



Department for Levelling Up, Housing & Communities

Dr Dave Smith
By email

Max Soule

*Deputy Director, Local Government
Stewardship*

**Department for Levelling up,
Housing and Communities**

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16 March 2023

Dear Dr Smith,

I am writing to inform you that the Secretary of State for Levelling Up, Housing and Communities has nominated you as Managing Director Commissioner for the purposes of the Directions he made on 16 March 2023 under section 15(5) and (6) of the Local Government Act 1999 in relation to Thurrock Council (“the Authority”). I enclose the formal nomination document.

You are nominated as Managing Director Commissioner for the period from 16 March 2023 to 15 March 2025. The Secretary of State previously appointed Essex County Council as Finance Commissioner but has today expanded the powers granted to the Commissioner team (comprising Essex County Council as Commissioner, and the Managing Director Commissioner) to include not only oversight of the Authority’s finance function, but also its governance and staffing functions.

In issuing the Directions of 16 March 2023 and in making this appointment, the Secretary of State has had regard to the scale of the challenges facing the Authority, particularly in relation to the failure of its commercial investment strategy, and the weaknesses in its governance and leadership functions. The Commissioner’s first report, and the Best Value Inspection, make clear that there is an urgent need to improve capacity and capability at the Authority, in order to deliver its Improvement and Recovery Plan.

As Managing Director Commissioner, you will have the roles and responsibilities of all Commissioners for the Authority, as set out in the Directions, a copy of which I enclose, along with a copy of the Explanatory Memorandum. Under the Directions, Commissioners will act jointly or severally and are accountable to the Secretary of State in that you have been nominated by him and can have your nomination withdrawn by him. I have also enclosed terms of engagement that you will need to sign and return. It is expected that in the first year this role will require a commitment from you of five days a week.

It is expected that as Managing Director Commissioner you will fulfil the role of a Chief Executive for the Authority and will be responsible for its day-to-day operations. It is

expected that you will provide strategic direction and leadership to Thurrock Council until such time as a permanent appointment to the Chief Executive post can be made, and that you will use your independent position to provide advice and 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 that you will represent Thurrock in any future discussions and negotiations on the expression of interest submitted to DLUHC in respect of wider devolution in Essex.

You will wish to note that the Secretary of State has asked for regular progress reports from Thurrock's Commissioners, on a six-monthly basis or at such other times as the Commissioners and he might agree. Essex County Council provided their first Commissioner report in December 2022, and the second report is therefore expected in June 2023. It is the Secretary of State's expectation that from this point onwards, reports will be submitted jointly by the Commissioner team comprising yourself and Essex County Council.

You will be entitled to a fee for each day you act as Managing Director Commissioner. You will also be entitled to reasonable expenses. Under the terms of the Directions, it is the Council's responsibility to meet these costs and the Secretary of State has set these fees for you at £1,100 per day. Fees are payable up to a maximum of 260 days per annum for the first year. This should not be exceeded without prior approval of the Secretary of State. As to reasonable expenses, we would expect these to be in accordance with the rules for senior officers set out in the Authority's staff handbook.

In your role as a public appointee, it may be necessary to disclose information on your remuneration as part of annual accounts and you will be required to consent to the disclosure of this information. By accepting this appointment, you will be indicating your consent to this.

In addition to the administrative support you will be provided by the Authority, the Department has arrangements for further support from the civil service.

Your appointment has the status of an office holder and not of an employee. Nothing in this letter shall be construed as, or taken to create a contract of service or contract for services between yourself and DLUHC, the Crown, or the Authority.

Should you have any queries or issues either now or during the Directions period please contact me in the first instance.

I would like to take this opportunity to thank you for assisting in this intervention. We are very grateful for your commitment to taking up this challenge to improve the performance of the Authority so that it effectively serves and protects the people of the area.

Yours sincerely,

Max Soule
Deputy Director, Local Government Stewardship

NOMINATION UNDER THE LOCAL GOVERNMENT ACT 1999 (DIRECTIONS UNDER SECTION 15(5) AND (6) OF THE LOCAL GOVERNMENT ACT 1999 TO THURROCK COUNCIL, 16 MARCH 2023)

The Secretary of State for Levelling Up, Housing and Communities, in exercise of his powers under section 15 of the Local Government Act 1999 and in accordance with the Directions to Thurrock Council dated 16 March 2023 nominates Dr Dave Smith as Managing Director Commissioner to act jointly or severally with Essex County Council, in their role as Commissioner, for the period beginning on the date of his appointment and ending on 15 March 2025 or such earlier time as the Secretary of State determines.