

Towns Deal Board Governance

The Town Deal Boards (Grays and Tilbury) are the vehicles through which the vision and strategy for the town(s) is defined. The vision is to drive the economic regeneration of the town to deliver long term economic and productivity growth.

To ensure the production of a successful Town Investment Plan, the following governance acts as guidance to Board members. The interests of the Board should be aligned with Thurrock Council's policy aims, in order to minimise any potential conflicts of interest.

The following governance standards and policies align with Thurrock Council's standards and policies and provide additional information to the Terms of Reference.

1. Ethical governance

The Council is required by Section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the authority and in discharging this duty to adopt a code dealing with the conduct that is expected of members and **co-opted members** of the authority when they are acting in that capacity. By Section 28 of the Localism Act 2011 the Council is required to have arrangements under which allegations can be investigated, and arrangements under which decisions on allegations can be made.

The Chair of the Board / Council Officer will assess your complaint and decide whether it should be investigated. They may:

- decide the complaint can be resolved through informal mediation or discussion
- ask you for further evidence or information to support your complaint
- ask for an initial response from the councillor you are complaining about
- ask an independent person for their opinion

The Chair of the Board / Council Officer will inform both you and the other person you've made a complaint about of their decision, within 30 days of receiving the complaint. If they're not able to respond within this time, they will inform you of the date when a decision will be made.

There is a right to review the Chair of the Board/ Council Officer's decision.

If you are not satisfied with the monitoring officer's decision not to investigate your complaint, you have 7 days to ask for a review.

You must write to the Chair of the Board / Council Officer, clearly stating your reasons for asking for a review. Further information and process can be found in chapter 7 of the council's constitution at www.thurrock.gov.uk/constitution

2. Code of conduct

The public is entitled to expect the highest standards of conduct from all Board Members, who must act at all times in accordance with that trust.

This code therefore aims to describe what is and isn't acceptable behaviour so that standards are maintained. In particular, all Council employees are required to adhere to the seven 'principles of public life' identified by the Nolan Committee and endorsed by the Committee on Standards in Public Life:

Selflessness: holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity: in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: holders of public office should promote and support these principles by leadership and example.

This Code of Conduct is not an exhaustive list as it is impossible to provide a definitive list of what is or is not acceptable behaviour.

3. Conflict of interests

All Board members will strive to avoid any conflict of interests between the interest of the Board on one hand and personal, professional and business interests on the other. This includes avoiding actual conflict of interest as well as perceived conflict of interests. This is to protect the integrity of the Board's decision making process.

3.1. Declaring an interest

The Board requires a system of managing conflicts of interest should distinguish between the requirements for registering interests and declaring or managing interests. Not all interests that are registered would necessarily present a conflict such that they would need to be managed. Equally, a Board member may have a very specific conflict of interest in relation to a matter, which it would be disproportionate to register given the improbability of that conflict arising in the future.

The purpose of a register of interests is to make transparent an individual's financial and non-financial interests and relationships that are the most likely to lead to a potential conflict. This includes for example, paid employment, significant investments, trusteeships, and directorships. This enables an individual to be held to account for the way in which they manage these interests where necessary.

An interest needs to be managed only where it is reasonable to suppose that an individual's participation in a discussion or decision could be unduly influenced by a particular relationship or personal interest. This will depend on:

- how directly related the interest or relationship is to the decision or discussion in question
- the degree of involvement of the individual in the decision or discussion
- how significant the interest or relationship is to the individual

Where the factors are significant, an individual should recuse themselves from the discussion and decision; and should leave the room in the most serious cases. This particularly relates to the Integrity principles as described under the Code of Conduct.

The requirements for a register of interests should be based on the principle we lay out above, that the purpose of a register is to make transparent those interests and relationships which would be most likely to lead to a conflict of interest. Examples of a conflict of interest include:

- employment, office, trade, profession or vocation carried on for profit or gain
- contracts between the authority and the individual, or a body in which the individual has a beneficial interest
- land in the local authority's area
- corporate tenancies where the landlord is the local authority
- relationships of a partner/spouse employed by the local authority

4. Complaints

4.1. General complaints

In line with the Council Complaints Procedure – there are 3 stages. You can make a complaint by email, phone or in writing either to the Chair of the Board or a council officer.

In the descriptions below, 'working days' are Monday to Friday excluding public holidays, starting from the first full working day after we receive the complaint.

Complaints about council employees/Board members are entered at stage 2.

Stage 1

Your complaint will be investigated within 7 working days by a member of staff from the service you complained about. Our complaints team will track your complaint.

If you are not happy with the response you may ask that it be escalated to stage 2. You must ask for this no later than 28 calendar days from our initial reply.

Stage 2

When you ask for your complaint to be escalated you must explain why. The response at stage 1 will tell you how to do this.

If your complaint is recorded at stage 2, a senior member of staff will investigate your complaint within 15 working days. Your complaint will be tracked. If your complaint is not recorded at stage 2, the department will explain the reasons to our complaints team and you will be informed of this decision.

If you are not satisfied with the response you may ask that it be escalated to stage 3. You must ask for this no later than 28 calendar days from our initial reply.

Stage 3

If you are not satisfied with our stage 2 response, or if you have been informed that your complaint is not going to be escalated, you can ask for an independent investigation of your complaint. The response at stage 2 will tell you how to do this.

A senior officer in our complaints team will review your complaint and, if an investigation is needed, this will be completed within 15 working days. If it is decided that nothing further is to be gained from a stage 3 investigation, you will be informed and advised of the next options available to you.

After stage 3

If you are still not satisfied after your complaint has been through all stages of our complaints procedure, you can refer it to either the Local Government and Social Care Ombudsman (www.lgo.org.uk) or the Housing Ombudsman (www.housing-ombudsman.org.uk). We will tell you in the stage 3 response which ombudsman is most appropriate.

4.2. Governance ethics and standards

4.2.1. How we will deal with your complaint

Our monitoring officer will assess your complaint and decide whether it should be investigated. They may:

- decide the complaint can be resolved through informal mediation or discussion
- ask you for further evidence or information to support your complaint
- ask for an initial response from the councillor you are complaining about
- ask an independent person for their opinion
- refer your complaint to the Members Advisory Panel (www.thurrock.gov.uk/governance-ethics-and-standards/members-advisory-panel)

The monitoring officer will inform both you and the councillor you've made a complaint about of their decision, within 30 days of receiving the complaint. If they're not able to respond within this time, they will inform you of the date when a decision will be made.

Right to review the monitoring officer's decision

If you are not satisfied with the monitoring officer's decision not to investigate your complaint, you have 7 days to ask for a review.

You must write to the monitoring officer, clearly stating your reasons for asking for a review.

The chief executive will review your request and if they agree with your reasons, your complaint will be investigated.

4.2.2. Investigating complaints

If the decision is taken to investigate your complaint:

- the monitoring officer will ask an officer of the council or an independent investigator to investigate
- the monitoring officer may provide terms of reference for the investigation, focusing on the factual evidence in support or against the allegation

- the councillor you have complained about has a duty to co-operate with the investigation
- you and the councillor you have complained about will be able to provide further evidence
- the investigation should take no longer than 2 months, though the investigating officer may decide to allow longer
- the investigator will provide a written report to the monitoring officer
- the monitoring officer will report the matter to the Members Advisory Panel

5. Whistle blowing

The policy and procedure have been developed so that Board members will know how to raise concerns in the right way at an early stage, and to enable Council officers to understand their responsibilities in relation to allegations of misconduct and impropriety.

This policy should be used when workers have concerns that the interests of others or the council – and therefore its residents – are at risk for example:

- criminal activities and any activities, suspected or ongoing, which may break the law (including fraud, any form of child abuse, or the abuse of other vulnerable clients, damage to the environment, inappropriate or unauthorised use of public funds or other resources, possible fraud and corruption miscarriage of justice, health and safety risks, including risks to the public, service users as well as other workers)
- disregard for legislation, council rules, policies and procedures
- the mistreatment of a service user which may endanger the health and safety of that service user

This list is not exhaustive.

The Council/Board will not tolerate any harassment or victimisation of a whistle blower (including formal pressures), and will treat this as a serious offence. Whistle blowers will receive protection from victimisation under the Public Interest Disclosure Act 1998.

The concerns will be considered as thoroughly as possible by the most relevant person, whether this is a Council manager or some appropriate external officer or organisation delegated by the Council.

Concerns are better raised in writing and provide to the Chairperson of the Board or a Council Officer. Members are invited to set out the background and history of their concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If they do not feel able to put their concern in writing, they can telephone or meet the appropriate officer / Chair. The earlier they express the concern, the easier it is to take action.

If an investigation is required, the Council Officer will consult with the relevant internal authorities and designate an appropriate officer to investigate the concern. Following this that Board member will, within ten working days, write to the member:

- acknowledging that an investigation will be carried out
- indicating how they propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling them whether any initial enquiries have been made
- telling them whether further investigations will take place, and if no, why not
- advising them that any investigation will be carried out in the strictest confidence

- keeping them informed of the progress of the investigation

The Board/Council will take steps to minimise any difficulties that Board member may experience as a result of raising a concern.

Full details of the Council's Whistleblowing Policy can be found at:

www.thurrock.gov.uk/council-terms-and-conditions-of-employment/whistleblowing