



Department for Levelling Up,  
Housing & Communities

**Lee Rowley MP**  
*Parliamentary Under-Secretary of  
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Gavin Jones  
Chief Executive  
Essex County Council

[www.gov.uk/dluhc](http://www.gov.uk/dluhc)

*By email*

16 March 2023

Dear Gavin,

## **EXPANSION TO THE INTERVENTION AT THURROCK COUNCIL**

Further to my letter of 24 January I am writing to inform you that the Secretary of State for Levelling Up, Housing and Communities has today issued a new set of Directions under section 15(5) and (6) of the Local Government Act 1999 (“the 1999 Act”) in relation to Thurrock Council. These Directions give your Authority, in your role as a Commissioner, additional powers in relation to governance and staffing at Thurrock Council, beyond the powers in relation to Thurrock Council’s finance function which your Authority already holds.

As you know, on 24 January the Secretary of State announced that he was minded to expand the intervention at Thurrock Council. In making this announcement he took into consideration your Authority’s first Commissioner report of 5 December 2022, your Best Value Inspection update letter of 13 December 2022 and the Best Value Inspection Report received on 17 February 2023. I will publish that report in due course, following a further representations process whereby any particular individuals criticised are given an opportunity to read and respond to those relevant parts of the report before it is published. The decision to confirm an expansion to the intervention was taken after careful consideration of the representations that were received on our proposal.

The new leadership of the Council has been constructive and cooperative since Autumn, and I know you have welcomed the work they have done to date. Given the scale of the challenge, however, it is clear that there is a need to expand the scope of the intervention at Thurrock Council, and the Secretary of State therefore considers it necessary and expedient to issue an expanded and updated set of Directions, to replace those issued on 2 September 2022, in order to secure the Authority’s compliance with the requirements of Part 1 of the 1999 Act. The expansion centres on

appointing a Managing Director to the Commissioner team, independent of Essex County Council, to improve senior capacity at Thurrock Council, and expanding Commissioners' powers to include oversight of governance and staffing functions for the next stage of the intervention.

A new Explanatory Memorandum has today been issued to reflect the new Directions and to confirm Dr Dave Smith's appointment as Managing Director Commissioner. This will be published today alongside the Directions on gov.uk. I have enclosed a copy of both the new Directions and new Explanatory Memorandum with this letter.

The expanded intervention package comprises a new set of Directions which increase the number and scope of the powers provided to Commissioners. These Directions also instruct Thurrock Council to take additional actions to support its recovery. The final part of the expanded intervention package is the appointment of an independent Managing Director Commissioner. These elements are set out below.

The expanded and updated Directions issued today will confirm that Commissioners continue to hold powers over Thurrock Council's finance function, in line with the powers granted to your Authority, as Commissioner, when the intervention began. However, the expanded and updated Directions will provide Commissioners with further powers over:

- All functions associated with the governance, scrutiny and transparency of strategic decision making by the Authority.
- All functions associated with the Authority's operating model and redesign of council services to achieve value for money and financial sustainability.
- All functions relating to the appointment and dismissal of persons to positions the holders of which are to be designated as statutory officers, and the designation of those persons as statutory officers, to include:
  - The functions of designating a person as a statutory officer and removing a person from a statutory office.
  - The functions under section 112 of the Local Government Act 1972 of:
    - appointing and determining the terms and conditions of employment of an officer of the Authority, insofar as those functions are exercised for the purpose of appointing a person as an officer of the Authority principally in order for that person to be designated as a statutory officer; and
    - dismissing any person who has been designated as a statutory officer from his or her position as an officer of the Authority.
- All functions to define the officer structure for the senior positions at the Authority, to determine the recruitment processes and then to recruit the relevant staff to those positions.
- All functions pertaining to the development, oversight and operation of an enhanced performance management framework for officers holding senior positions.

The Directions will also instruct Thurrock Council to take additional steps to secure improvements at the Council. This includes the following additional elements to be added to the existing Improvement Plan, to form part of an enhanced Improvement and Recovery Plan:

- An action plan to reconfigure the Authority's services commensurate with the Authority's available financial resources.
- A plan to ensure that the Authority has personnel with sufficient skills, capabilities and capacity to deliver the Improvement and Recovery Plan, within a robust officer structure.
- An action plan to strengthen the Authority's governance function, to secure improvements in transparency and formal decision making. This should include measures to improve the Authority's scrutiny function, including the taking and recording of formal decisions.
- Arrangements to secure the proper resourcing and functioning of the system of internal controls, including risk management and internal audit.

Thurrock Council are also instructed to take steps to ensure that its role of Accountable Body to the Thames Freeport is exercised to the satisfaction of the Commissioners. It is my expectation that the Managing Director Commissioner will lead on assessing this work. This should also be reflected in the Improvement and Recovery Plan.

The Directions also make clear that Thurrock Council should undertake in the exercise of any of its functions any action that the Commissioners may reasonably require to avoid so far as practicable incidents of poor governance. I would be grateful if Commissioners could have oversight of an audit of the Authority's governance.

The Directions will remain in force until 1 September 2025 unless the Secretary of State considers it appropriate to amend or revoke them at an earlier date.

Finally, in my letter of 24 January, I indicated we would formalise the specific role of the Leader of your Authority in this next stage of the intervention. The new Explanatory Memorandum confirms the Secretary of State's expectation that going forward Councillor Bentley will provide political support to all members of Thurrock Council, to promote a whole council approach to improvement and recovery. I understand that Essex County Council will agree with Thurrock Council a protocol to set out in more detail their working practices as part of the intervention and will publish it in the interest of transparency.

As part of the expansion to the intervention announced today, the Secretary of State has appointed Dr Dave Smith to the role of Managing Director Commissioner. It is my expectation that your Authority will work closely with Dave as part of a Commissioner team.

The Managing Director Commissioner will fulfil the role of a Chief Executive for the Authority, and will be responsible for its day-to-day operations, until such time as a permanent appointment to the Chief Executive post can be made. In addition to providing strategic direction and leadership to Thurrock Council, I expect that he will use his position to provide guidance to the Authority on matters pertaining to infrastructure or regeneration projects in the local area, for example the Thames Freeport, local transport initiatives, and represent Thurrock in any future discussions and negotiations on the expression of interest submitted to DLUHC in respect of wider devolution in Essex.

Officials will write separately to Ian Wake, Acting Chief Executive of Thurrock Council, to inform him of this decision and to provide the Council with a copy of the updated Directions and Explanatory Memorandum.

I would like to take this opportunity to thank you once again for your Authority's work, both as a Commissioner and as a Best Value Inspector, to support Thurrock Council in its improvement journey so far. I would be grateful if you could convey my thanks to the wider Commissioner and Best Value Inspection teams in ECC. I look forward to working with you and Essex County Council for the next stage of the intervention and to receiving the Commissioners' progress report in June 2023.

I am copying this letter to Councillor Kevin Bentley, the Section 151 Officer at your Authority and Dr Dave Smith.

Yours sincerely,

**LEE ROWLEY MP**  
**PARLIAMENTARY UNDER-SECRETARY OF STATE FOR LOCAL**  
**GOVERNMENT AND BUILDING SAFETY**