

<b>REPORT TO:</b>	<b>COUNCIL</b> <b>15 JULY 2019</b>
<b>SUBJECT:</b>	<b>GOVERNANCE REVIEW PANEL – PROGRESS REPORT</b>
<b>LEAD OFFICER:</b>	<b>Jacqueline Harris Baker</b> <b>Council Solicitor &amp; Monitoring Officer</b>  <b>Dame Moira Gibb</b> <b>Independent Chair of the Governance Review Panel</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</b> <a href="#">Corporate Plan for Croydon 2018-2022</a> The Labour Administration in its 2018 manifesto made a commitment to hold an independent review of the Council's governance structure, bringing together best practice across the country to develop a model tailored to the needs and aspirations of Croydon residents. The Council's capacity to work effectively and to deliver all aspects of its strategic framework is conditioned by its ability to take informed decisions with openness and inclusivity. This is embodied in the Council's Corporate Plan 2018 to 22.	
<b>FINANCIAL IMPACT:</b> Funding for this review has been identified from the ring fenced Community Initiative Fund.	

## **1. RECOMMENDATIONS**

The Council is recommended to:

- (1) Note the work undertaken to date and activities planned by the Panel.
- (2) Agree to extend the completion date of the Panel's review, to report their recommendations to all members in December 2019 and note the Panel's increased membership as detailed in paragraph 3 of the report.

## **2. EXECUTIVE SUMMARY**

- 2.1 This report updates members of the Council on the work of the Governance Review Panel following its establishment in October 2018, summarising work of the Panel undertaken to date and outlining the emerging areas of focus for the review.
- 2.2 The report also seeks approval from Council to extend the deadline for presenting the Panel's recommendations no later than in December 2019 and to allocate additional resource to allow the Panel's work to continue.

## **3. BACKGROUND**

- 3.1 In October 2018, the Council resolved to establish an independently led, cross-party Governance Review Panel, which was duly set up and an independent chair appointed. The task for the Panel is to conduct a review of the Council's governance structures and to make recommendations on options for improvements to the Council's governance arrangements.
- 3.2 Following consultation with both parties, the panel membership was extended to include one additional panel member from each party.
- 3.3 The Panel is made up of eleven members as follows:
- Independent Chair – Dame Moira Gibb
  - Independent Member – Anne Smith
  - 5 Majority Members – Councillors Hamida Ali, Sean Fitzsimons, Clive Fraser, Simon Hall, Joy Prince
  - 4 Minority Members – Councillors Richard Chatterjee, Jason Perry, Helen Redfern, Scott Roche

## **4. THE WORK OF THE PANEL**

- 4.1 The first meeting of the Panel took place on the 29th October 2018. The Panel reviewed its terms of reference (appendix 1) and discussed the best approach to delivering them. In its early meetings the Panel received presentations providing an overview of the council's governance structures and current localities work being undertaken across the borough.
- 4.2 The Panel looked at governance reviews carried out by councils elsewhere and sought advice from organisations and academics involved in supporting such reviews. Panel Members subsequently developed a work programme based on the objectives specified in the terms of reference and informed by good practice from similar projects undertaken by other local authorities.
- 4.3 In late November 2018 a project officer was appointed to support the work of the Panel.

## Work programme

4.4 The Panel's programme is made up of four stages (also shown in Table 1):

- Work programme scoping, completed in February 2019
- Evidence gathering and consideration, in progress and to complete in August 2019
- Options and recommendations scoping, early discussions in progress and to complete in October 2019
- Finalising the report, to complete in December 2019

Table 1. Key activities and timescales

	<b>Phase</b>	<b>Timescales</b>	<b>Status</b>
<b>GOVERNANCE REVIEW</b>	Panel's work programme scoping	Nov-Feb 2019	Completed
	Evidence gathering and review	Feb-Aug 2019	In progress – on schedule
	Options and recommendations scoping	July-Oct 2019	In progress – early discussions
	Finalising the report to Council	Nov-Dec 2019	Not started
<b>POST-REVIEW</b>	Council's response to the findings	January 2019 - onwards	Not within Panel's scope

4.5 The key activities specified in the work programme include:

- Considering stakeholder perspectives by reviewing information the council holds on different stakeholder perceptions of working with the council and undertaking engagement to fill any gaps identified.
- Mapping out governance arrangements and learning from council's current and previous structures and initiatives relating to governance, participation and transparency, and how those interact with the decision-making process
- Identifying strengths and weaknesses in current governance arrangements.
- Researching, fact finding, reviewing good practice and learning from peer organisations.
- Prioritising and assessing potential options and recommendations for improvements, including consideration of formal changes to structures.
- Estimating cost implications of any changes.

### Member engagement exercise

- 4.6 The most substantial piece of work undertaken to date was commissioning a member engagement exercise to help inform the key themes for the review. The Panel worked with the Centre for Public Scrutiny (CfPS)<sup>1</sup> to shape and deliver a member survey and workshops, in January and February 2019.
- 4.7 Overall, 50 councillors attended the workshops, 60 current and former members completed the online survey and 3 members provided further individual feedback.
- 4.8 The Panel considered the findings of the councillor engagement in February 2019 and continues to use this information. CfPS findings presentation can be found in appendix 2, with the summary of CfPS findings as follows:
- The excellent response rate to the survey (significantly higher when compared to similar on-line surveys in other councils) indicated a strong desire amongst members to engage with this topic.
  - Whilst there were no significant problems raised through this exercise, members also did not find many aspects of governance to be positive, with only Council meetings and the need for increased resident involvement in decision-making reflecting a strong view of what needed to be improved.
  - There was a strong theme throughout the evidence gathering relating to the desire of backbenchers to contribute more and be more involved in local and strategic issues.
  - Members regularly talked about the need for a change in culture and behaviours and that this was key to bringing about change.
  - Formal changes to governance to allow for greater involvement and influence of backbenchers were called for by some and both a committee system and area panels were referenced as potential positive solutions.
  - The nature of the political environment was clearly understood and reflected in the feedback. Members discussed the process of decision-making in terms of how it was impacted by politics and distinguished between forums which were or were not cross-party.

### Consideration of current and alternative governance arrangements

- 4.9 The Panel started its work by looking at the council's governance arrangements, with a presentation on the current constitution and decision-making model. They explored the breadth of the discretion and opportunities available to amend the decision-making process in Croydon without requiring a change to a different decision-making model overall.
- 4.10 At the same time the Panel began exploring alternative governance models by visiting the London Borough of Sutton in April 2019 to get an overview of their governance arrangements (committee model). The Panel had an opportunity in small groups to gather views and hear from politicians and officers about how

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<sup>1</sup> [Centre for Public Scrutiny](#) - provides consultant services in areas of governance, overview and scrutiny. It has over fifteen years of expert knowledge and experience, with experienced practitioners, senior council officers and politicians who offer supportive and objective advice and guidance to councils, their officers and elected members.

their system operates in practice. This included asking Sutton's perspectives on enhancing councillor and other stakeholder participation in local democratic processes.

#### Expert input

- 4.11 In May the Panel was joined by four external experts and senior officers for a session that provided an opportunity to hear from presenters with experience in different systems, from both member and officer perspectives, in practical detail and from a broad policy landscape.
- 4.12 In particular there was discussion of the role of the councillor; support to ward councillor activity; the importance of place and looking outwards; accountabilities and respective roles of officers and members; levels of delegation; decision-making systems; advice giving and the importance of clarity, especially in relation to roles and responsibilities. The Panel also heard in some detail about one hybrid system and the costs of transition.
- 4.13 More than one witness commented on how varied councils were, not just in their formal system but in their cultures. Culture has been seen as crucial by speakers stressing the importance of creating an environment of being curious and open to different views and stating that the way members and officers conduct inquiries, question and deal with issues shapes the culture of the organisation.

#### Planning governance

- 4.14 The Panel decided to examine planning governance in more detail (as an example of regulatory / quasi-judicial committees in Croydon), informed by the response to the elected member survey and as a result of residents' concerns raised in a large number of emails to the Chair. Concerns over transparency and respect for resident views were raised and the introduction of area planning committees proposed by some as a better approach (a Council Debate motion to consider introduction of area planning committees was made on behalf of the Opposition at 1<sup>st</sup> April 2019 Council meeting, where the motion was put to the vote and fell).
- 4.15 While some of the planning issues brought to the Panel's attention by members and residents are not within the remit of the Panel, the Panel considered it important to explore the current concerns further and a separate session took place in June.
- 4.16 The Panel was joined by senior council officers, a peer expert and councillors with responsibility within planning committee to consider Croydon's planning governance structures and arrangements, with a particular focus on transparency of processes and opportunities to participate. The session provided an opportunity to ask questions and gather information.
- 4.17 External input from Planning Advisory Service (PAS) was invited to review the planning committee process based on examining the procedures, documentation and web casts of the planning committees. PAS consultant attended the session and provided the Panel with a report making recommendations, where appropriate, on potential changes to the committee

process to ensure best practice and help to improve the understanding and perceptions of planning committees' work.

#### Other developments

- 4.18 Within the CfPS member survey, Council meetings scored the lowest for effectiveness and a number of members thought that debates could be of a higher quality and more focussed on issues important to local residents. A significant number of people felt that the debate at Council was a 'political show' and had no impact on the decision-making process.
- 4.19 When asked about what could be done differently, some members wanted quality debating focussed on outcomes; greater transparency and respect for others. A few wanted to see high quality questioning and scrutiny of cabinet members. Several people called for more time and opportunity for public questions, more answers to the questions and less time for pre-planned political speeches. A proposal was also put forward by the incoming Mayor seeking to reduce the length of Council meetings.
- 4.20 The Panel sees merit in considering the operation of council meetings more closely but is not of the view that length should be considered separately from purpose and effectiveness.

### **5. PRINCIPLES**

- 5.1 As the Panel continues to gather evidence and consider national best practice and guidance, it wishes to consider any proposals for change against a set of principles which are as follows;
- 5.2 The changes recommended should:
- i. help promote a positive culture of involvement that enables all councillors to represent their residents and local areas;
  - ii. support open, transparent and inclusive decision-making that encourages resident participation and member scrutiny, before decisions are taken;
  - iii. ensure that decision makers have opportunities to listen to the diverse views of Croydon's communities and consider those in a respectful, fair and responsive way;
  - iv. make access to information for members easier and more timely, to afford members greater opportunity to be involved in emerging policy, proposals and agenda setting;
  - v. support evolution and clarity of decision-making structures, roles and accountabilities.
- 5.3 As the Panel begins to shape its recommendations and considers perspectives of residents and wider stakeholders, the above principles will be tested to ensure they are fit for purpose and fully reflect the desired changes.

## **6. EMERGING AREAS OF FOCUS AND PLANNED ACTIVITIES**

- 6.1 Over the two meetings in June and July, the Panel is scheduled to reach conclusions on evidence considered so far and to undertake early recommendation shaping.
- 6.2 The emerging areas of focus that the Panel is planning to consider and form a view on are:
- Information sharing with all members – how this can support openness and transparency and enhance communication with members?
  - Member support – what support exists and whether there are ways this could be improved to enhance their ability to represent their residents effectively?
  - Resident and stakeholder participation and engagement – how well the council listens to and works with residents and stakeholders when shaping its decisions and seeking feedback?
  - Decision-making processes – do these enable early and transparent opportunities for input and scrutiny?
  - Council meetings – are these opportunities to hold the administration to account well used?
  - Planning governance – what options might help improve planning committees work?
  - Overall governance structures – how different structures impact on ensuring good governance and what changes might enhance positive participation?
  - Locality/area approaches to service delivery – how can governance support this model? What arrangements currently exist and can these be streamlined or enhanced to improve participation?
  - Culture – how culture impacts on governance and interacts with structures and does it need to change to support the ambition of greater engagement and participation in decision-making?
- 6.3 To support the above work, and following a commissioning exercise in June, the Panel appointed Centre for Public Scrutiny (CfPS) to work alongside the Panel as an expert consultant to further gather and analyse evidence that can help the Panel's work.
- 6.4 The Panel wants to take advantage of the evidence the Council already holds. CfPS is tasked with reviewing and considering existing information (provided by the council officers) that captures resident perspectives on working with the council and opportunities to participate. This is to help to identify strengths and weaknesses and any gaps in knowledge where engagement would be particularly beneficial.
- 6.5 CfPS will report to the Panel in July on resident and stakeholder perspectives. At the same time CfPS will be producing smaller reports on best practice relating to specific issues and areas of focus identified by the Panel. It is planned that CfPS will then collate all information reviewed and gathered on behalf of the Panel into an evidence report, to be finalised in September and to accompany the Panel's final report to the Council.

## **7. PROGRESSING THE REVIEW**

- 7.1 Given the scope of the review, the Panel agreed to seek Council approval to extend the timeline in order to undertake the exercise effectively.
- 7.2 As such, subject to Council's approval, the Panel's review will continue in accordance with the terms of reference, work programme summarised in paragraph 4.4 – 4.5 and key activities and timelines outlined in section 6 above.
- 7.3 In December 2019 the Panel will present to all members a report summarising its findings and a set of recommendations for all members to consider. Those recommendations will propose potential improvements to the Council's governance arrangements and will be developed in keeping with the principles listed in section 5 of this report.
- 7.4 In accordance with its terms of reference, the Panel will identify the cost and value for money implications of any recommendations that it makes.
- 7.5 In its considerations the Panel will be looking at a wide range of recommendations, from small improvements to potential formal changes. As such it is assessing the current model and alternative models, to determine options and arrangements that would ensure the council fully exploits the areas of its governance that encourage participation in decision-making and allow stakeholders feel more engaged.

## **8. CONSULTATION**

- 8.1 As part of the Panel's work all members have been engaged. The feedback from members has shaped the work of the Panel. The next phase of the Panel's work will ensure that resident and partner views form the integral part of the Panel's review.
- 8.2 The Panel will continue to engage members and is planning to engage members, residents and key stakeholders on its key findings ahead of the final report publication.

## **9. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 9.1 The scope and remit of the governance review has been expanded and is anticipated to cost £100k. Funding has been identified from within the existing 2019/20 Community Initiative Fund.
- 9.2 The Panel may recommend actions that have a financial implication, including an impact on the Members' Allowance Scheme and the cost of servicing decision-making bodies and member support. These will be contained within the review's report, and funding to be identified once costs have been developed.

(Approved by: Lisa Taylor Director of Finance, Investment and Risk and S151 Officer)

## **10. LEGAL CONSIDERATIONS**

- 10.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that there are a number of key pieces of legislation which have influenced the current governance arrangements operated by the Council.
- 10.2 The Local Government Act 2000 (“the 2000 Act”) introduced a separation of powers into local government for all but the smallest local authorities with the aim of making council decision-making efficient, transparent and accountable. The 2000 Act required most local authorities to change governance arrangements from the committee system to an executive-cabinet model. The Council adopted the leader and cabinet model in May 2001.
- 10.3 The Local Government and Public Involvement in Health Act 2007 (“2007 Act”) restricted the governance options available to local authorities. The 2007 Act required the Council to introduce a choice of two models: a directly elected mayor or a new style “strong” council leader. The Council resolved to introduce the strong leader and cabinet model following the local elections in May 2010.
- 10.4 The Localism Act 2011 increased the governance options for local authorities to include Executive arrangements (leader and cabinet or directly elected mayor and cabinet), a committee system; or ‘prescribed arrangements’ which require approval of the Secretary of State.
- 10.5 In the event that the Governance Review Panel propose any change in governance it will be necessary to ensure that the recommendations are legal and adhere to processes within the Localism Act 2011 and other relevant legislation. Any changes may require an update to the Council’s Constitution.

(Approved by: Sandra Herbert Head of Litigation and Corporate Law on behalf of the Director of Law and Governance & Deputy Monitoring Officer)

## **11. HUMAN RESOURCES IMPACT**

- 11.1 There is no direct staffing impact for the Council and officer contribution is being managed within current resources. However, the results of the review will contribute where relevant to the development of the council’s workforce strategy, with particular reference to how culture impacts on governance.

(Approved by: Sue Moorman, Director of Human Resources)

## **12. EQUALITIES IMPACT**

- 12.1 The assessment of the existing arrangements will seek to identify how well they serve different communities across Croydon. Any options put forward as a result of the review will need to ensure that they are assessed against the equality and diversity framework. A goal of the review is to enhance community engagement and participation.

### **13. ENVIRONMENTAL IMPACT**

13.1 There are no specific environmental impacts arising from the contents of this report.

### **14. CRIME AND DISORDER REDUCTION IMPACT**

14.1 There are no specific crime and disorder issues arising from the contents of this report. However, there is scope within the context of the governance review to examine how any existing partnership arrangements aimed at tackling crime and disorder can be improved. The Localism Act requires the scrutiny of crime and disorder.

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**CONTACT OFFICER:** Stephen Rowan, Head of Democratic Services, ext. 62529

### **APPENDICES TO THIS REPORT**

Appendix 1 – Panel’s Terms of Reference

Appendix 2 – Centre for Public Scrutiny - summary of member engagement findings

**BACKGROUND DOCUMENTS:** none

Appendix 1 Governance Review Panel - Terms of Reference

<b>Review Topic</b>	Assessment and Review of Croydon Council's governance arrangements
<b>Governance Review Panel membership</b>	<p>A cross-party Governance Review Panel</p> <ul style="list-style-type: none"> <li>• an independent external Chair</li> <li>• 9 councillors (5 Labour, 4 Conservative) and 1 independent member from Ethics Committee</li> </ul> <p>Together with such other independent experts external to the Council as the Panel may wish to co-opt in a non-voting and advisory capacity.</p>
<b>Officer support</b>	Head of Corporate Law and Head of Democratic services support, legal services support, comms and communities teams.
<b>Terms of reference (key tasks)</b>	<p>To conduct an independent assessment and review of the Council's governance structure that will:</p> <ol style="list-style-type: none"> <li>i. Hear the views of councillors and other stakeholders including , residents, community and voluntary groups, business, MPs and other participants in local democracy;</li> <li>ii. Hear the views and seek advice from experts on participation in local democracy;</li> <li>iii. Identify those aspects of the council's governance that works well and identify opportunities to enhance councillor and other stakeholder participation in the local democratic processes;</li> <li>iv. Benchmark good practice from areas with higher levels of participation and consider how this can be delivered in Croydon;</li> <li>v. Identify the cost and value for money implications of any recommendations that it makes.</li> </ol> <p>In order to make recommendations to the Cabinet and full Council on options for improvements to the Council's governance arrangements.</p>
<b>Indicators of success/desired outcomes</b>	<p>A successful review will lead to:</p> <ol style="list-style-type: none"> <li>i. The council can fully exploiting those areas of its governance arrangements that encourage participation in decision-making;</li> <li>ii. Stakeholders being more engaged in decision-making and feeling a greater power to influence;</li> <li>iii. The council being at the forefront of participation in its governance arrangements.</li> </ol>

<b>Methodology/Approach</b>	An initial work programme will be devised for the Panel to agree that will include: <ul style="list-style-type: none"> <li>i. A communication and consultation programme that will describe the use of questionnaires, interview sessions, focus groups and workshops to seek the views of councillors and a broad range of stakeholders and experts; and</li> <li>ii. A timetable for gathering and considering evidence, consulting experts, reaching conclusions and testing potential options in time for consideration at Annual Council in May 2019.</li> </ul>		
<b>Specify witnesses/experts</b>	To be determined by the Governance Review Panel.		
<b>Specify site visits</b>	Potential visits to other local authorities and expert organisations such as the LGA.		
<b>Resource requirements</b> <ul style="list-style-type: none"> <li>• Person days</li> <li>• Expenditure</li> </ul>	Minimum of 10 x day time meetings (plus site visits). Modest expenses for expert witnesses / advisors / Chair / Independent members. Other support costs to the review such as legal advice.		
<b>Barriers / risks</b>	The number of stakeholders in democracy in Croydon is large and varied. There will likely be a diversity of views and the Panel may not always reach full agreement on its conclusions or recommendations. Establishing value for money and cost implications of recommendations might be challenging - support from the finance team will be required		
<b>Start date</b>	29 <sup>th</sup> October 2018	<b>Report deadline</b>	December 2019
<b>Meeting frequency</b>	Fortnightly	<b>Projected completion date</b>	December 2019



# Croydon Council Governance Review - Member Engagement

Tuesday, 12 February 2019

## Areas explored through the survey and workshops

- Effectiveness of decision-making
- Councillor involvement & access to information
- Resident involvement
- Cabinet and advisory bodies
- Scrutiny
- Committees
- Council
- Suggested improvements
- Feasibility of delivery
- Barriers to success

### Giving you:

- Lots of data and insight
- Indications of views
- And more questions and areas to explore further...

## Evidence gathered via:

- On-line survey – open between 10th – 31st January - 60 responses
- Three member workshops – cross party & party specific – 50 attendees
- Individual evidence – 3 people submitted



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## General observations

- Excellent, positive response indicates there is a desire to engage
- No huge problems raised, but nothing particularly positive either
- Some concerns about governance structure and processes, but many believe change could happen now and changing the culture is key
- Backbenchers want to contribute and be involved more in local and strategic issues
- The nature of the environment being political is clearly understood

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## Four emerging issues to explore today

1. Effectiveness of the current approach
2. Local members and involvement
3. Desired change
4. Barriers to success

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## Effectiveness of decision-making

- The majority of elected members are not fully aware of the decision-making process and there isn't a consistent view about effectiveness
- There is a perception that decision-making is conducted by a small number of cabinet members and senior officers
- Barriers to improvement are a lack of transparency, access to information and responsiveness of officers
- The majority (71%) say residents do not have enough opportunities for involvement. 66% believe this should be improved

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## Cabinet, advisory boards

- Some cynicism about the value of involvement at Cabinet
- Not many ideas on how it could be improved
- Lack of transparency seen as an issue when decisions are delegated to Cabinet Members
- Potential for advisory bodies recognised but limitations in relation to transparency, influence and wider involvement

## Scrutiny

- Overall effectiveness score similar to other council forums, however scores well on the specifics (role understood, member-led, work programming) compared to other councils
- Better balance needed between pre and post decision scrutiny
- More questions around influence and recommendations
- Overall positive feedback on what works well
- Somewhat positive relations with the executive (57%)

## Council

- Scores the lowest in terms of effectiveness (80% scored 1-5)
- 'Pantomime, performance art, theatre, opera, pointless'
- In terms of improvement – calls for making it more meaningful, greater involvement of the public
- Similar issues nationally and locally around the role of Council meetings and how it can fit into effective governance

## Committees

- Generally views are balanced on whether the committees are effectively run
- Experiences vary from committees – some good cross party working references
- Planning is the most contentious, attracting the most comments in the survey and workshops, concerns over transparency and trust in decision-making

## Local members and involvement

- Most members say they are able to raise local concerns but some say they are not being listened to
  - The majority don't have access to all the information they need to respond to upcoming decisions affecting their ward
  - Participation is mainly via formal meetings/ committees and most are not fully aware of decisions affecting their ward or services they have an interest in
  - When accessing information on wider council matters, it was acknowledged this is easier if you hold a position
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## Improvements to Cllr support and involvement

- Updates from council officers is the preferred way of receiving information (72%)
  - More transparency and backbench involvement earlier is requested
  - Better IT, training and access to on-line information also seen as helpful
  - Culture referenced in terms of sharing how decisions are made
  - Current Cabinet/ Leader model seen as a barrier for some
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## Desired change:

- Cultural change, councillors to feel more empowered to represent residents and feel more productive
  - Council to listen and respond to residents
  - Council to be open, transparent and responsive
  - Easier access to information to support decision-making
  - Council to understand how residents feel – focus on excellent customer service, responsiveness
  - Earlier involvement in decisions (scrutiny and wider)
  - Formal changes to governance to allow for backbench influence (area panels and committee system referenced)
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## Barriers to success

- Councillor insight and local knowledge not valued
  - Perception of decision-making being skewed towards the administration/ different parts of the borough
  - Polarised politics leading to difficulty in getting consensus
  - No incentive to change – handover of power would be required
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## CfPS conclusions:

1. Members want to be engaged, productive and valued - how this works in practice should be investigated with them.
  2. There is work to be done to improve understanding of the current decision-making structure and processes and identify improvements.
  3. Not an overwhelming call for a new governance model, although seen as a positive alternative, more talked about the need for a change in culture.
  4. There is an appetite to review governance in a way that improves resident involvement.
  5. Most are clear on the reality of operating in a political environment but want to see more transparency and involvement in decision-making.
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