Working Group and then the next month the Members Constitution Working Group will meet to provide their input. Officers will be commenting on the new Financial Procedure Rules at their next meeting on 21<sup>st</sup> August 2023.

The Leader raised that ED2's should be more transparent.

The Head of Democratic, Scrutiny and Member Services confirmed they are published on the website however they are not necessarily easy to find. This is a good example of where merely changing words in the constitution may not be enough and actions will be required to make practical changes.

The Interim Director of Legal and Governance and Monitoring Officer highlighted that accessibility is critical and she will push that agenda. She recommended that Members look at other Local Authorities Council Procedure Rules or watch another Local Authority's Full Council meeting and see how their rules help them conduct their meetings. Members could also make enquiries with the third-party sector and partners about their views on the meetings.

The meeting discussed the technical presentation of the constitution and how this hindered accessibility. Councillor Speight commented that it requires professional input and it will cost money but the Committee should not be averse to this.

The Head of Democratic, Scrutiny and Member Services stated that other Councils Constitutions do contain pictures and are more of a brochure style.

Councillor Watson requested a member's briefing on the Council Procedure Rules.

Councillor Snell suggested the constitution document should have a direction of travel whilst being reviewed and be colour coded red, amber and green to indicate what we have now, what we want and the final version.

## **10. Full Council Motion**

The Head of Democratic, Scrutiny and Member Services confirmed that the Council Procedure Rules will be brought to the Group next month. There are 3 guidelines that are being sought to be removed: -

- i.) 30 Minutes of public questions
- ii.) 45 Minutes of Member's questions (this was recently increased from 30 minutes as recommended by the CWG)

- iii.) Meeting duration guideline of 3 hours (this was 2 hours and has recently been increased as a result of the CWG)
- Councillor Speight confirmed that Full Council is a showcase for the work of Councillors. His view was items were being stretched so other questions don't get asked.
  - Councillor Redsell highlighted that people are watching and residents need to understand how the Council does things.
  - Councillor D Arnold raised concerns about the length of members working days and this was stretching up to 19 hours for some.
  - Councillor Watson raised that that ruling party should ask less questions as they can just ask their colleagues, the time for questions should be for the opposition to ask.
  - The meeting discussed that even the Majority party Councillors want to ensure their residents questions are asked.
  - The meeting discussed the issue of a topic for debate at Full Council.
  - Councillor Speight raised that emergency questions should be allowed as sometimes things come up at the last minute which should be discussed in the public arena.
  - Councillor Worrall highlighted that the Equalities report should come to Full Council every year.
  - The meeting discussed that a motion should be increased to 400 words from 200.
  - Councillor Watson raised that at the previous Full Council meeting she had not seen the amendment to a motion until she sat down which gave her no time to prepare anything in response.
  - Members were asked to consider the Council Procedure Rules and be ready to discuss them at the next Constitution Working Group meeting.

**The meeting finished at 8.50 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

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Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**