

Croydon Council Governance Review

Enhancing Democracy
Increasing Participation

FINAL REPORT OF THE
GOVERNANCE REVIEW PANEL

MARCH 2020

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FOREWORD AND INTRODUCTION

Dame Moira Gibb, Independent Chair of the Governance Review Panel

Governance is too often taken for granted and too rarely reviewed other than at times of national change or local crisis. Croydon Council is therefore to be congratulated on launching a governance review, seeking to improve its decision making and encourage wider participation.

A cross party group of Members and an Independent Member have worked together to produce this report which charts a way for the Council to improve its engagement with residents and enable a wider group of Members to influence the many decisions the Council takes.

The review has benefitted from the many well-informed contributions it has received. 60 current and former councillors contributed through surveys and workshops as well as through a meeting of all Members to discuss the draft findings. More than a thousand residents participated through surveys or written contributions, and eight strategic partners also contributed to the review. The Panel examined information about the Council's governance arrangements and considered the structures, processes and practice of participation in decision making. We also learnt a great deal from the expert witnesses who spoke to the Panel and also from the support received from the Centre for Public Scrutiny and reviews of good practice from across the country. All the contributions we have received have been considered by the Panel and we are grateful for the time and attention that individuals have given to help our work.

While the review was neither an audit nor an inspection of existing governance arrangements, it is clear that there is nothing fundamentally wrong with how Croydon takes its decisions and all of its practices are lawful (very similar to those operating in many other councils up and down the country). But there was nevertheless considerable dissatisfaction with the present arrangements. Many Members believed they could not influence decisions and that their knowledge and experience of their local communities was not put to good use. The public did not see the best of the Council and also felt excluded from decisions that were important to them.

The Panel does not believe that the answer lies in structural change to governance, such as a return to the committee system, but rather lies in improving the current culture around decision making. All the evidence the Panel considered supports the primacy of culture over structure. But culture change cannot simply be mandated, it needs to be built and supported. We make recommendations with regard to getting started on culture change and also recommend some structural change which we think will exemplify, support and enable a new culture.

Our 11 recommendations are grouped under four themes to reflect how we have considered these different aspects of our review. The work is not complete. Further negotiation and deliberation needs to be undertaken by councillors from both parties, in consultation with officers, before the Panel's recommendations can be fully implemented. I hope this work continues in the same collaborative and constructive spirit that the Panel has proven to be possible.

On behalf of the Panel, I fully commend the contents of this report and its recommendations to the Council and ask that they not only consider and accept them, but that they also continue to invest the time and energy required to ensure that the changes are embedded and have every opportunity to succeed.

Finally, I would like to thank everyone who has contributed to the review but especially the Elected Members and the Independent Member on the Panel who have worked collaboratively in difficult national circumstances and the officers who have most diligently supported our work.

ABOUT THE GOVERNANCE REVIEW PANEL

In the autumn of 2018, a cross-party Panel was established to undertake the Governance Review and to report its findings to Council.

There were eleven Panel Members as follows:



Dame Moira Gibb
Independent Chair

Anne Smith,
*Independent Member from
the Ethics Committee*

Councillor
Hamida Ali

Councillor
Richard Chatterjee

Councillor
Sean Fitzsimons

Councillor
Clive Fraser



Councillor
Simon Hall

Councillor
Jason Perry

Councillor
Joy Prince

Councillor
Helen Redfern

Councillor
Scott Roche

The Panel was supported by Jacqueline Harris Baker (Executive Director of Resources and Monitoring Officer), Stephen Rowan (Head of Democratic Services and Scrutiny) and Agnieszka Kutek (Programme Manager).

The Panel also engaged Jacqui McKinlay and Ed Hammond from the Centre for Public Scrutiny (CfPS) to work alongside the Panel and provide expert support and quality assurance.

The Panel's Terms of Reference

The Panel's terms of reference were agreed by the Council. The Panel was asked to conduct an independent assessment and review of the Council's governance structure that would:

- i)** Hear the views of councillors and other stakeholders including, residents, community and voluntary groups, business, MPs and other participants in local democracy;
- ii)** Hear the views and seek advice from experts on participation in local democracy;
- iii)** Identify those aspects of the Council's governance that work well and identify opportunities to enhance councillor and other stakeholder participation in the local democratic process;
- iv)** Benchmark good practice from areas with higher levels of participation and consider how this can be delivered in Croydon; and

- v)** Identify the cost and value for money implications of any recommendations that it makes

In order to make recommendations to the Council on options for improvements to the Council's governance arrangements. The terms of reference also stated that a successful review will lead to:

- i)** The Council fully exploiting those areas of its governance arrangements that encourage participation in decision making;
- ii)** Stakeholders being more engaged in decision making and feeling a greater power to influence; and
- iii)** The Council being at the forefront of participation in its governance arrangements.

Why Croydon chose to review its Governance

Croydon has operated a version of the Leader and Cabinet model since 2002. Initially, the Executive function of the Council was held by the Cabinet collectively, but following legislative changes in 2010 Croydon moved to the Strong Leader model, in which all executive power is vested in the Council Leader in the first instance.

Previous reforms had streamlined decision-making and reduced bureaucracy, but also potentially created a new set of issues that need to be considered.

Governance was an issue covered by both political parties represented on the Council in their respective manifestos for the 2018 local elections.

The Labour Party Manifesto stated a commitment to “undertaking a review of the Council’s governance structure bringing together best practice across the country and beyond to develop a model tailored to the needs and aspirations of Croydon residents. The main goal of the review would be to enhance local democracy and community engagement”.

The Conservative Party Manifesto said: “we will immediately reform the cabinet decision-making system and ensure that it becomes properly accountable and transparent... in the longer term we will review whether we should ditch the cabinet/scrutiny model which is responsible for much of the secrecy around the town hall”.

Having been successful in the 2018 local elections, the Labour administration embedded its manifesto commitment to undertake the review in the council’s corporate plan and Council subsequently considered and agreed the establishment of the Governance Review Panel.

Undertaking a comprehensive governance review was timely. Both regionally and nationally there have been a number of important issues that have affected how residents perceive decision making at the Council.

National politics, including the EU referendum and Brexit alongside several general elections being held in a short space of time, has led to an increasingly divisive and polarised political debate.

On a more local level, changes to the Local Plan in Croydon and an increase in housing development within the Borough have also been politically divisive and have become a key point of political contention.

A decade of funding cuts and increasing demand for councils’ services, especially social care, has meant that councils needed to find savings often resulting in withdrawal of funding from services such as housing, transport and culture. In Croydon there has been a 75% cumulative reduction in government funding of council services and this has impacted the availability and provision of services to Croydon residents.

Local authorities also operate in an increasingly technologically advanced world. Local communities are increasingly connected and local news is now published and shared almost instantly. This means that both news on decisions, as well as commentary and political opinion on them, are shared significantly more quickly than previously.

All these factors combined have also increased the scrutiny that the Council’s decision making is placed under. At the same time, they have also raised expectations amongst residents in terms of both their ability to participate in and influence council decision making and the openness and transparency of Croydon’s democratic processes.



EXECUTIVE SUMMARY

This is the final report setting out the recommendations of the Governance Review Panel. It explains the context of the review and the Council's current governance and decision making arrangements.

The key conclusions of the Panel were that even though the Council has fit for purpose formal governance arrangements, there is dissatisfaction amongst Members and residents who found it hard to get timely information and to influence decisions. The Council can do better and become the kind of Council it aspires to be by:

- Making a step change in its communication and engagement with the residents of Croydon
- Improving transparency by introducing a forward plan and clarifying how the Council makes its decisions
- Improving the culture of the Council including officer and Member relationships
- Providing better support to non-executive Members to carry out their various roles
- Revising the existing Leader and Cabinet model of governance towards more collective decision making and establishing Cabinet Member Advisory Committees.

Implementing these recommendations will enable the Council to pioneer a new way of working that better matches its aspirations to enhance councillor involvement, local democracy and community participation with a governance model tailored to the needs of Croydon's residents.

All local authorities are required by law to make decisions using one of a limited number of models. These models include: a Committee system; an elected Mayor; or a Leader and Cabinet. Croydon operates under the Executive Leader and Cabinet model of decision making that is supported by a number of Scrutiny committees and has used a variant of this since the majority of councils were required to change their decision making models by the Local Government Act 2000. However, in Croydon, strong leader decisions are rarely exercised and almost all executive decisions are taken through collective Cabinet meetings or are delegated to individual Cabinet Members or officers.

The Council operates within this legal framework and the Council's Constitution is the key guiding document that sets out:

- The Council's responsibilities and functions (including allocation of those);
- The rules and framework which govern the operation of the Council; and
- The procedure rules, codes and protocols for specific parts of the decision-making structure.

The Council's governance rules and framework are reviewed annually. The Council has documents, procedures and processes that relate to issues such as its commitment to ethical values and the rule of law, stakeholder engagement, managing risks and performance and embedding good practice in transparency, reporting and auditing.

The Panel was established in October 2018 by the Council and over the period of 16 months it undertook an extensive,

cross-party review of the Council's formal and informal governance arrangements. The formal terms of reference set by Council tasked the Panel with assessing the Council's decision making structures in order to develop a model tailored to the needs and aspirations of Croydon's residents and stakeholders. The main goals of the review were to enhance councillor involvement, local democracy and community participation.

The Council provided the Panel with an appropriate level of resource to ensure that a comprehensive review could be delivered. The Panel assessed the Council's current governance framework, considered evidence submitted by local stakeholders and experts and reviewed best practice to ensure that the Council's decision-making is lawful, informed by objective advice, transparent and consultative.

The Panel found that on the whole, the Council has fit for purpose formal governance documents and procedures and provides opportunities to participate, and engages residents on a variety of issues. However, despite a robust formal, written framework, there are areas for improvement in terms of more informal, day-to-day practices, including a need for greater transparency and consistency in communicating decision making, which might ensure that such participation and engagement is more consistently positive.

For Panel Members, a key driver of the review was Member dissatisfaction with the opportunities available to them to influence decision making within the current model of governance, a view reinforced by the Member survey.

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The main areas of dissatisfaction that the Panel aims to address in its report were the limited visibility of upcoming decisions and the variable quality and uptake of opportunities for residents and stakeholders to participate. In particular, there was limited transparency and openness about decisions in the early stages of development which prevented councillors not in the Cabinet from contributing to or influencing those decisions while at a formative stage.

The Panel found that residents were often consulted and engaged in a variety of ways for a range of different purposes which might cause confusion for residents on how their views would influence decision making. Consultation was sometimes held during the later stages of the decision making process, providing residents with insufficient time or information to participate effectively, which on occasion resulted in residents not seeing their feedback meaningfully considered and responded to, leading to them feeling ignored by the Council.

This report makes recommendations grouped under four themes which aim to achieve the following outcomes:

1. The Council is manifestly committed to fostering a trusting relationship with residents. Participation is meaningful and happens when it is possible to influence the outcome. The Council is deliberate and innovative in the way it engages and both consistently and clearly communicates what, how and why decisions are made.
2. The right culture exists for all Members to feel they can work well in different roles, including cross-party. Members and officers work effectively together to deliver the best outcomes for residents.
3. All Members, including Members of the opposition and backbench Members, are given timely support and information that enables them to perform in their respective roles.
4. The Council's decision making structures are fully supportive of opportunities for Members and residents to participate.

The Panel considered if and how alternative formal models and structural changes could better support delivery of these desired outcomes, recognising that varying views on the benefits of different structural arrangements are always likely to exist amongst Members. Panel Members had different views on the best arrangement, but believe that the right balance has been struck in terms of creating recommendations that result in delivering the desired improvements and that meet the objectives of the review.

In terms of formal decision-making structures, the Panel agreed that a move to a Committee model should not be recommended. While recognising the merits of the Committee model in terms of its collective and inclusive nature, it noted that the cost and time it would take to deliver a system change would be excessive and not as efficient as the speedier decision making of the Leader and Cabinet system at times required of a complex, large organisation.

In terms of drawbacks of the two models, the streamlined nature of the Leader and Cabinet model inevitably results in the exclusion of non-executive Members to some degree. The drawbacks of the Committee model mainly relate to the prolonged decision making process and the fact that it may not address Members' major complaint about not seeing decision making reports early enough in the process to influence their development.

The Panel recommends instead a move to a hybrid structure that captures the benefits of the existing Leader and Cabinet model, while allowing increased opportunity for earlier debate than would be delivered through a committee system. We propose the creation of cross-party Cabinet Member Advisory Committees, to strengthen the collective Cabinet and provide an inclusive forum for political debate and input into the Council's most important decisions before they are made.

The Panel accepts that structural changes are only a small part of the answer. A large portion of this report therefore focuses on the Panel's recommendations relating to finding better ways to communicate and engage with residents, providing clarity on how decisions are taken to better reflect the reality of the Council's decision making, earlier forward planning and supporting non-executive Members in their roles.

The Panel concluded that a cultural shift in how Members and officers operate and interact is needed to underpin the improvement journey. Without this, the change needed for consistent, inclusive and meaningful participation will not be maintained in the long term.

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OVERVIEW OF THE COUNCIL’S GOVERNANCE ARRANGEMENTS

Croydon’s current decision-making model

A number of legislative changes have influenced the current governance arrangements for the Council. The Local Government Act 2000 (“the 2000 Act”) introduced a separation of powers in 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-scrutiny model. The Council adopted the Leader and Cabinet model in May 2001.

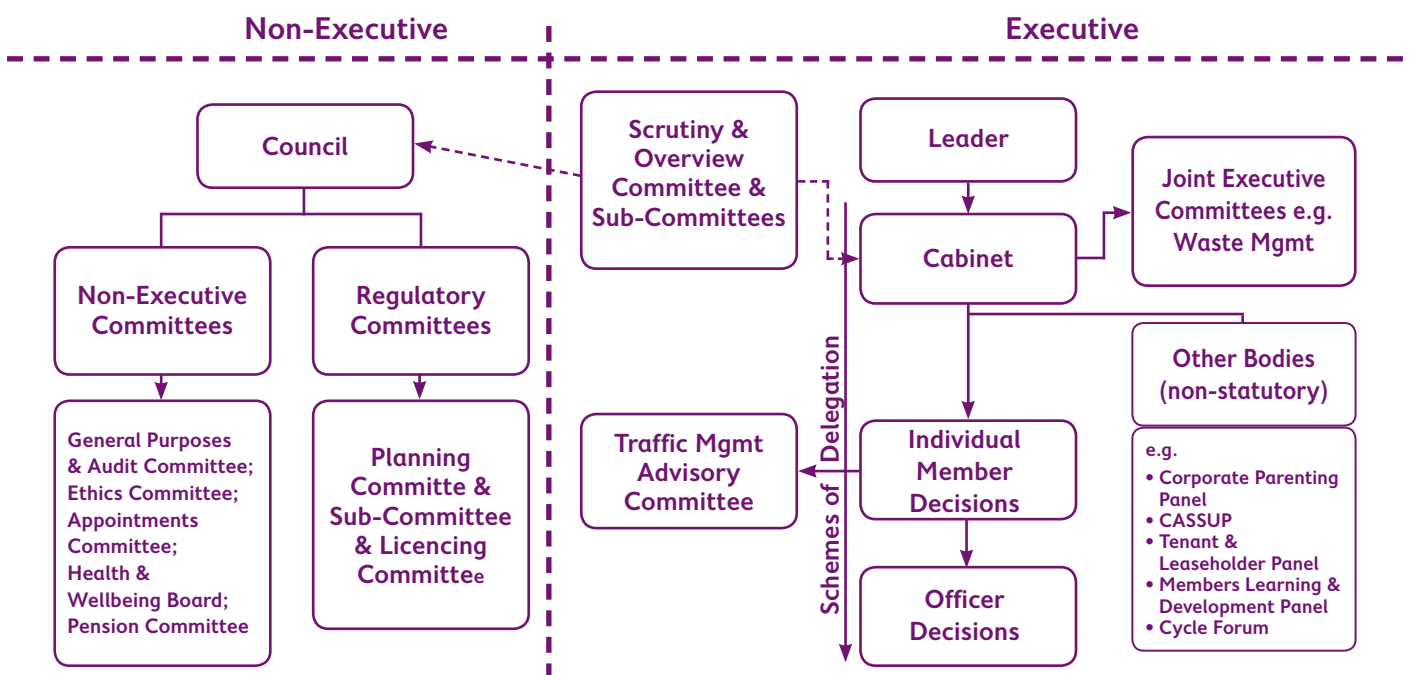
The Local Government and Public Involvement in Health Act 2007 (“2007 Act”) restricted the governance options available to local authorities and required the Council to introduce a choice of two models: a directly elected mayor or a new style “strong” council leader. Both models placed executive powers in the hands of an individual, who, in the normal course of events, would serve an uninterrupted four year term. A directly elected mayor and the new style council leader both have the

power to appoint and dismiss Cabinet Members and decide what executive powers they would exercise (if any). The Council resolved to introduce the Strong Leader and Cabinet model following the local elections in May 2010. However, in practice executive powers have rarely been exercised by the Leader in isolation. The vast majority of executive decisions have been delegated to either the Cabinet collectively, to individual Cabinet Members or to officers to undertake the day to day running of council services.

The Localism Act 2011 increased the governance options for local authorities to executive arrangements (leader and cabinet or directly elected mayor and cabinet), a committee system and prescribed arrangements (where councils propose their own system of prescribed arrangements requiring Secretary of State approval). The Council retained the Leader and Cabinet model. Theme 4 of this report further details the legislative background relating to governance options available to councils.

The current decision-making structure looks as follows:

London Borough of Croydon Decision Making Structure



Picture 1. Croydon Council decision making structures

The **Council meeting** takes place seven times each municipal year. The Annual meeting of the Council appoints councillors to various roles and bodies. The Budget meeting of the Council agrees the council tax and council budget for the following year. This forms part of the overall budget and policy framework that is also agreed at Council. The Council meeting was last significantly revised in 2016 to increase participation of both Members and residents. 30 minutes are available for public questions to the Cabinet and 105 minutes for questions to the Cabinet from councillors.

The Council meeting includes petition debates, member petitions and council debate motions. It also receives annual reports from Scrutiny, General Purposes and Audit Committee (GPAC), Health and Wellbeing Board and, from 2019, the Corporate Parenting Panel.

In Croydon, the Leader appoints a Cabinet comprising of himself and up to nine cabinet portfolio areas and delegates many decisions to the Cabinet to decide, both collectively and in some cases (predominantly relating to contracts and highways matters) to individual Cabinet Members. There are also nine deputy Cabinet Members and ten Shadow Cabinet Members, including the Leader of the Opposition, with corresponding portfolios.

The Cabinet is collectively responsible for executive decision making within the Council's budget and policy framework. There are ten **Cabinet meetings** annually and those are open to all Members to participate, with papers circulated electronically to all Members. Cabinet Members make decisions relating to their portfolios and within the context of the **Corporate Plan** that sets out the Council's strategic objectives. Each Cabinet Member publishes a bulletin at each ordinary Council meeting. Briefings on major strategies or contracts are available to Shadow Cabinet Members on request.

Croydon has a main **Scrutiny and Overview Committee**, and three sub-committees that can both review executive decisions before they are taken and 'call-in' key decisions. The scrutiny bodies cover the following areas:

- Scrutiny and Overview Committee - council strategy and policy, financial performance, community safety and crime reduction
- Streets, Environment and Homes Sub-Committee - highways and streets, housing, environment, conservation and climate change, flood risk
- Health & Social Care Scrutiny Sub-Committee - health, adult social care and mental health
- Children and Young People Scrutiny Sub-Committee (CYP) - education, children's social care and youth services

The Scrutiny and Overview Committee meets eight times per year and has statutory responsibility for Crime and Disorder scrutiny functions and is responsible for consideration of call-ins. The sub-committees each meet seven times per year. The Children and Young People Sub-committee has five educational co-optees and has delegated authority to undertake education scrutiny. The Health and Social Care Sub-committee has delegated authority to scrutinise local health partners.

The Council also manages its business through a range of formal and statutory committees as well as non-statutory informal advisory bodies.

The decision-making framework

In addition to the legislation that governs the decision-making frameworks that councils have to choose from, there is wider legislation and guidance that the Council has to operate within. This affects how some decisions have to be taken and also how the Council is held to account over its decision making.

The Council is under a duty to maintain and keep up to date a document referred to as its Constitution under s.9P of the Local Government Act 2000. The **Council Constitution** sets out the over-arching governance framework and in turn the Council's decision-making processes and procedures. It includes protocols on decision making and staff/councillor relations, the Leader's Scheme of Delegations and the Member's Code of Conduct. The Constitution is available on the Council's website.

The Council's formal governance arrangements are reviewed annually. This includes reviews of the Constitution, Schemes of Delegation and annual reports detailing the Council's performance in ensuring good governance.

The General Purposes & Audit Committee has a wide ranging brief that underpins the Council's governance processes by providing independent challenge and assurance. The Committee produces an annual report detailing the adequacy of risk management, internal control including audit, anti-fraud and the financial reporting frameworks.

The Ethics Committee is responsible for reviewing the Members Code of Conduct and allows Members to raise issues around Governance, conduct and ethics.

Croydon Council has a set of Corporate Values. These values undergo regular review and represent both staff and the public's expectations of the Council.

The **Council's Governance Framework** provides an overview of how the Council ensures that it follows the principles of good governance. It explains the Council's documents, procedures and processes that relate to issues such as demonstrating a strong commitment to ethical values and the rule of law, ensuring stakeholder engagement, managing risks and performance and implementing good practice in transparency, reporting and audit.

There are three key officers of the Council who hold statutory roles; the Head of Paid Service (the Chief Executive), the Monitoring Officer and Chief Finance Officer (also known as the Section 151 officer). Statutory officers have specific duties and have an important, independent role in promoting and enforcing good governance and for making sure the Council complies with legislation.

Governance is, "the way in which organisations are directed, controlled and led. It defines relationships and the distribution of rights and responsibilities among those who work with and in the organisation, determines the rules and procedures through which the organisation's objectives are set, and provides the means of attaining those objectives and monitoring performance. Importantly, it defines where accountability lies throughout the organisation.

Good governance in local authorities ensures that decision-making is lawful, informed by objective advice, transparent, and consultative.

Local authority governance, National Audit Office, 2019

The Council is held to account on its decision making, with the ability to scrutinise and challenge decisions in the following ways:

- they can be judicially reviewed in the courts;
- the Local Government Ombudsman will consider any complaints of maladministration;
- the Council is audited by independent external auditors;
- there are a range of inspection regimes and industry peer review programmes;
- some areas of council work require officers to be professionally qualified, such as lawyers, social workers, surveyors and accountants. These roles are often subject to additional scrutiny by the relevant regulatory body;
- for some service areas, there are statutory appeals processes, such as licensing or planning applications or school admissions; and
- access to council information can be sought through statutory mechanisms, such as the Freedom of Information Act and Subject Access Requests under the Data Protection Act and General Data Protection Regulations.

Local authorities also operate in a wider statutory framework that governs how many decisions are taken. These include how public procurement is undertaken, how licensing and planning applications are considered, and how children and adult social care and housing are provided amongst many other examples. These statutory frameworks often state minimum standards that councils must adhere to as well as describing what factors councils can and cannot take into account when considering decisions in these areas.

There are emerging areas where council governance can appear even more complex and less transparent. Local authorities frequently now establish Local Authority Trading and other limited companies, where the Council is a shareholder. Councils are also entering 'joint arrangements', where they deliver services in partnership with other local authorities, often through a single contract with a private sector supplier, or other public sector organisations through collaborative and innovative partnerships.

4

Participating in decision making

The current decision-making model contains a range of ways in which backbench councillors, opposition councillors and residents can participate in decision making. These include:

- Speaking at decision making meetings
- Voting at decision making meetings
- Presenting petitions and participating in petition debates
- Question time for the Leader and Cabinet Members at different meetings
- The webcasting of those meetings most important to residents
- Being consulted on decisions before they are taken
- Being able to refer certain applications to committees
- Being able to 'call-in' certain decisions or services for additional scrutiny
- Participating in a range of service and community based groups and forums

Further information about structures and ways to participate can be found in the Evidence Report (Appendix B, evidence ref no.1, 2-2.1).

The Panel acknowledges that the Council operates what appears to be a robust, though complex, formal Decision Making and Governance Framework and sees it as a necessary foundation to foster good governance. In keeping with its terms of reference, the Panel's work focused on how this framework is applied and what wider set of activities, different formal and informal arrangements, culture and behaviours could strengthen or hinder its effectiveness and specifically how participation can be improved.

Local authority governance is critically important in this era of financial pressure and rapid change. Local governance arrangements are being stretched and tested as local authorities take on more risks and look for innovative ways to deal with funding pressures and growing demand for services.

Local Government Governance and Accountability, House of Commons Committee of Public Accounts, 2019

THE PANEL'S APPROACH

Panel's work programme overview

An Independent Chair was appointed in October 2018 to lead the work of the Panel and a Programme Manager also appointed to support the work of the Panel. The first meeting was held on the 29th of that month. The Panel reviewed its terms of reference and discussed the best approach to delivering the review. The terms of reference set for the Panel's work were broad, with a challenging timetable to deliver the work originally set by the Council.

Given the significant amount of work required, the Panel recognised that there was a need to extend the deadline for the completion of the review.

The Panel sought an extension of six months, to ensure there was sufficient time to undertake a comprehensive exercise that fully considers and discusses the evidence. A [progress report](#) was submitted to Council and the extension until December 2019 was approved on the 15th of July 2019.

The Panel considered governance reviews carried out by other councils 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 reviews undertaken by other local authorities.

The Panel's programme was made up of four key stages:

- Work programme scoping
- Evidence gathering and consideration
- Options and recommendations scoping and report drafting
- Finalising the report and recommendations

Following a commissioning exercise, the Centre for Public Scrutiny was appointed to support the work of the Panel, and was tasked with providing evidence on resident and stakeholder perspectives as well as best practice briefing notes in specific areas of the Panel's interest.

The key activities specified in the Panel's work programme included:

- Considering the findings from resident, partner and Member engagement, along with feedback and learning from peer organisations
- Mapping out governance arrangements and learning from both the 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 the current governance arrangements
- Researching, fact finding and reviewing good practice
- Prioritising and assessing potential options and recommendations for improvements, including consideration of formal changes to decision making structures
- Estimating cost implications of any potential recommendations

In light of the general election held in December 2019, the Panel further postponed publication of its report to allow for a wider discussion of its draft report by all councillors in late January 2020, with submission of its final report to Council in March 2020.

Further detail of the Panel's work programme can be found in Appendix A.

Methodology

The Panel met on a monthly basis. At its meetings, the Panel received information, debated issues and agreed what evidence was required for future meetings to progress the review and agree its conclusions.

At the outset of its work, the Panel commissioned an extensive survey of serving and former Members of the Council to help inform the work of the Panel. In its early meetings, the Panel received presentations providing an overview of the Council's existing governance structures and opportunities to participate.

The Panel undertook a range of engagement and evidence gathering activity, summarised below:

- 18 Panel meetings and workshops to consider and discuss evidence
- Workshops attended by 50 Members, survey responses from 60 Members and retired Members, and additional written and verbal evidence submissions from individual Members
- 1,016 resident survey responses and written submissions, including consideration of submissions relating to planning issues from 400 residents and Residents' Associations
- 11 interviews with Senior Council Officers, including the Executive Management Team
- Input from the Leader and Cabinet as well as Party Group perspectives
- Eight Local Strategic Partners' evidence submissions
- Croydon MPs and GLA Member invitations to submit evidence

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- Peer conversations including Members and officers from Sutton Council, CEO of Royal Borough of Kensington and Chelsea, former Leader of Camden Council and Chair of the Department for Communities and Local Government (DCLG) Councillors' Commission, CEO at Wandsworth and Richmond and Head of Democracy at Kirklees
- Consideration of evidence briefs and expert support provided by the Centre for Public Scrutiny
- Consideration of current decision making structures and information relating to decision making processes and engagements, including uptake of opportunities to participate and effectiveness of the Council's approach to engaging residents
- Peer review of the Planning Committee operation by the Planning Advisory Service
- Desk top research and review of best practice across the sector
- A meeting of all Members to consider the draft report, attended by 57 Members

A list of evidence gathered by the Panel can be found in Appendix B. A supplementary Evidence Report, published alongside this report, compiles key information and evidence gathered by the Panel.

The national context

It has been clear from benchmarking that Croydon is not unique in terms of the issues that have been raised leading to the review, namely issues around the planning process, mistrust of local authorities by residents, an inability to influence decisions before they are taken and disagreement over local priorities in a time of significantly reduced funding for services. This is a common picture at many local authorities.

Beyond the legislation around Council decision making models, there is limited guidance to local authorities on exactly how their chosen model should operate. Successive governments have recognised that all areas are different and how decision making operates in practice is a local issue to be determined by locally elected representatives.

As such, there isn't a single best practice model or gold standard for any local authority to aspire to. While there is recognised good practice in terms of governance, there is a significant variation in terms of how it is implemented in different local authorities.

6

OVERVIEW OF THE PANEL’S RECOMMENDATIONS

The Panel’s Principles

As the Panel continued to gather evidence, including considering Member and resident views, and to review national best practice and guidance, a set of key principles to help guide our work were developed.

The Panel agreed that any 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.

As we shaped our conclusions, the above principles were considered alongside emerging recommendations with a view to ensuring they supported the changes the Panel sought to achieve.

Recommendation Themes

We have grouped our recommendations around key themes (see Picture 2) which emerged from our engagement as outlined below.

The first group of the recommendations relates to decision-making and enabling greater participation by the public and by non-executive elected Members.

The second group are concerned with the culture of the organisation which needs to change to support greater participation. A very strong theme emerged from many who contributed to our work that culture was the most important aspect of our recommendations – ranking above structural change.

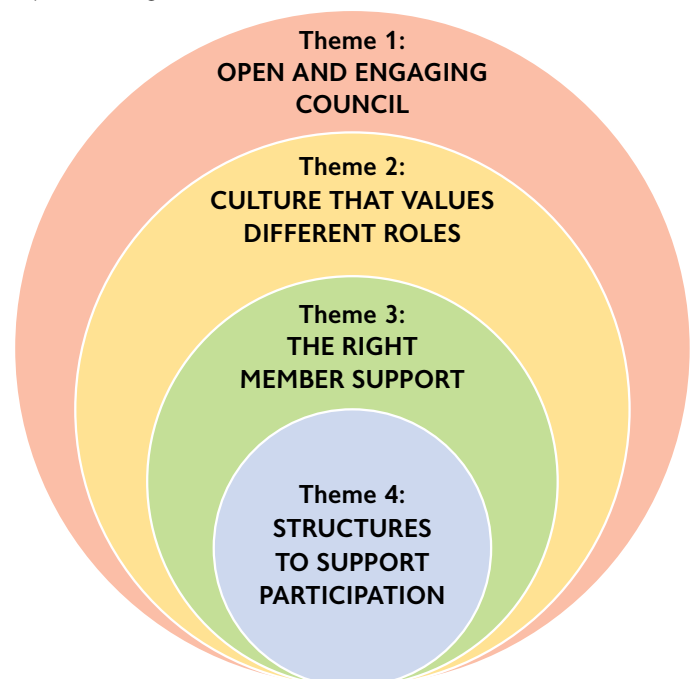
Our third set of recommendations are intended to help Members be more effective as ward and community representatives having heard that Members outside the Cabinet felt uninformed and unsupported in their representational role.

And our final set of recommendations are about structure which, at the beginning of our work, we had thought would form a much bigger part of our considerations. We make recommendations about structures which are intended to support the other recommendations.

There were certain areas the Panel has not been able to cover or arrangements proposed which have only been developed in outline, with some recommendations requiring the Council to undertake further detailed work and consideration before implementation. It was also evident that there would be interdependencies between the recommendations made.

Given the scope available to the Panel in its terms of reference, much of the work has been led by the evidence submitted by those who participated in the review. There are no right answers, though there are wrong ones, to many of the questions posed.

The Panel was a cross party group and there were and remain differences of view along party lines on some issues but wherever possible, it has striven for bipartisan agreement.



Picture 2. Recommendation themes

6.1

RECOMMENDATIONS - THEME 1**The Council is open and engaging in its decisions****Desired outcomes:**

The Council is manifestly committed to fostering a trusting relationship with residents. Participation is meaningful and happens when it is possible to influence the outcome. The Council is deliberate and innovative in the way it engages and both consistently and clearly communicates what, how and why decisions are made.

The terms of reference of this review said that the Council aspires to be at the forefront of participation and asked the Panel to consider how the Council can fully exploit all opportunities for participation.

We have not been able to do all the work on public participation we would have liked and while there is much to be positive about, the Council is recommended to seek to reset how it engages with residents, ensuring a better understanding of the Council's decision making and underpinning engagement by providing information in a timely and accessible way.

Creating a listening culture and a responsive ethos are some of the most intangible and hardest challenges for a council. To people with busy jobs it can feel like a 'nice to have' accessory rather than a key to success. Yet for engagement to mean something beyond a combination of painful consultations and superficial listening events, it needs to be integrated within the whole council's ethos.

New conversations: LGA guide to engagement, 2017

Resetting how the Council engages with residents

The Panel was unable to undertake a detailed engagement that would allow us to consider all the different ways the Council engages with residents or to undertake a survey that was statistically representative of the Borough as a whole.

The Panel did however conduct an online survey with responses from over 1000 residents and feedback from eight organisations who form part of the Local Strategic Partnership. The Panel also heard from over 400 residents via email on planning issues. The Panel further commissioned the Centre for Public Scrutiny (CfPS) to undertake a desktop exercise which considered a sample of evidence of how different council departments engage and encourage public participation, with 96 items of evidence reviewed. Full outcomes of the assessment of evidence and views gathered in relation to how the Council engages can be found in the Evidence Report (Appendix B, evidence ref no. 3-3.9).

The Panel acknowledges the limitations of the method used to engage with residents and that as a result the survey is not representative of the borough as a whole. In particular the online survey was under representative of young people and minority groups and disproportionately reported the views of those who have already engaged with the Council.

The findings are nevertheless worthy of note.

Residents were interested to know about decisions that are being made, and wanted to use the website to find information easily. Transparency was very important. When engaging or raising issues, residents wanted to feel that the Council listened and acted on their feedback, which they considered wasn't always the case.

Views of partners were that the Local Strategic Partnership was a helpful structure but could be more ambitious about delivery of priorities and collaboration. Partners wanted the partnership to be less council-led, allowing more to be done by different partners on certain issues and initiatives.

Community leadership is about councils, both councillors and officers, enabling local communities to determine their own future. It is not traditional, top-down leadership, but involves councillors and officers using all the tools at their disposal to engage communities in making their own difference. It promotes a partnership of shared commitment to promote a shared vision for the locality

A councillor's workbook on community leadership, LGA, 2017

The review by CfPS found that there is a significant amount of activity in the form of consultation, ongoing dialogue and joint working with residents and other key stakeholders. This engagement is a combination of service and project specific activity alongside ongoing forums such as partnership alliances, service-user groups, Panels and newsletters.

It was less easy to evidence however:

- how this insight has been consistently used to inform decision-making;
- how engagement is co-ordinated and how insight from different sources was collated and shared within the Council;
- how residents and others can proactively engage outside of petitions, via Member and customer enquiries (the engagement feels council-controlled);
- how these groups rate and describe the experience of engaging and working with the Council.

6.1

It is positive that the Council is open and engages on many topics. The Council has a variety of existing teams that engage with residents and partners on a regular basis. The Council is also comparatively open in terms of resident opportunities to get involved in formal committee meetings, with rights to speak and time allocation at Council, Scrutiny and other committees such as Planning.

However, take up of formal and less formal opportunities to participate and the quality of engagement activity across the Council is inconsistent. Engagement activities reviewed were spread across different departments with no clear coordination and the strong possibility of duplication of effort.

The Panel also heard that the number of opportunities to get involved does not correlate with the level of influence that residents have or how well the Council listens.

Creating a trusting relationship with residents

From the evidence reviewed it is apparent that Croydon Council is relatively outward looking and wants to engage with residents in a positive and meaningful way.

This is conveyed by the Council's [Corporate Plan \(2018-2022\)](#) that commits to engage residents and local communities in the design and where appropriate the delivery of services, enabling residents to have a say in the vision for their local areas.

[Get Involved](#) is the main platform that the Council uses to engage and consult with residents. Strategic documents such as the [Community Strategy \(2016-2021\)](#) (developed by the Local Strategic Partnership) and the Council's [Digital Strategy \(2019-2024\)](#) also talk about the importance of engaging residents. The Council however does not have a strategic statement to clarify how it will engage and consult effectively.

Many other councils develop engagement and consultation frameworks to establish how they will engage and continue to improve.

It is possible that as the Council has become more open and innovative in the ways it delivers services, it has increasingly engaged with residents and stakeholders without necessarily having the capability or resource to close the feedback loop and learn from each engagement.

To improve the effectiveness and purposefulness of its engagement, the Council will need to reset its relationship with residents beginning with the development of a clear strategy on engagement. This will require a shift in culture, mind-set and language presently used by the Council. The strategy should act as a strong and clear statement of

intent which will start the Council on a journey away from more traditional ways of engaging resident and partner views to more deliberative and participatory democracy.

For example, Wigan Council redefined its relationship with its residents. The Wigan Deal is an informal agreement between the Council and everyone who lives or works in Wigan to work together to create a better borough. It gave commitment to a series of pledges and in return needed residents and businesses to play their part too. So far, through working together, the Council says it has saved £115m, amongst other positive impacts of the Deal. The Council is planning to engage Wigan as part of the LGA peer challenge commencing in March 2020.

As the Council agrees and communicates its own strategic commitment to residents, there are some principles and practical steps that the Council is recommended to take to work towards improving residents' trust and more positive engagement.

Local authorities of the future will need to knit together their speaking and listening functions, to build real trust and understanding. [...] A cocktail of different factors – economic changes, cohesion issues, social media, globalisation, and increasingly curious and nondeferential citizens – means that councils must have real, honest conversations with residents

New conversations: LGA guide to engagement, 2017

Participation and engagement improvement areas

Firstly, the Council is recommended to agree and introduce consistent standards around quality and timeliness of engagement with residents. In all instances of engagement it should be clear to residents what questions are being asked and what decisions are up for resident debate. The council's engagements can range from information giving, consultation, collaboration to empowering residents to lead the decision making (Picture. 3). For successful engagements, both the Council and residents need to know what the engagement is for and how responses from residents might influence the decisions to be taken.

The Council is recommended to ensure that residents feel that their views are heard, considered and responded to, especially in instances where residents engage proactively or raise issues. The Council needs to be collectively better at understanding residents' points, acknowledging them clearly and communicating its response in a way that is not perceived as dismissive, explaining its decision particularly when residents have expressed views that cannot result in changes to the decision.

6.1

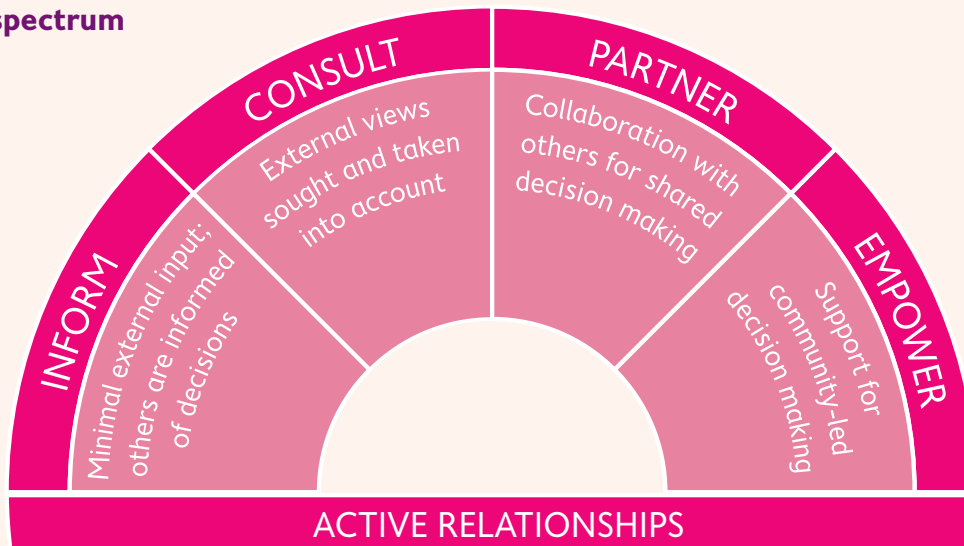
Once the commitment has been made and standards are in place, the Council is recommended to consider how it could refocus its existing resources to best meet its ambitions.

This may include mapping and assessing how different initiatives engage, joining-up efforts, supporting those that engage with clear guidance and standards, and providing shared learning to enable the Council to invest in the methods, tools and approaches that work for residents.

Every neighbourhood or community is made up of different individuals and groups, whose particular views, interests and ambitions may often be at odds and may not always be reconcilable. This is not a reason for ignoring the importance of neighbourhood and community engagement, but is the very real challenge [...] in getting people more actively involved in the issues which affect them.

A councillor's workbook on neighbourhood and community engagement, LGA, 2016

Engagement spectrum



Picture 3. A councillor's workbook on neighbourhood and community engagement, LGA, 2016

In order to enhance participation, the Council should provide opportunities for all residents to participate, especially groups that can be more difficult to engage. To achieve this the Council should make best use of technology to reach its residents, as many residents say social media is the most effective method of keeping them informed and engaged. This should be supplemented by using offline methods and reaching out to established forums, groups and communities (with help of partners, Members and existing networks). As an example, the Panel felt that more could be done to ensure the Youth Council had greater opportunity to feed into the Council's wider decision making, including opportunities to meet and engage with Members.

The Council would increasingly be able to develop the trust of its residents if engagement was more considered and timely, utilising more deliberative and participative methods.

It would be important to avoid any sense of engagement for engagement's sake.

Recommendation 1:

Put residents at the heart of decision making, building residents' trust in the Council's openness by publishing a strategic statement of how the Council will engage and ensuring that consultation and engagement activities are consistent in:

- Taking place at the earliest possible opportunity;
- Actively listening to residents;
- Being clear about their goals and how responses will be considered;
- Being joined up and shared across different council services;
- Engaging existing community groups and forums;
- Following latest best practice to engage with hard to reach and underrepresented residents; and
- Being reported to decision makers, clearly detailing how responses have influenced recommendations.

6.1

Engagement in neighbourhoods

Residents that took part in the survey indicated that the most important decisions to them were the ones that affected their neighbourhoods and the services that they personally receive. Although the Council has invested in more localised service delivery, overall governance remained fairly centralised compared to other local authorities that operate some form of local forums or committees to engage residents on local issues at the formal decision making stage.

The Council should consider whether governance arrangements need to be adjusted to allow greater engagement in localities. Further details of the Panel's view on the potential of formal structural changes relating to ward forums and area committees can be found in **Recommendations - Theme 4** (pages 30-39 of this report).

Neighbourhood and community engagement has a rightful place as one of the key processes involved in planning and decision making. As such, it should not be viewed as an additional task, but as a core part of the business of local government. It is not a resource burden, but a way of ensuring that scarce resources are better targeted in meeting community needs. And it does not challenge the authority of Members, but provides a useful way of enhancing their role, strengthening democratic legitimacy and encouraging community development

A councillor's workbook on neighbourhood and community engagement, LGA, 2016

In terms of less formal forums and approaches that allow residents in different neighbourhoods to feedback their views, the Council could be clearer in terms of what options exist for communities, with Members working collaboratively to raise and resolve local issues. A menu of options could be created and promoted.

Few authorities have managed to redefine their relationship with residents to one that is truly participatory and collaborative. Notably Kirklees has done a lot of work focussing on developing genuine engagement, built on local identity, including undertaking place based consultation supported by council officers, as well as local community groups that are trained to support local engagement.

Croydon can learn from Kirklees and Wigan and other proactive local authorities. This is however a long-term commitment and one that the Panel appreciates needs to be attempted through phased and gradual improvements.

Recommendation 2:

Ensure that local communities are at the heart of how council services are delivered in their areas by building on existing work to deliver locality based services and devolution pilots. In doing so develop joined up and innovative options for more neighbourhood based involvement in decision making.

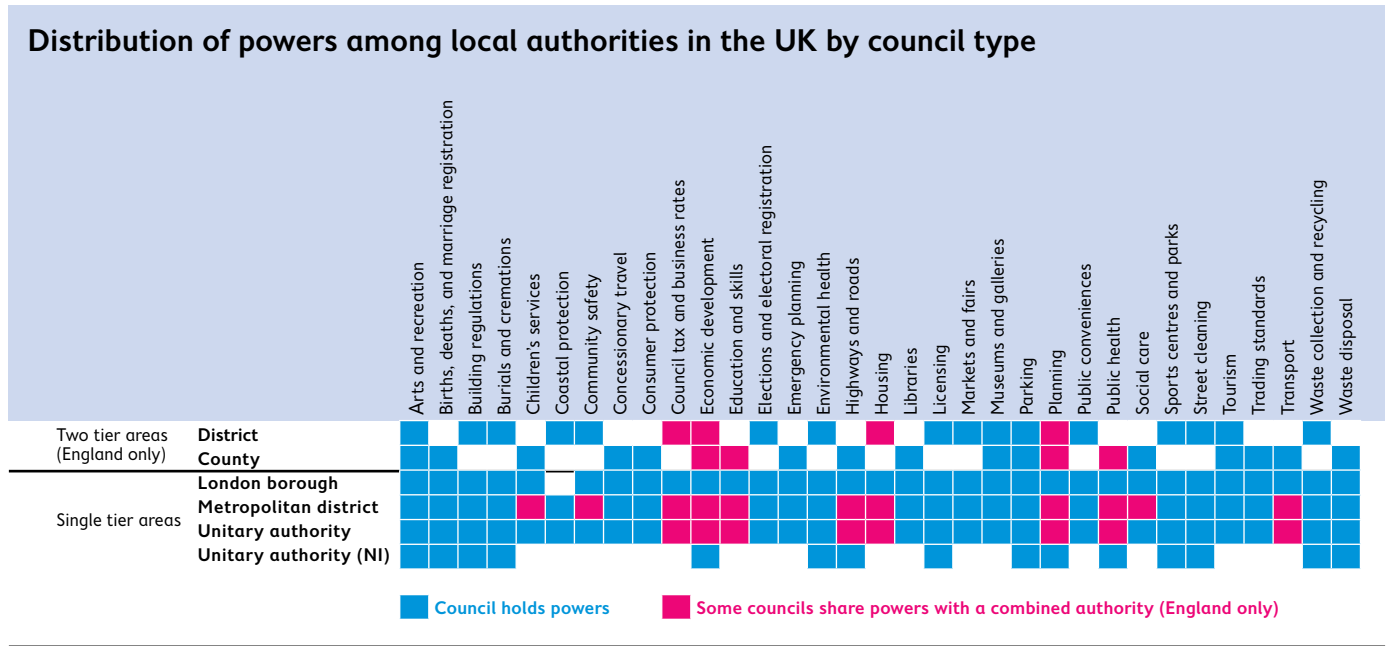
Improving understanding of the Council's decision making

The Panel believes that an improved understanding of the Council's decisions and decision-making process is a necessary area of focus if the Council is to ensure consistent and valued participation.

Local government decision making structures are often not easy to understand. It can take a significant amount of time for new Members and officers to learn to navigate the Council's decision making processes and for residents and partners it can be particularly hard to get to grips with. With statutory and discretionary committees, executive and non-executive functions, delegation to collective and individual Cabinet Members and officers, it is often unclear how different decisions can be effectively influenced at a stage when decision makers' minds are still fully open to influence.

The Panel recognises that this is made more difficult because of the wide ranging nature and scope of decisions the Council is responsible for (as showcased on Picture 4). Those can range from small operational decisions to long term strategic ones and those that relate to services affecting all residents or individuals.

6.1



Source: Institute for Government analysis of House of Commons Library, Local government in England: structures report, April 2018. Combined authority data sourced from House of Commons Library. Devolution to local government in England report, May 2019. Data for Northern Ireland drawn from the nidirect website (www.nidirect.gov.uk), local council responsibilities, May 2019. Data for Scotland sourced from Scottish Parliament, Local government in Scotland research briefing, August 2016. Data for Wales drawn from Welsh Local Government Association (www.wiga.wales), local government in Wales webpage, and analysis of individual council websites, May 2019.

Distribution of powers among local authorities in the UK (Updated: 06 Jun 2019)

Picture 4. Local Authorities' Powers Source: [Institute for Government](#)

Croydon's formal and informal decision making structures are complex but in line with a local authority of its size. This is further discussed in **Recommendations - Theme 4** (pages 30-39 of this report). How decision making takes place is described in the Council's Constitution, agreed by the Council and reviewed annually.

A local authority should take an open approach to its decision-making, with a presumption that reports and decisions should be public unless there are clear and lawful reasons that the information should be withheld.

Local authorities should welcome and foster opportunities for scrutiny, and see it as a way to improve decision making. They should not rely unduly on commercial confidentiality provisions, or circumvent open decision-making processes. Whilst local press can play an important role in scrutinising local government, openness must be facilitated by authorities' own processes and practices.

Local Government Ethical Standards – A Review by the Committee on Standards of Public Life, 2019

In terms of effectiveness of decision making, when asked in the Member survey, 58% of Members believed that the Council was not very effective. In describing the most important factors which made decision-making effective, the top three answers were:

- 1) it is clear who is accountable,
- 2) decision-makers can evidence why decisions are made and
- 3) decision-makers are held to account.

The number and variety of decisions that the Council makes requires it to be dynamic in its decision making. In any decision there is a trade-off between speed of decision and the level of participation, with the right balance needing to be achieved. For most strategic decisions it would be appropriate to prioritise the need for participation over speed of approval. In the midst of the many decisions made there is a small number that have long-term impacts on communities and warrant the opportunity for extensive scrutiny to ensure quality and appropriateness. To allow this, visibility of upcoming decisions needs to be improved.

6.1

Forward planning

Some Members told us that while they didn't necessarily disagree with decisions that had been taken, the issue for them was that they weren't aware that they were going to be taken. They saw this as being caused by the absence of a comprehensive forward plan of when decisions were due to be taken.

The Localism Act (2011) changed the requirements of a forward plan removing the requirement to publish a "forward plan" of executive decisions three months in advance. Councils must however produce a "schedule of key decisions" (also known as the 28 day notice of key decisions) to give adequate notice of such key decisions. In line with this requirement the Council publishes its key decisions with 28 days' notice.

The Council's approach to drafting and publishing the 28 day notice is fairly consistent and produced as prescribed by legal requirement. Members told the Review that the statutory 28 day notice of key decisions wasn't informative and inclusive enough for their needs and as a result they missed out on participating in some important decisions. Instances were quoted where certain proposals were in development for months before they were considered at Cabinet, but they were only communicated to all Members with the minimum statutory requirement of 28 days' notice, and only then if they met strict statutory criteria, to be considered a "key decision".

In its discussions the Panel noted that beyond the publication of the 28 day notices of key decisions, wider decisions were not always easy to identify and the process by which they were made was not immediately visible; these included important strategies and policies that were on occasion not considered to fall within the statutory definition of a key decision.

The Panel believes that a key step towards a better balance between executive and non-executive Member participation in decision-making is the creation and publication of a much more inclusive and informative forward plan that provides information beyond the minimum statutory requirements.

The forward plan is recommended to be a live document listing all upcoming, key and significant decisions. By "significant" decisions, the Panel means decisions relating to policies that are reserved for review and approval by the Council, such as the Equality Policy, as well as some non-key Cabinet Member decisions that may require input or cross-party debate. The Forward Plan should provide sufficient time for Members to decide which decisions warrant greater scrutiny, would benefit from cross-party debate or require greater involvement of residents.

Whenever possible it should list upcoming decisions no later than six months in advance of the planned date for the decisions to be taken. Though the Panel recognises flexibility would need to be applied within the development of the forward plan to ensure that certain types of decisions (commercially and time sensitive decisions; decisions requiring the Council to comply with new legislation) can be approved at a shorter notice. However this should only apply to a limited number of urgent decisions.

The Council's political and managerial leadership teams need to establish a practical process for ensuring that such a document can be developed and kept up to date. The Council should therefore seek a clear commitment from the Cabinet, to lead this piece of work.

Recommendation 3:

Provide Members and residents with increased opportunities at an early stage in the process to influence decision making by producing and proactively communicating a forward plan detailing forthcoming decisions, including annually recurring decisions and key strategies and policies, at the earliest possibility and no later than six months in advance of the decision being taken.

Clarifying the decision making process

Publishing a forward plan would be the single most important step towards enabling more inclusive and transparent decision making. The Council should also consider other practical steps it can take to make the decision making process itself clearer.

The definition of a key decision is set out in legislation ([Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#)).

The Council's interpretation of the statutory definition was approved by Council as part of the Constitution and defines a Key Decision as follows:

Key Decisions: Subject to the provision that a decision taker may only take a decision in accordance with the requirements of the Executive Procedure Rules and in compliance with the provisions of the Access to Information Procedure Rules set out, respectively in Part 4 of this Constitution, a Key Decision is an executive decision which is likely to:

- (i) *result in the Council incurring expenditure, or making savings, of more than £1,000,000 or such smaller sum which the decision-taker considers is significant having regard to the Council's budget for the service or function to which the decision relates; or*

6.1

(ii) *be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.*

(Part 2 – Articles of the Constitution, Article 13.2 – Decision Making).

The Panel noted that in practice it is not always clear why certain decisions are deemed ‘key’ and others not. The way the definition is currently applied was not always consistent and too much emphasis was given to financial considerations and not enough to community impact. The Council is recommended to review its interpretation of its use of the term ‘key decision’ to ensure it is clear in both definition and practical application. Additional guidance should be developed that explains the types of decisions that should always be deemed as key and ensures that this is consistently applied in determining what are key decisions.

The difficult funding situation for local government means that councils are increasingly having to make decisions that will have profound, far-reaching implications [...] local people need the confidence to know that decisions made in their name are high-quality, evidence based and considered openly and accountably [...] now more than ever, good governance is vital. Councils have a responsibility to ensure that decision-making is as effective as it can be: decision making should critically benefit from the perspective of all councillors, but also be accountable, and involve the public.

Rethinking governance Practical steps for councils considering changes to their governance arrangements, CfPS, 2014

Officer, Member and resident user guides could be developed to provide an overview of how the Council makes decisions. Even though the decision making processes are clearly set out in the Council’s Constitution, Schemes of Delegation and Terms of Reference of Committees, this is naturally complex given the size of the organisation and the breadth of decision making that takes place. It is believed that additional guidance and training could help supplement the Constitution in clarifying decision making processes as it is not always clear to Members and residents who is making decisions and why decisions are taken at certain committees or by certain Cabinet Members or officers.

It is difficult to trust in a decision making system if the process of decision making is not clear or if decisions are not seen as being made in the open and within a robust approval framework. The Panel does not believe that the Council is actively trying not to communicate its decisions.

Rather it recognises that over time, under the Leader and Cabinet model, the decision making process naturally became more streamlined and as a result more exclusive, which has impacted upon its transparency. The Council is recommended to invest in clarity, predictability and dependability of the decision making process, which coupled with an increased visibility of decisions, are essential for councillors, residents and officers to understand how things work and how they are able to engage productively.

The structural changes proposed in **Recommendations - Theme 4** section (pages 30-39 of this report) would further support increased visibility and debate, but it is believed the above practical steps are an important foundation for the effective operation of any structures.

Recommendation 4:

Make decision making more open and transparent for Members and residents, by:

- Reviewing Croydon’s interpretation of the statutory definition of a key decision and if necessary amending the Constitution to ensure sufficient emphasis on community impact and producing guidance to ensure consistent interpretation and clarity of practical application, including types of decisions that the Council always deems to be key decisions;
- Publishing a guide on decision making processes to supplement the Constitution, and setting out how different services can be contacted and the different roles and responsibilities of councillors and key officers, and how Members and residents can participate in the Council’s decision making processes, including when decisions are delegated; and
- Ensuring that there is a consistent standard of decision making report writing that details why recommendations are being made, what background papers are available and what influence the views of Members and residents have had on development of the recommendations.

6.1

Timely and accessible information

The results of the resident and Member surveys showed that residents want information to be easier to locate and for the Council's website to be more user friendly to navigate, which was echoed by Members who wanted to be able to find the information they require.

The Panel recognises that the Council's formal information sharing procedures, such as freedom of information requests and complaints management, are also important in ensuring transparency and as such, the Council is recommended to continue to review those periodically.

If the Council developed an open data approach to information sharing, this could reduce the need to use statutory tools to receive information.

The Panel commends the Council's commitment to becoming a digital council and its strategy to achieve this ambition. **The Digital Strategy (2019-2024)** speaks about transforming the relationship between residents and the Council, and more specifically describes the desired outcomes as:

Information about the Council's democratic process, decisions, delivery and policies are easy to find, understand and (where appropriate) influence through online platforms [...]

All council information is in open, accessible formats by default, removing any barriers to access for people with disabilities, and enabling online sharing and preservation

The Council already recognises that the way it communicates and provides information needs to be improved and delivering on the Digital Strategy can support a number of the governance recommendations in this report.

Digital technologies are transforming how we work, do business and interact with one another. They help us use data on a previously unprecedented scale, allowing deeper understanding into human behaviour, needs and wants. The ability to embrace and implement data and new technologies will be fundamental to the future shape of public services.

Start of the possible: digital leadership, transformation and governance in English local authorities, LGiU, 2017

A relatively quick improvement would be to ensure that Members as well as staff have the tools, technology and access to information that enables them to perform their role effectively. The Council holds a lot of information and is a complex and multi-layered organisation, making it difficult to provide and share information in a timely manner. It is recognised that any attempt at coordinating the provision of information for Members and residents would potentially be very time consuming, so the Panel encourages the Council to fully utilise technology to assist in this task.

Recommendation 5:

Provide Members and residents with more opportunity to scrutinise and challenge decision making by fully endorsing the open data approach to information provision and giving regular progress updates on how the Council is improving its use of digital means to make information available and easily accessible.

6.2

RECOMMENDATIONS - THEME 2

Organisational and political culture values different roles

Desired outcomes:

The right culture exists for all Members to feel they can work well in different roles, including cross-party. Members and officers work effectively together to deliver the best outcomes for residents.

We have been told consistently that how Members work with one another and with officers is determined more by the culture of the organisation than by the structures. “In giving evidence, Members regularly talked about the need for a change in culture and behaviours and that this was key to bringing about change.” (Member Survey, 2019 Appendix B, evidence ref no. 3.4)

Councillors and officers are at the heart of local government policy and delivery and how they work together is fundamental to success. Good governance underpins those working relationships, which in turn provide a firm foundation for best value

How Councils work, Audit Scotland, 2010; see picture 5.

Culture in local government nationally

The issue of culture has been widely documented and discussed nationally. Both guidance and reports from organisations such as Local Government Association, Audit Scotland, National Audit Office (NAO) and Centre for Public Scrutiny all describe the importance of understanding, evaluating and working on creating the right culture (full list of sources can be found in Appendix B evidence ref no.14).

The CfPS discussion paper describes culture as “the shared attitudes, behaviours and values that define how organisations work”. The paper also distinguishes between political and organisational culture by stating that “Organisational culture is a familiar concept – it can be a barrier or enabler when organisations try to embark on major changes. Political culture is more complex. It is a part of organisational culture – that part that engages with the way that party politics, and politicians, engage with and influence organisational culture. Individual parties at local level will have their own cultures; councils as a whole may have a prevailing political culture, the attitudes and behaviours exhibited by elected Members as a whole. Amongst other things this political culture may influence the extent to which councillors are involved in decision making (at strategic and operational level), the extent to which Members are considered bound by professional standards of behaviour and discipline, and the way that executive decision makers and those who hold them to account (through overview and scrutiny) relate to each other.”

NAO (2019) notes that “strong cultures may be able to reduce governance pressures despite higher levels of risk, while weak cultures may generate governance issues even where risk is low.”

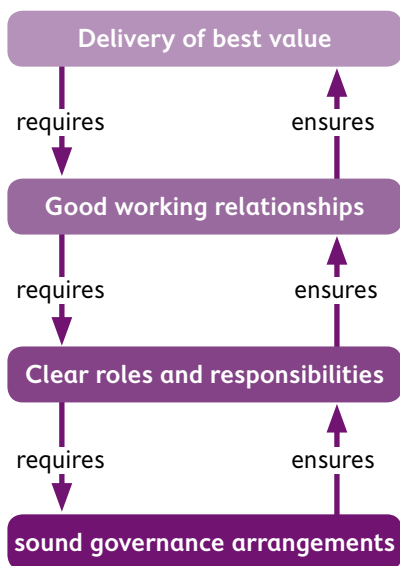
2016 report by Audit Scotland listed the core principles of good governance as:

- A culture of trust
- Clarity about roles and responsibilities
- The application of good conduct and behaviour

Given the prominence of the cultural issues in all the expert evidence that was considered, the Panel believes that the Council needs to take steps to review and assess the appropriateness of its culture. This would include:

- clarifying the different roles of Members and officers;
- ensuring effective Member to Member relationships;
- ensuring effective Member-officer relationships; and
- the role of the Council’s political and managerial leadership in maintaining the right culture

Governance, working relationships and best value



Picture 5. Source: How councils work, 2010, Audit Scotland

6.2

Member and officer roles

The LGA workbook on councillor/officer relationships states that “if councillors and the officers and management do not fully understand each other’s roles, this can lead to misunderstandings.”

The Member survey indicated that the varied Member and officer roles are often not fully understood. These include not only executive Members, but also Members performing in different capacities such as chairs of non-executive committees, ward councillors and opposition Members. It needs to be clear what can be expected by and of those Members in their roles as well as the officer advice and support available to them.

Croydon’s Constitution defines the role of Members and officers as:

Members and staff are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Staff are responsible to the Authority. Their job is to give advice to Members and the authority, and to carry out the Council’s work under the direction and control of the Council, the Executive, and relevant committees.

Mutual respect between Members and staff is essential to good local government.

(Part 5.B – Protocol on Staff – Councillor Relations, paragraph 1.3-1.4)

The Panel agreed that it would be helpful to both clarify and raise awareness of Member and officer roles and responsibilities.

Lack of officer understanding of Member roles and the impact from the limited exposure of officers to Members is further discussed in theme 3 of this report.

For Members there is a particular need to understand the roles of statutory officers, who their key contacts are and the remit of different senior officer responsibilities and functions.

Political Groups and Member to Member relations

The Panel and the wider Member group consulted recognised that politics is an integral part of local government decision making.

Feedback gathered through the Member survey (Appendix B, evidence ref no. 3.4) suggests that some Members believe that the committee model created more open and transparent decision making, often leading to a consensus with more respect between committee Members of different

political persuasions. Many Members also believed that current relations between the two political parties could be improved, with a few raising concern about disrespectful behaviour, citing some Members being seen on occasion to prefer confrontation rather than cooperation or collaboration. It was acknowledged that the line between a legitimate politically driven debate and unreasonable political behaviour can often be hard to draw.

A protocol defining the conduct and standards expected of Members is written into the Council’s Constitution. The responsibility for ensuring individual and collective standards falls with each individual Member and the political leadership, supported by the Monitoring Officer to effectively resolve formal complaints and disputes. The Political Groups also operate their own procedures for ensuring standards are upheld.

While much of this may not be amenable to change, the Panel noted that there were very few opportunities for Members to work across party lines or even meet outside of formal meetings in Croydon.

The best performing councils are able to identify when to set aside political differences and work on a constructive basis to support the work of the council, and to deliver outcomes for the community as a whole. In these councils, councillors from all political groups generally agree on the overall priorities for the area, with debate focusing on how best to deliver them.

How councils work: Roles and working relationships: are you getting it right? Audit Scotland, 2010

The Member survey (Appendix B, ref no. 3.4) suggested that Cabinet Members were not seen to welcome views from backbench councillors from either party and were thought by some to be too close to officers, narrowing the scope of the advice available to them. Backbench and opposition Members felt their legitimate roles were consistently not being recognised by lead Members and that more systematic communication and inclusive spaces needed to be created by the leadership in which to provide information and allow for issues to be debated.

All Members should be able to represent their communities effectively in the decision making process and be afforded respect at all times. The recent report by the Committee on Standards in Public Life provides further detail on fostering an ethical culture that could help to bridge the political divide, encourage more debate and support better behaviours when political debates take place.

6.2

Political groups should set clear expectations of behaviour by their Members, and senior officers should maintain effective relationships with political groups, working with them informally to resolve standards issues where appropriate. [...] Expected standards of behaviour should be embedded through effective induction and ongoing training.

Local Government Ethical Standards – A Review by the Committee on Standards of Public Life, 2019

Member - officer relations

The findings from the Member engagement indicated that the two-way working relationships between councillors and officers across the Council was often inconsistent and required improvement in some areas. Members suggested that the relationships between senior directors and councillors had weakened over time. Members also believe that tensions between Members and officers and perceived ‘officer power’ could get in the way of change.

A tension between officers and Members is at the heart of local government constitutional arrangements. It is a tension that if managed well will drive innovation and improvement.

The Panel heard in its expert witness session (Appendix B evidence ref no. 6) about the difficulties that can arise because of an unbalanced relationship, where either the political leadership steps into officer space or vice versa.

‘The distinction between policy and management seems clear enough on the broad view, but it is notoriously difficult to draw at the margin’.

Moving Forward – the report of the Commission of Local Government and the Scottish Parliament, Scottish Office, 1999.

Croydon Council appears to follow best practice in terms of keeping governance related processes, procedures and controls up to date to ensure the right relationships can be maintained. This includes annual review of the Council’s Constitution, updating schemes of delegations, having protocols on Member officer relations and conduct, publishing an annual governance statement and so on. This handle on formal processes and documents helped to create a good framework for governance.

However, such procedures and processes only work if they are known and followed. The Panel found that awareness of and communication about those processes is at best mixed and the principles contained within them are not embedded in daily working practices. As such the Panel’s view is that even though standards as well as key roles and responsibilities had been written into the Constitution, to guide the way Members and officers interact, more needed to be done to:

- i) ensure they still meet the Council’s ambitions;
- ii) raise awareness of the standards to ensure they are embedded in day to day operations; and
- iii) manage relationships by proactively working with individuals who do not uphold those standards.

Training for officers on political sensitivity and the role of Members would also help.

Councillors and officers are indispensable to one another and mutual respect and communication between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective council. Councillors provide a democratic mandate to the council, whereas officers contribute the professional and managerial expertise needed to deliver the policy framework agreed by councillors. The roles are very different but need to work in a complementary way.

Councillor workbook: councillor/officer relations, LGA, 2018

6.2

The role of the political and managerial leadership in maintaining the right culture

An ethical culture requires leadership.

Given the multi-faceted nature of local government, leadership is needed from a range of individuals and groups: an authority's standards committee, the Chief Executive, political group leaders, and the chair of the council.

Local Government Ethical Standards – A Review by the Committee on Standards of Public Life, 2019

The Panel is confident that both organisational and political culture are catalysts for change and key to improving participation in the decision making process. As such it is essential that the significance of culture as a potential barrier to participation is not underplayed. A mechanism needs to be found which allows the Council to examine its own culture and have honest conversations to assess how relationships are working.

Maintaining the right culture requires ongoing work, periodic review and a long-term commitment. This means different stakeholder groups actively leading by example and working together proactively.

Officer leadership needs to ensure it has a good working relationship with the political leadership and that council staff have a good understanding of and respect for the different roles of Members.

There is a need for political leadership to be more proactive in managing disputes. There also needs to be greater opportunity for information sharing and the provision of a forum to allow for influential debate.

The very best councils review councillor/officer relationships on a regular basis to ensure they take account of any issues or developments, leading to continued good governance within the council

Councillor workbook: councillor/officer relations, LGA, 2018.

The current administration's commitment to undertaking the governance review demonstrates support to proactively assessing governance. The leadership will need to carry this forward and ensure identified improvements can be implemented effectively by embedding good governance in all its activity and utilising existing tools, mechanisms and commitments.

The Panel commends the Council for its commitment to inspiring a culture of trust, inclusivity and transparency through its **Workforce Strategy (2019)**, including a commitment to providing the tools and processes to optimise effective collaboration between Members and officers. Looking forward, practical steps need to be identified which will deliver upon the ambition of the Workforce Strategy, providing a link between the organisational and political cultures, ensuring that officers and Members are better able to work together.

Recommendation 6:

Ensure the Council maintains a culture that enables effective governance by periodically reviewing and monitoring how Members work with one another and how Members and officers work with each other, and considering where improvements might be made including:

- Clarifying the different roles of Members and officers, including statutory officers and their relevant rights and responsibilities;
- Agreeing a set of high behavioural standards for decision making meetings; and
- Enhancing the understanding and awareness of the governance framework, the Constitution, codes of conduct and Member/officer protocols.

6.3

RECOMMENDATIONS - THEME 3**Members have the required information and tools****Desired outcome:**

All Members, including Members of the opposition and backbench Members, are given timely support and information that enables them to perform in their respective roles.

Access to information (also discussed in **Recommendations - Theme 1** on page 22 of this report) and administrative support for Members are interlinked themes which the Panel identified as playing an important role in helping Members to engage effectively with the Council and residents. The survey found that many Members were not satisfied with their current level of access to information on both strategic and local decision-making (69% of Members scored negatively in the Member survey, Appendix B, ref no. 3.4). As such this meant that councillors did not feel as able to represent their residents or influence decisions on their behalf as they might have done given the right information and support.

Ward Councillors and Community leadership

In the Member survey, Members said that their role as community leaders and ward councillors was often overlooked by officers which resulted in Members not being informed of wider council activity and of particular importance, matters affecting their wards. This prevented councillors from being visible to residents in their wards or providing support for the Council's initiatives, in addition to not always knowing what was happening in their communities.

On the whole Members believed that each individual councillor's insight and expertise, including their knowledge of local areas, was being underutilised by officers. Members are often able to offer an understanding of local issues and potential solutions that can enable officers to work more effectively in different neighbourhoods. Councillors have often been involved with their communities for many years and as such have built up store of knowledge rarely matched by officers.

It should be emphasised that Members felt that good practice does currently exist, with the teams managing highways and park events praised for their communication. The Council needs to ensure that communication with Members is more coherent and consistent across different departments.

It was recognised that officers, other than specialist governance officers and the most senior officers, now have much more sporadic contact with elected Members (partially due to the Leader and Cabinet Model) and without encouragement are unlikely to think of the implications for Members when undertaking their roles.

No one has a more important role than the ward councillor in ensuring that local democracy works and residents believe in it. They are the bridge between a community and its council.

A councillor's workbook on being an effective ward councillor, LGA, 2017

Some citizens are keen to be self-organising and to make use of new technologies to do so, but these capacities are unevenly distributed and councillors need to continue to provide a voice for those who struggle to represent themselves.

The 21st Century Councillor, University of Birmingham, 2016

Local decision making and council led initiatives relating to ward matters are rarely political or sensitive in nature. As such, there is no reason why officers could not be more proactive in engaging with Members or sharing information about doorstep issues. This could be improved by ensuring the Council's guidance and procedures relating to engagement in wards made explicit the need to involve Members and emphasised the role of ward councillors.

Recommendation 7:

Reinforce the role of ward councillors as community leaders by ensuring that Members are kept informed and engaged on matters affecting their wards and are always aware of official council engagements and events.

Responding to Member enquires

When it came to responding to resident queries and complaints, Members said they often felt ineffective, particularly as residents often only got in touch with a local councillor as a last resort on matters where a resident had an issue for a prolonged period but had been unable to resolve it directly with the Council.

Over half (53%) of councils said that the current financial situation in local government is negatively affecting their relationship with residents. From staff cuts leading to slower response times to anger over bins and potholes, councils [...] are struggling to match rising public expectations with less money.

State of Local Government Finance Survey 2019, LGiU/MJ, 2019

6.3

Some Members advised that they did not use the council's Member enquiries system as they lacked confidence in the system to respond in a timely and efficient manner. In particular, having to wait up to ten working days for a response did not allow for effectively dealing with urgent matters. Instead the system was often circumvented by contacting specific officers directly. It was also felt that the system did not allow Members to track and review the status of their queries effectively.

The Chief Executive has, in a meeting with the Panel assured us she is keen to improve this situation without waiting for the Panel's final report.

Member development

A range of training is available to Members of the Council including induction training focussed on helping new councillors settle into their role. The content of the training sessions varies between those focussed on improving Members understanding of a particular issue or service to others aimed at helping councillors develop the skills required for their role. In addition to training provided in a workshop or seminar format there is also the opportunity for individual Members to attend external training courses.

Members' training is overseen by the Members' Learning and Development Panel who provide guidance on the training commissioned, encourage the uptake of training amongst Members and monitor the training budget. In 2019 the Panel launched the first of what is planned to be an annual survey of Members to gain a greater understanding of their training needs to inform the development of future training programmes. 23 Members responded to the survey.

On average, internal training sessions attract nine Members and 18 Members have requested external training since 2018.

The Panel has been told by Members that the current approach doesn't work. Take up of development opportunities is poor across different topics, the Panel meets too sporadically and the Member development budget is underspent.

From the governance review survey responses, a number of Members suggested more and better Member training on Croydon specific topics such as the remit of different departments, who does what, who to contact, complex policy items, the budget as well as legal and statutory requirements. It was also suggested by some that participation for training events was often low, unless they were legally required, due to the number of Members that had either been a councillor for many years or worked full time.

Aligning Member training with officer training was also seen as a possible option on some subjects which the Council is recommended to explore.

Finding information and receiving advice

The Council has a lot of information, some of which reaches Members in a timely way but much does not. It could be difficult to navigate the various sources of information available, with Members indicating that access to information has got worse rather than better over time. Members believe that there is less performance related information available to them now than in the past. The search facility on the council website was seen as ineffective, making it difficult for Members and residents to find the information they require. When Members do ask for information, some receive an inconsistent response.

The Panel considered the introduction of political assistants as one possible way to help improve the current access to information. This was not seen by the Panel as a priority or an expenditure that could be justified, and was ultimately dismissed as being an option in the near future. The Panel did however conclude that the Council needed to be clearer on the information and advice that officers could provide to Members and in what instances and capacity they should be able to advise Members and groups on matters such as policies, strategies, performance or upcoming decisions. The Panel also felt that the introduction of a comprehensive forward plan would naturally result in Members receiving more consistent and timely information.

It was also recognised that in order to empower the Shadow Cabinet to perform their role effectively the Council should ensure that there are mechanisms in place to keep them informed of the council's business. This should include invitations to relevant events and engagements and informing them of key developments relating to their portfolios.

The interaction councillors have with the managerial and administrative staff of the council is shaped by the type of councillor they are – leading Member, majority group Member, opposition Member for example; by the nature of the subject matter being explored – strategic policy issues, casework, ward based concerns; and, by the setting in which the interaction occurs – formal council meeting, informal discussion, or a forum which is external to the council.

The Voice of the Councillor, De Montfort University and Municipal Journal Councillor Commission, 2017

6.3

IT and digital issues were highlighted by Members as another area where more consistent support was needed. The main issues mostly related to using the mod.gov app and ensuring Members' devices worked with the council's applications and systems. Resolving technical issues could often be difficult as it was not clear who should be approached. As mentioned elsewhere in this report, the Panel hoped the Council could be more explicit in detailing how Member IT support could be improved through the implementation of the Digital Strategy and the widening of Member support (detailed below).

Improved Member support

At present the only direct financial support to all Members is limited to Members' allowances, a small Member learning and development budget and the provision of a smart phone and Office 365 account. The Leader, Cabinet and Mayor's Offices receive additional administrative support.

It is in the distinction between the leading Member and other councillors that the imbalance in resources available to support the work of the councillors, within the council, is also evident, with leading Members receiving the most support for their work. [...] imbalances in power and resources can be solved through cultural, structural and procedural change in local government without changing the reality of the different political roles and responsibilities with councillors of different types.

The Voice of the Councillor, De Montfort University and Municipal Journal Councillor Commission, 2017

Funding reductions coupled with a rising demand for services had impacted upon the council's ability to support all Members. However, the Panel noted that such support brought significant benefits and believed that a dedicated Member support function could make the Council more efficient in dealing with Member queries and the issues listed above. Such support could focus on proactively working with departments to identify and share relevant information with Members, while also revising the Member enquiries system to ensure it worked better for Members. It could also agree procedures for dealing with urgent matters as well as reviewing information to identify reoccurring issues raised by Members, and to proactively put in place solutions aimed at decreasing these over time.

The Panel recognises that Members approaching multiple officers for information to help resolve their issues is time consuming for Members as well as officers. We believe that creating a support function focused on working with Members as the first point of call would be more efficient, less frustrating, and provide clarity. If established, a dedicated Member support function could also focus on resolving wider issues, such as supporting the implementation of the governance review recommendations and building Member and officer relationships by developing a greater understanding and appreciation of the different roles and effective working relationships.

The Panel recognises that more detailed proposals for the creation of this function would need to be refined and tested with officers in terms of practicality and financial impact.

Recommendation 8:

Support all Members in fulfilling their roles, particularly by:

- a. Agreeing systematic ways that officers communicate information and providing advice that helps Members in different roles to understand and influence the delivery of council services, including information relating to strategy and policy delivery and service performance;
- b. Considering if the reintroduction of dedicated support for all elected Members would be the most effective way of coordinating Member support activities;
- c. Enhancing the Members' enquiry system to provide a more agile and responsive service that fully supports Members in handling case work;
- d. Ensuring that there is senior political buy-in to develop the Member learning and development offer, making it more effective in meeting Members' needs and improving the induction programme for new councillors;
- e. Developing a training programme that helps all officers and Members better understand respective roles, the decision making process and working in a political environment; and
- f. Considering the enhancement of ICT support for Members.

6.4

RECOMMENDATIONS - THEME 4

Structures to support participation

Desired outcome:

The Council's decision making structures are fully supportive of opportunities for Members and residents to participate.

We were tasked with assessing whether different structural arrangements could enhance the quality of decision making and improve Members' participation and to consider the perceived merits and shortcomings of existing arrangements.

Legislative background

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-scrutiny model.

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 Localism Act 2011 increased the governance options for local authorities as follows:

- Executive arrangements (leader and cabinet or directly elected mayor and cabinet);
- A committee system; or
- Prescribed arrangements. Councils could propose their own system of prescribed arrangements, which required approval of the Secretary of State. Regulations or detailed criteria for such an alternative governance structure have not been issued although it would at least need to be an improvement on the current arrangements, demonstrate "efficient, transparent and accountable" decision-making and be appropriate for all other councils to consider adopting. To date no councils have proposed such arrangements.

Outlined below are the three main models of governance available for councils to choose from:

- **Leader and Cabinet System.** The decision-making structure operated by most councils and the model currently run by the London Borough of Croydon. The Leader is elected by Council for a term determined by Council and leads the Cabinet. Councillors in the Cabinet are appointed by the Leader.

Some council leaders delegate their executive decision making powers to the Cabinet collectively and individually. Scrutiny holds the Cabinet to account. Some non-executive functions are reserved to committees (such as Planning and Licensing). The appointment of at least one overview and scrutiny committee is required under this system.

- **Directly elected Mayor and Cabinet system.** A directly-elected Mayor is elected by local residents and holds office for four years. The Mayor is in addition to the elected councillors. A Cabinet is appointed by the Mayor who may (or may not) delegate decision making powers. Some non-executive functions are reserved for committees (such as Planning or Licensing). The appointment of at least one overview and scrutiny committee is required under this system.
- **Committee system.** Decisions are made by committees, which comprise Members from all political groups. Committees receive briefings and commission reviews to develop policy. The Council appoints the committees and sets their terms of reference. Overview and scrutiny is optional under this model with certain powers reserved to overview and scrutiny (such as crime and disorder scrutiny) exercised by another committee.

The Panel did not consider the Directly Elected Mayor as this was not within the scope of the Governance Review set by the Council.

The Panel did however consider the Committee Model of governance, a change that would require a formal Council resolution. It also considered options for so-called "hybrid" arrangements that did not require a formal change of governance but sought to bring together the positive elements of different models. The hybrid model typically retains the leader and Cabinet system but builds a layer of advisory committees to cabinet or significantly enhances the role of scrutiny in making recommendations to cabinet.

In its considerations of the effectiveness of structures, the Panel noted that although Croydon operates a Strong Leader and Cabinet Model, in practice the Leader currently makes very few decisions and delegates most decisions to the Cabinet or officers.

The Committee model

The Panel considered the possibility of moving to a Committee model of governance as required by its Terms of Reference. Evidence was heard from local authorities operating the model, including a visit to the London Borough of Sutton, along with other evidence provided by CfPS (Appendix B, evidence ref no. 4-6).

6.4

The Panel noted that while Sutton operated a de facto committee model of governance, they had fewer meetings than Croydon and the cultural aspects, such as how information was shared through informal arrangements, was much more important to inclusive decision making.

The Panel recognised the merits of the Committee model in terms of its apparent collective and inclusive nature. It also noted the merits of the Leader and Cabinet model as being more efficient and transparent in terms of decision making accountabilities, especially within a large authority where a need for timeliness and the high volume of decisions required a streamlined approach.

In terms of drawbacks of the two models, the streamlined nature of the Leader and Cabinet model inevitably resulted in the exclusion of non-executive Members to varying degrees. The drawbacks of the Committee model mainly related to the prolonged decision making process. A Committee model would also not necessarily address Members' biggest complaint about not seeing papers early enough in the process to be able to influence the outcome.

The Panel agreed that it would not recommend a move to a Committee model. Based on the evidence gathered, such a move would be a lengthy and expensive process and would not guarantee the changes that Members wanted to see.

The Panel believes that better outcomes could be achieved by introducing a hybrid arrangement within the present Leader and Cabinet model. Implementing this change would be both quicker and less costly, and more in line with the ambitions and improvements desired by Members and residents.

No one governance system is intrinsically better than another and no system is more or less expensive to operate; however some systems allow more Members to be directly involved in voting on decisions. It is important to note that activity at committee level is not the same as Member involvement in policymaking. Member involvement in policymaking is a longer-term, more involved process and can happen under any governance option.

Rethinking governance Practical steps for councils considering changes to their governance arrangements, CfPS, 2014

Hybrid arrangements - rationale and proposals

The Members survey and workshops showed that Members are of the view that decision making is carried out by a small number of councillors and senior officers to the exclusion of the majority of councillors.

Introducing hybrid arrangements would offer greater opportunity for the participation of backbench Members in important decisions, providing Cabinet Members with a variety of perspectives, resulting in better decision making for the borough. This approach would also support less silo working from Cabinet Members and help to give residents a better insight into council decision making processes. Furthermore, it would provide a significant opportunity for additional party political debate than currently available at either the Cabinet or the full Council meetings.

Many councils are making informal changes to their governance arrangements including tightening up existing processes, making sure that avenues exist for all Members to get involved in the policy development process [...] and putting in place consultation arrangements for particularly contentious decisions.

Rethinking governance Practical steps for councils considering changes to their governance arrangements, CfPS, 2014

The key benefits of the hybrid model are:

- Increasing the visibility of decision making and raising the level of openness by considering decisions earlier in the process through debating selected future Cabinet Member decisions in public
- helping with collective Cabinet consideration of significant decisions and backbench inclusiveness in discussions
- defining the legitimate role of backbench and opposition Members, and allowing for more constructive political debate to take place
- giving speaking rights to residents, allowing for consideration of their views
- increasing the Council's capacity and ability to review significant decisions before they are taken by debating decisions, based on the forward plan
- being able to consider matters of policy and performance and undertake forward looking activities to suggest to the Cabinet areas of focus for future decisions
- assisting with improved decision making and oversight by increasing the quality of decision making reports

Such committees do not change the formal decision making process (decision making power is retained by the Leader and Cabinet) other than where the Council chooses to enshrine the new arrangements within its Constitution and schemes of delegation.

6.4

The Panel also notes that there are risks in establishing and running new committees in an already busy structure and without additional resources. To mitigate this, the Council should in due course review other formal meetings to ensure the new meetings align with the existing structure and establish whether other existing committees can be streamlined to release necessary resources to support these new committees.

As with the current structure, which attract variable levels of interest, the effectiveness of the new advisory committees in attracting Member and resident participation and improving quality of decision making will need to be monitored and reviewed to ensure they meet the intended outcome.

Next steps

If the Council accepts the Panel's recommendation, the Panel is of the view that the formal arrangements for establishing the new hybrid committees, such as necessary amendments to the Constitution and appointments of Membership, should take place at June 2020 Annual Council meeting.

The first set of committee meetings would then be scheduled to take place later in the year, at a time when those can be reasonably accommodated.

Detailed scoping is needed following the conclusion of the Governance Review Panel to agree the operational arrangements for the committees. To support this process, the Panel has included some proposals relating to chairing, membership, terms of reference etc. in Appendix C.

For the purpose of this report, the Panel refers to the new committees as Cabinet Member Advisory Committees, but the name is to be agreed by the Council. The Panel proposes that each committee is chaired by a Deputy Cabinet Member, vice chaired by both a majority and minority group Member, and that Cabinet Members are standing attendees but not members of these committees to allow more space for backbench representation.

The majority view in the Panel is that four advisory committees should be established and each should meet on average four times a year. Should this proposal be accepted by Council, it would mean an additional 16 meetings need to be resourced.

The Panel appreciates that the ideas set out in the Appendix C will need to be tested with all Members and detailed consideration finalised and agreed.

Current structures and meetings

The Panel noted that views on the existing structure were varied and that, alongside testing of earlier participation of decision making, the Council should consider improvements to the existing structure. Although the Council is relatively open in terms of time allocated to Member and resident participation at meetings, these opportunities are often at the end of the process when little influence or change can be made.

Cabinet Meetings

Cabinet meetings were not viewed positively by many Members (CfPS Member survey report, 2019). With regard to the way Cabinet meetings are currently conducted, 63% of Members rated it negatively in terms of its effectiveness. In terms of what could be done differently, a number of people called for more opportunity for real questioning and debate of options to avoid it feeling like a 'rubber-stamping' exercise. The Panel believes that introduction of Cabinet Member Advisory Committees mentioned earlier responds to these concerns.

Scrutiny Committees

Scrutiny scored highly in the Member survey and has potential to improve its effectiveness further if it operates in line with the new statutory guidance ([Overview and scrutiny: statutory guidance for councils and combined authorities, 2019](#)) and shifts its focus to undertake more pre-decision scrutiny. The Panel was told that scrutiny was unable to perform this role effectively because it did not receive information about upcoming decisions early enough. It has also been reported that some Members and officers do not engage with the process proactively.

The assessment of scrutiny by Members was positive and the Panel didn't spend much time on considering improvements to scrutiny as a result. However as the Panel reached a conclusion regarding the introduction of hybrid arrangements it recognised that this will inevitably impact upon scrutiny. The Council will need to consider how advisory committees and scrutiny committees will interact and how to ensure that duplication is minimised.

6.4

A central theme of the [new guidance on overview and scrutiny in local and combined authorities published by the Ministry of Housing, Communities and Local Government] is the importance of organisational culture and a commitment to scrutiny across an authority, not just amongst those Members and officers with a scrutiny role.

Creating a challenge culture? New statutory guidance on overview and scrutiny, LGiU policy briefing, 2019

The Panel feels that the scrutiny and advisory committees will be able to retain two distinct roles. Scrutiny will focus on ensuring the right process is followed when proposals are being shaped, with particular regard to issues such as evidence gathering and consultation with the right stakeholders. As scrutiny is a non-political forum it cannot provide an opportunity for political debate or the same level of political challenge and active involvement of Cabinet Members, which the advisory committees will be able to accommodate.

When these new committees begin to operate, these assumptions will need to be tested. The Panel sees it as imperative that following a full year of operation the Council reviews whether enhanced pre-decision scrutiny and Cabinet Member Advisory Committees can co-exist and have distinctive, recognisable roles. The effectiveness of both should then be evaluated as a collective and on their individual merits, in terms of inclusiveness and Member and resident participation.

Other existing committees and bodies

When questioned about the effectiveness of the formal and informal advisory bodies that influenced executive decision-making, Members highlighted that some Panels were more effective than others, with varying limitations in relation to transparency, influence and wider involvement. Some Members felt that greater weight should be given to their advice, while several Members were unsure how the advisory bodies worked and commented that clarification was needed on the scope of their roles and remit.

The panel recognises that as the new committees are tested and aligned within the current structure, some of the existing bodies could potentially be scaled down, abolished or have their business transferred to the new committees.

The Council currently has a large number of meetings that it expects Members to attend and officers to prepare for, making it logistically difficult to accommodate an extra cycle of meetings in the diary.

It is estimated that the Council on average organises around 200 meetings annually that elected Members attend. This includes statutory, executive and non-executive committees (listed in the table below) as well as the appointment of Members to a number of non-statutory, discretionary, thematic Panels.

Cabinet	Council & Regulatory	Scrutiny
Cabinet (10)	Council (7)	Scrutiny and Overview (8)
Street Lighting Joint Committee (1)	Appointments (8*)	Children and Young People (7)
Informal Cabinet (10)	Corporate Parenting Panel (6)	Health and Social Care (7)
Safer Neighbourhood Board (5)	Cycle Forum (4)	Streets, Environment and Homes (7)
South London Waste Partnership (4)	Ethics (3)	Task and Finish Groups (3*)
Traffic Management Advisory Committee (5)	General Purposes and Audit (4)	Joint Health Scrutiny (3)
Health and Wellbeing Board (4 and 2 workshops)	Licensing (7)	Learning and Development Panel (4)
Adult Social Services Review Panel (4)	Licensing Sub-committee (8)*	Mayor's Charity Board (4)
Public Transport Liaison Panel (4)	Mayoralty and Freedom Sub (2)	
Bandon Hill Cemetery Joint Committee (2)	Pension Board (5)	
	Pension Committee (6)	
	Planning (22)	
	Planning Sub-committee (14*)	
	Tenants and Leaseholders Panel (4)	
51	100	43

*average

6.4

Improvements to the Council meetings and Planning Committee

In response to the concerns of Members, the Panel also focussed specifically on the Council meeting and the Planning Committee.

The Council meeting

The Members' survey identified the Council meeting as an area where councillors were particularly unhappy, scoring the lowest out of all meetings in terms of effectiveness (80% of Members scored Council meetings negatively, Appendix B – evidence ref no. 3.4). The CfPS informed the Panel that this was common at councils across the country, as Council meetings were generally the most political meeting and had the least amount of formal decision making to undertake.

The Panel commissioned a cross-party pairing to prepare the initial proposals to amend the running of the Council meeting, which aims to improve its effectiveness. The proposals that were arrived at are based upon a number of principles, namely:

- That Council's primary purpose is to transact non-executive business, and as such any formal decisions to be taken by the Council should be prioritised on the agenda.
- That Council is also an opportunity for backbenchers and the opposition to question the Leader and Cabinet.
- That Council should provide a forum for as many elected Members as possible to make contributions.
- That while there should be an opportunity for residents to ask questions at Council, residents should be encouraged to take the opportunity to ask questions and present petitions at the new Cabinet Member Advisory Committees so that they can contribute prior to decisions being taken and have a greater chance of influencing those decisions.

Timetabling Council Meetings

The Panel heard concerns raised regarding the balance of Council meetings over the course of a municipal year. The current annual timetable for Council is as follows:

Date	Meeting	Gap
Late January	Ordinary Council	1 month
Late Feb/Early March	Budget Council (fixed)	1 month
Late March/Early April	Ordinary Council	1 month
May	Annual Council (fixed)	2 months
Early July	Ordinary Council	2 months
Early October	Ordinary Council	3 months
Late November/Early December	Ordinary Council	1 month

Based on the above, it is recommended that consideration be given to bringing the October Council meeting forward to September. This will require detailed scheduling in order to avoid clashes with Cabinet and national party conferences.

6.4

Council meeting agenda proposals

On the basis of those principles, a revised standard agenda for Council is proposed for consideration by the Council as follows:

	Item	Notes
1-5	Apologies / Minutes / Disclosures / Urgent Business / Announcements	N/A
6	Public Question Time [30 mins to be potentially reduced to 15 mins only when Cabinet Member Advisory Committees are operational and public questions at those committees tested.	<ul style="list-style-type: none"> - No reduction in time until the impact of the new opportunities for public questions at Cabinet Member Advisory Committees has been assessed - No changes proposed to current rules on putting questions
7	Local / Borough Wide Petition Debate [if any - 10mins / 20mins]	<ul style="list-style-type: none"> - No changes proposed to existing rules on borough wide or local debates
8	Recommendations from Cabinet & Committees [if any]	<ul style="list-style-type: none"> - 3 min introduction per recommendation - Go straight to the vote unless deferred for debate
9	Recommendations Deferred for Debate [if any]	<ul style="list-style-type: none"> - Reduce speaking to two speakers per side at 3 mins each - Vote at the end of each debate
10	Backbench Matters [15mins]	<ul style="list-style-type: none"> - Three per ordinary meeting - Only open to councillors that are not a Member of Cabinet or Shadow Cabinet - Can raise broadly any business, though may include reference to their use of ward budgets in their ward - 3mins per speaker. 2mins per Cabinet response
11	Leader and Statutory Deputy Leader Question Time [25 mins]	<ul style="list-style-type: none"> - Leader 2 mins announcements - Opposition Leader to ask first question - Statutory Deputy Leader 2 mins announcements - Opposition Deputy Leader to ask first question - Questions open to the floor alternating minority then majority
12	Cabinet Questions [80mins]	<ul style="list-style-type: none"> - Two pools of 40 mins - 1st Cabinet Member 2 mins announcements - 1st Shadow Cabinet Member to ask first question - 2nd Cabinet Member to make 2 mins announcements - 2nd Shadow Cabinet Member to ask first question - And so on then questions open to the floor alternating minority then majority
13	Council Debate Motions [24 mins plus votes]	<ul style="list-style-type: none"> - Currently no changes to existing format

ENDS

6.4

Based on a presumption of there being three recommendations from Cabinet, two of those being deferred for debate and there being a borough wide petition debate, the above agenda would run until 9.57pm once public questions has been reduced to 15 minutes. On this basis, there should be enough time at most ordinary meetings to absorb additional, unforeseen items of business.

The recommended changes to Council also include the following proposals for non-standard agenda items:

- That the Constitution be amended to clarify that any items presented directly to Council for decision should have a debate consisting of two speakers per party at up to three minutes per speaker prior to being put to the vote
- That any Maiden speech that is to be taken utilises one of the speaking slots under the new backbench matters item.
- That Valedictory speeches be discontinued.
- That annual reports be presented to Annual Council where they are statutorily required to be presented to Council. Any other annual reports to be presented to the relevant Cabinet Member Advisory Committee.
- That the Constitution be amended to allow Annual Council to directly appoint Chairs and Vice-Chairs of Committees.
- That questions to Cabinet Members submitted since the last Council meeting be circulated with each Council agenda, to increase visibility of Member Questions.

Next steps

As a number of changes to the Council meeting are interdependent upon new opportunities being created by the Cabinet Member Advisory Committees and the proposals set out in this section need to be further tested with all Members and agreed cross-party, the Panel recommends that the responsibility of finalising the Council meeting proposals is given to the Implementation Working Group as detailed in the Taking the recommendations forward section of this report (p56).

The initial proposals were tested in the all Member discussion on the 30th January 2020 and the record of comments and ideas raised can be found in Appendix B (evidence ref no. 13-13.1).

Planning Committee

The Planning Committee is one of the Council's non-executive regulatory committees. It has delegated decision-making powers and reports to Council. The Council's Constitution sets out the procedure for the operation of the Planning Committee and its Sub-Committee. Planning decisions are made by the Committee and Sub-Committee in accordance with relevant legislation and local, regional and national planning policies. Planning policy is developed outside of the planning committee.

The National Planning Policy Framework (NPPF) was published in March 2012 and revised on the 24th July 2018. It sets out the government's planning policies for England and how these are expected to be applied.

In London, the Mayor is responsible for producing a strategic plan for the capital. Local Plans developed by each local planning authority in London need to be in line with (in 'general conformity' with) the **London Plan** that guides decisions on planning applications by London borough councils and the Mayor.

Local Plans are the key documents that set out a vision and framework for the future development of the area, engaging with their communities in doing so. In Croydon, all planning applications are decided using the policies in the **Croydon Local Plan 2018**.

In 2018 Croydon Council received 2,477 planning applications and made 2,274 decisions, 96% of those decision were delegated to officers and 4% were made by the Planning Committee and Sub-Committee. 87% of applications were granted overall.

Planning was the committee that Members had the greatest knowledge of (92% compared to the second choice of licensing with 56%). Planning was also the most contentious, attracting the most negative comments in the resident and Member surveys and workshops, with concern expressed about the transparency of decision-making and trust in the process. There were a number of comments and concerns that alleged that planning was too politically influenced and that the input of residents did not appear to be taken into account. Area planning committees were proposed by some Members and residents as an alternative approach.

6.4

Matters relating to Planning policy are complex and the determination of planning applications can be contentious. The Panel noted that struggling to positively engage councillors, residents and developers in planning decisions was not an issue unique to Croydon, with many local authorities recognising this and some proactively working to improve trust and understanding, often with limited success.

To some councillors planning is exciting and visionary, it is about improving the environment, making places and communities work, a way of securing tangible improvements and investments, of shaping the future, and a mechanism for getting involved in decisions on things that matter to people. To others, it is bureaucratic, confrontational, stifles creativity, and pits neighbours against each other. Some residents fear it, don't trust it, and think it fails them. Some businesses see it as stifling innovation and enterprise.

A councillor's workbook: planning, LGA, 2017

The Panel noted that dissatisfaction with current planning policy appeared to be the biggest issue, mostly in regard to the intensification of residential developments. The Panel had varied views on the policy and its interpretation when determining decisions.

In response to the concerns about the planning process from Members and residents the Panel commissioned a report from the national Planning Advisory Service (PAS).

The PAS report (Appendix B, evidence ref no. 3.8) concluded that, on the whole, the operation of the Planning Committee seemed to be well organised and followed much established best practice. In particular, the meeting itself was believed to be well organised and the public seemed to be able to understand what was happening, thanks to the clear guidance of the Chair and the 'webcasting' facility which helped to explain who was speaking and in what capacity.

Although the PAS report was commissioned solely for the purpose of informing the Panel's work, the Panel saw it as an appropriate course of action to engage key officers and the Members of the Planning Committee to discuss the report's findings and to agree which improvements the Council should plan to take forward.

It was recognised that Croydon's residents, as with so many councils, do not fully understand the workings of planning legislation and the constraints of development control. Unlike developers, the general public engages with planning

applications very infrequently and without advisors to assist them to understand the intricacies of planning policy. The public expect the planning system to be democratic, which it is not, it provides a framework and process to make decisions between public and private interests. For example, residents can assume that because the Council is responsible for planning decisions those decisions can be influenced by the number of objectors. In practice a single objection made on clear policy grounds could have much more impact than a large number of residents objecting without reference to planning policy.

While this is a general problem, the Panel recommends that Croydon can collectively do better. Explaining the policy context and how different planning policies had been weighed in reaching a decision coupled with affording residents better discussion and providing more and better information in a timely manner, could help towards reducing resident frustrations. Ongoing Member and officer training is crucial.

More could be also done to help Ward Members to understand how to effectively object as well as to encourage Members to liaise with residents and resolve issues with developers in the earlier stages of the process. It was believed some resident concerns could be better resolved outside of the Planning Committee meetings. This includes building stronger relationships with residents associations who do generally have a better understanding of the planning system and are well placed to assist less well informed residents.

It was recognised that due to the nature of planning, developing trust and understanding would be difficult to achieve and some proposals for improvements would require additional resources. Nonetheless, it was agreed that it was important for the Planning Committee to be proactive in trying to improve resident and Member experiences with the planning process.

To influence planning policy the Council needs to ensure an effective, cross-party Development Plan process is in place. The Panel noted that, although there are structures in place as part of the consultation process (which have always existed) in the past the utilisation of such forums had met with limited success.

The Panel sees it as a positive development that a recent revision to the Local Plan had prompted the establishment of a cross-party Working Group, with the Panel hopeful that any changes to policy can be debated and agreed through this legitimate forum.

6.4

In regard to proposals to introduce the Area Planning Committee, the PAS report noted that the “style of committee adopted by LB Croydon is by far the most popular format, across both London and the whole of England. [...] In terms of the different format of committee, it must be remembered, that whichever format is chosen, decisions have still to be made on material planning matters and, principally the Development Plan. Hence, both area committees or a central committee should always reach the same decision.”

The Panel concluded that the introduction of Area Planning Committees would not resolve concerns and was not appropriate for Croydon.

The Panel is concerned about reports of Member’s behaviours which, though difficult to objectively capture, has on occasion been likely to contribute to escalating residents’ frustrations and feeling of dismissal. As such the Panel is hopeful the Planning Committee on a whole and Planning Committee members individually consistently ensure they display the standard of behaviour that affords residents a better experience when attending meetings.

Next steps

The Planning Committee and officers expressed a firm commitment to further considering PAS recommendations and to delivering agreed improvements.

Ward Forums/Area Committees

The Panel also considered the benefits of introducing ward forums or area committees as Croydon’s governance was often seen as too centralised. In doing so the Panel considered different approaches other local authorities take and the merit in bringing decision making closer to where people live was acknowledged. However, the Panel did not find sufficient evidence to conclude that such forums should be introduced, as they were sometimes seen to be very formal, council-led and uniform in their approach to engaging residents which may not suit Croydon’s neighbourhoods with very distinct identities and priorities. As outlined in the section on resident participation **Recommendations - Theme 1** (page 18 of this report), the Panel was more in favour of the Council progressing towards a participatory democracy approach to local engagement which was resident and Member driven with bespoke forums focussed on Members and residents working together to resolve local issues.

The Panel noted that as the Council develops its place based approach to service delivery, any associated governance would need to be reviewed periodically to ensure it remained fit for purpose and continued to respond to the needs of local residents. The Panel appreciated that in the future, the introduction of formal neighbourhood forums may be required to allow a more streamlined and clear approach to information sharing and decisions flowing between the town hall and different neighbourhoods, to enable effective and transparent service delivery. As such the Council should periodically review if there is a need to introduce neighbourhood based forums and how this could be achieved in a coordinated and strategic way.

The Panel believes that new structures and forums for engagement need to be tested in terms of their effectiveness and feasibility in the longer term. The Panel commends the Council for undertaking a more participatory democracy approach such as the recently announced citizen assembly on climate change. However, it would be important for any lessons learnt to be recorded from this and for any other future pilots to establish which added the greatest value to decision making in order to be replicated.

Overview of the approach to implementing structural changes

The Council’s decision making structure is not currently seen as being supportive of providing opportunities for participation. Structural change alone however is unlikely to be effective. Any structural change needs to be underpinned by a change in culture which will take time to effect. The Council is recommended to consider taking a phased approach to the introduction of any structural change, testing and adjusting the working of any new and existing structures to ensure that the underpinning cultural change is happening.

In short, the Panel does not recommend a change to the formal governance model, but believes that there is a real opportunity to improve collective decision making by introducing the Cabinet Member Advisory Committees and enhanced pre-decision scrutiny. In doing so it is likely to lead to an increased level of positive participation and improve the quality of decision making.

6.4

It is important to evaluate how things have gone after a year or so, in order to see whether the resources expended in making the change in governance have made the difference. This need not be a complicated bureaucratic exercise – just a short assessment of the position, informed by insight from councillors and any other interested parties. Doing this at the time of council AGM gives the opportunity to make any necessary tweaks to the constitution.

Rethinking governance Practical steps for councils considering changes to their governance arrangements, CfPS, 2014

Key things that need to be considered and be in place to effectively manage structural change include:

- Progress with the other recommendations would ideally come first, but at the very least should be progressed alongside any structural change, particularly those relating to forward planning.
- Detailed scoping needs to be undertaken with officers and Members prior to agreeing any implementation to ensure everybody understands and signs up to the described change.
- Resource implications need to be considered to ensure the Council can support any new structures.
- The Constitution needs to be amended to reflect the change.
- Following the introduction of the new committees, testing their effectiveness needs to take place to ensure they are an improvement and interact well with other structures.

Ensuring the advisory committee meetings are fully embedded and operational within the Council's decision making structure within a couple of years. Progress can be achieved on the format of both Council meetings and the Planning Committee on a shorter timescale.

Recommendation 9:

Ensure the decision making structure fully supports participation by creating more purposeful opportunities for non-Cabinet Members and residents to consider and influence planned decisions before they are taken. Specifically, the Council should enhance the existing Leader and Cabinet model by strengthening the collective Cabinet, establishing the hybrid arrangements which introduce Cabinet Member Advisory Committees, appropriately revising the scheme of delegation and ensuring the necessary changes are reflected within the Constitution.

Recommendation 10:

Improve the effectiveness of Council meetings by reaching a cross-party agreement on desired changes, underpinned by consideration of the principles and proposals set out in the Governance Review report.

Recommendation 11:

Recognising public dissatisfaction with Planning seek to enhance understanding of the planning process by:

- Considering recommendations detailed in the PAS report and ensuring those form a key part of the Planning Committee's journey to improve resident experience when engaging with planning;
- Developing more proactive, cross-party working in the area of policy discussion, setting and revision.

7

TAKING THE RECOMMENDATIONS FORWARD

The Panel’s recommendations are a combination of short term, issue-specific improvements, and more ambitious longer-term changes.

If the Council accepts them and is committed to improving the quality of decision making and the level of participation in decision making, it is likely to take at least 12 months to two years of focused delivery to embed these recommendations within the Council’s operations.

Oversight of progress

The Council should establish a Member-led implementation working group supported by officers, to drive and oversee the implementation of the desired changes and report its progress to all Members.

Focused delivery does not necessarily require a large scale programme of work. Rather a shift in mind-set is required to allow greater prioritisation of issues such as Member roles or resident participation and consideration of how the issues raised in this paper can be effectively incorporated into the Council’s existing improvement plans and strategies.

If the recommendations of this report are accepted in March 2020 a demanding yet realistic timeline would require the Council to commit to key milestones as follows:

Indicative timetable for delivery	
2nd March 2020	The Council approves the Governance Review Recommendations and establishes the implementation working group.
Mar – May 2020	The Group works on options scoping and action planning that details how the Panel’s recommendations are proposed to be implemented, including necessary Constitutional amendments.
In June 2020	The Council formally establishes the new Cabinet Member Advisory Committees (constitutional changes approved) and appointments are made to their Memberships. Action plan is noted by the Council.
June 2020 to June 2021	The Working Group oversees implementation and reports on progress. Most recommendations requiring proposals scoping and one-off improvement / development delivered.
By June 2023	All recommendations fully delivered and the Council to receive a report on improvement implementation including delivery against measures of success.

The working group would oversee the delivery of detailed implementation plans approved by Annual Council in June 2020. From July 2020 onwards, the working group would meet as necessary to receive updates on implementation, retaining overall accountability for its timely delivery and resolving any issues that may arise. It would continue to be supported by a Project Manager.

Costings

In its terms of reference the Panel was asked to consider the cost of any recommendations.

This has been difficult to complete in the time available and the cost of each recommendation individually is difficult to establish without further work being undertaken.

However, the Panel appreciates that in the first few months, as the Council begins to consider practical ways of implementing the recommendations, the cost will mostly be associated with the time of the leadership team and officer support to scope out proposals in areas highlighted in this report.

Following the initial scoping phase in March till June 2020, the Panel believes that most recommendations can be delivered within current resources and should form part of the Council’s improvement journey.

The areas where the Panel anticipates the need for short term additional funding are:

- Introducing Member support function / more focused Member support (if feasible and agreed by Council)
- Implementing changes to structures and delivery of one off improvements & options appraisals
- Project management

There will also be an increased burden across departments in preparing reports and attending new committees as well as undertaking actions following meetings, especially in the transitional period where a degree of duplication is likely.

In terms of any changes to structures the transitional period will require a focused resource to manage these including additional operational costs relating to setting up meetings, agenda preparations, as well as likely temporary duplication of decision making processes, checks and balances as the Council tests scenarios of how different decisions travel through the new system.

Rough estimates suggest that the additional cost of the transitional period, including setting up a hybrid model and delivering key improvements, would be in the region of up to £250k per annum over a two year period, dependent upon the options the Council wishes to implement. This is further explained in Appendix D.

7

The Panel is aware that £250k growth has been subsequently allocated in the 2020/21 budget for the implementation of the findings from the governance review.

It is anticipated that in June 2020 a detailed improvement plan would be presented to the Council and at that point cost estimations would be more précised and finalised for approval.

The key reason for spreading out delivery over two years and taking a prioritised and phased approach to implementation is the need to ensure the necessary resources and support exists and effectiveness is tested. As the Council's resources are constrained, with a target to reduce spending within the Medium Term Financial Strategy rather than increasing spending, the implementation of the recommendations will be challenging.

The Panel wants the Council to think about ways of offsetting the cost by ensuring that the short-term investment in governance will result in a significant, long term improvement with a less bureaucratic and complex structure, where Members and officers feel that all meetings that they attend are purposeful and the Council makes decisions in a more open and inclusive way.

Measures of success

The Panel believes that the measures of success need to be established to allow for an effective review of the progress made in the implementation of the recommendations. It will also allow the Council to articulate the changes it made to fully exploit those areas of governance that encourage participation in decision making.

As most recommendations bring improvements that are qualitative in nature, most measures of success would also be qualitative. Though practical improvements can be described in a quantified way and the Panel would expect outcomes of this review to be articulated via a mixture of qualitative and quantitative measures (some proposed indicators are set out in the Recommendation table section of the report).

The main indicators of improvement should be sought in two to three years' time by developing key measures that reflect on the Panel's five principles (detailed on page 14 of this report) and by capturing residents' views of the changes made, repeating the Member survey and officer engagement.

CONCLUDING REMARKS

The Panel's report concludes that Croydon Council has fit for purpose formal governance arrangements in place and is relatively generous in terms of opportunities to participate in its formal decision making. However written safeguards, rules and standards do not always translate into awareness, consistent practical application or behaviours which one would want to see in an open and participative culture.

Croydon Council unsurprisingly experiences issues similar to other local authorities. When looking at other governance and local democracy reviews, similar themes and issues were brought up. Many local authorities struggle to share information in transparent and accessible ways, to involve the public in decision making, to effectively explain how the Council makes decisions or to engage residents positively in planning decisions.

The Council has plenty of good practice to learn from, but this learning needs to happen more systematically and consistently, with clarity around agreed standards and expectations and better communication. Recommendations set out in this report will help the Council do better.

Croydon is not operating a governance system that is broken or requires radical change, but by implementing the recommendations the Council has a real opportunity to transform the culture of decision making and the way it engages Members and residents.

By embracing a different way of working the Council will be able to go beyond what is required within the decision making framework it operates, and focus on what is evidently important, namely making the Council's governance as inclusive and participatory as it can be. While the Council is willing and indeed aspires to pursue this, such a major change is challenging. If not managed proactively, it will be easy for the Council to revert to its old ways of working. A clear leadership and collective commitment will be essential.

This report concludes a step on the Council's improvement journey and is intended as a guide that flags gaps or areas in need of focus. It is up to the Council to ensure ongoing dialogue and engagement as it makes a collective effort to prioritise and implement agreed improvements. The Council will need to be honest about its progress and reflect on how well the new ways of working are operating, adjusting where necessary to ensure their effectiveness.

If the Council succeeds in its pursuits it will see real benefits in years to come with more active involvement from Members and residents and greater trust and confidence in the decisions the Council makes and services it delivers.

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RECOMMENDATIONS TABLE

OPEN AND ENGAGING COUNCIL

Recommendations for the Council	Priority	Activity type	3-6 months	6-12 months	12+ months	Measures of success (proposed, to be further developed)
<p>1. Put residents at the heart of decision making, building residents' trust in the Council's openness by publishing a strategic statement of how the Council will engage and ensuring that consultation and engagement activities are consistent in:</p> <ul style="list-style-type: none"> • Taking place at the earliest possible opportunity; • Actively listening to residents; • Being clear about their goals and how responses will be considered; • Being joined up and shared across different council services; • Engaging existing community groups and forums; • Following latest best practice to engage with hard to reach and underrepresented residents; and • Being reported to decision makers, clearly detailing how responses have influenced recommendations. 	✓	Ongoing improvement & review			✓	<p>Strategic statement developed, published and communicated</p> <p>Creation of corporate standard (centre of excellence for engagements); library of previous engagement and findings accessible to officers; periodic improvements in coordination and quality reported, including clear links between engagement and decision making</p>
<p>2. Ensure that local communities are at the heart of how council services are delivered in their areas by building on existing work to deliver locality based services and devolution pilots. In doing so develop joined up and innovative options for more neighbourhood based involvement in decision making.</p>	✓	Ongoing improvement & review			✓	<p>Clear organisational buy in and understanding of the Council's direction of travel in regard to place based service delivery and clear communication routes and forums available to Members and communities to raise issues and define priorities in neighbourhoods</p>
<p>3. Provide Members and residents with increased opportunities at an early stage in the process to influence decision making by producing and proactively communicating a forward plan detailing forthcoming decisions, including annually recurring decisions and key strategies and policies, at the earliest possible date and no later than 6 months in advance of the decision being taken.</p>	✓	One off improvement and monitoring	✓			<p>Publication of the forward plan; Month to month improvement in % of all significant, upcoming decisions added to the plan 6 months in advance</p>

Recommendations for the Council	Priority	Activity type	3-6 months	6-12 months	12+ months	Measures of success (proposed, to be further developed)
<p>4. Make decision making more open and transparent for Members and residents, by:</p> <ul style="list-style-type: none"> Reviewing Croydon's interpretation of the statutory definition of a key decision and if necessary amending the Constitution to ensure sufficient emphasis on community impact and producing guidance to ensure consistent interpretation and clarity of practical application, including types of decisions that the Council always deems to be key decisions; Publishing a guide on decision making processes to supplement the Constitution, and setting out how different services can be contacted and the different roles and responsibilities of councillors and key officers, and how Members and residents can participate in the Council's decision making processes, including when decisions are delegated; and Ensuring that there is a consistent standard of decision making report writing that clearly details why recommendations are being made, what background papers are available and what influence the views of Members and residents have had on development of the recommendations; 		One off improvement and monitoring		✓		<p>Definition of key decision reviewed and agreed</p> <p>Additional guides and standards developed and communicated</p>
<p>5. Provide Members and residents with more opportunity to scrutinise and challenge decision making by fully endorsing the open data approach to information provision and giving regular progress updates on how the Council is improving its use of digital means to make information available and easily accessible.</p>		Ongoing improvement & review			✓	<p>Periodic progress updates on improvement of information provision to Members and residents; Council can articulate a systematic way in which it shares its information and how digital tools are used to enable this effectively</p>

9

CULTURE THAT VALUES DIFFERENT ROLES

Recommendations for the Council	Priority	Activity type	3-6 months	6-12 months	12+ months	Measures of success (proposed, to be further developed)
6. Ensure the Council maintains a culture that enables effective governance by periodically reviewing and monitoring how Members and officers work with each other, and considering where improvements might be made including: <ul style="list-style-type: none"> • Clarifying the different roles of Members and officers, including statutory officers, and their relevant rights and responsibilities; • Agreeing a set of high behavioural standards for decision making meetings; and • Enhancing the understanding and awareness of the governance framework, codes of conduct and Member/ officer protocols. 	✓	Ongoing improvement & review			✓	Member and senior officer roles and responsibilities defined and clarified; communication plans developed and delivered to raise awareness with Members and officers; Member survey indicates improvement in the culture of decision making; periodic review mechanisms established

THE RIGHT MEMBER SUPPORT

7. Reinforce the role of ward councillors as community leaders by ensuring that Members are kept informed and engaged on matters affecting their wards and are always aware of official Council engagements and events.	✓	One off improvement and monitoring	✓			Key information to be communicated with Members identified by each department; Members are systematically engaged and informed of ward matters (standards for timeliness of such communication established)
8. Support all Members in fulfilling their roles, particularly by:		Ongoing improvement & review			✓	Member satisfaction in regard to overall clarity of Member support is reported as improving
8a. Agreeing systematic ways that officers communicate information and providing advice that helps Members in different roles to understand and influence the delivery of council services, including information relating to strategy and policy delivery and service performance.		Proposals and options scoping	✓			Available officer advice is clearly agreed and communicated to Members in different roles; main point of contact for officer advice is established
8b. Considering if the reintroduction of dedicated support for all elected Members would be the most effective way of coordinating Member support activities;		Proposals and options scoping	✓			Proposals are developed and considered by the Council in terms of their feasibility and value for money implications
8c. Enhancing the Members' enquiry system to provide a more agile and responsive service that fully supports Members in handling case work;	✓	One off improvement and monitoring		✓		Proposals for improvements are developed and agreed; % of Member enquiries answered within agreed standard; no. of Members using the system

	Recommendations for the Council	Priority	Activity type	3-6 months	6-12 months	12+ months	Measures of success (proposed, to be further developed)
THE RIGHT MEMBER SUPPORT	8d. Ensuring that there is senior political buy-in to develop the Member learning and development offer, making it more effective in meeting Members' needs and improving the induction programme for new councillors;	✓	One off improvement and monitoring		✓		Increased uptake of Member training; Member Development Panel meets regularly, makes decisions on Member training needs; Reported increased satisfaction with quality of training
	8e. Developing a training programme that helps all officers and Members better understand respective roles, the decision making process and working in a political environment;		One off improvement and monitoring			✓	No. of officers and Members trained in political awareness / Member roles / officer roles / Decision making / report writing etc;; better understanding of Member and officer roles reported
	8f. Considering the enhancement of ICT support for Members.		Proposals and options scoping			✓	Proposals for ICT offer to Members are considered by the Council and approved ahead of next local elections
STRUCTURES SUPPORTIVE OF PARTICIPATION	9. Ensure the decision making structure fully supports participation by creating more purposeful opportunities for non-Cabinet Members and residents to consider and influence planned decisions before they are taken. Specifically, the Council should enhance the existing Leader and Cabinet model by strengthening the collective Cabinet, establishing the hybrid arrangements which introduce Cabinet Member Advisory Committees, appropriately revising the scheme of delegation and ensuring the necessary changes are reflected within the Constitution.	✓	Proposals and options scoping			✓	New committees written into the Constitution by June 2020 Annual Council New committee meetings introduced and current structures reviewed and where appropriate streamlined in 2020/2021 New committee meeting cycle fully incorporated into 2021/22 Effectiveness tested in 2 years from implementation
	10. Improve effectiveness of Council meetings by reaching a cross-party agreement on desired changes, underpinned by consideration of the principles and proposals that are set out in the Governance Review report.		One off improvement and monitoring	✓			Members report improved effectiveness
	11. Recognising public dissatisfaction with Planning seek to enhance understanding of the planning process by: <ul style="list-style-type: none"> Considering recommendations detailed in the PAS report and ensuring those form a key part of the Planning Committee's journey to improve resident experience when engaging with planning; Developing more proactive, cross-party working in the area of policy discussion, setting and revision. 		One off improvement and monitoring	✓			Decreased dissatisfaction reported by Members and residents



APPENDICES

APPENDIX A – PANEL’S WORK PROGRAMME INFORMATION

Overview of key timelines and Panel’s activities

The Panel’s approach was governed by a work programme developed and agreed in the first stages of the review and detailed below.

Timescales	Activities	Responsible/support
1. Work programme scoping		
October 2018 – January 2019	Development of the work programme	Chair Panel Members Programme manager
	Approval of the work programme	Chair Panel Members
2. Evidence Gathering & Preparation/Desktop Research		
December 2018 - June 2019	Governance Review - case study summaries / comparative information/fact finding	Programme manager
	Government’s new statutory guidance on overview and scrutiny - summary	Democratic Services team
	List of potential LA to visit and expert witnesses to invite; development of the stakeholder list; agreement on the communication and engagement approach	Chair Panel Members Programme manager
	Agreement on requirements for expert support and approval of the commissioning approach	Panel Members Programme manager
	Summary of key features (pros - cons) of different governance models (including hybrid); expert evidence briefs in areas defined by the Panel	Commissioned expert (CfPS) Programme manager
	Summary of available local government good practice research relating to enhancing participation in local democracy - literature review	Programme manager CfPS
	Identification and consideration of wider context/ interdependencies with other Council projects/ plans (ongoing)	Executive Director of Resources; Head of Democratic Services Programme manager
3. Councillor engagement		
3.1 Initial engagement (to provide views on participation in decision making and help inform areas of focus for Panel’s work)		
Planning: Dec 2018 - Jan 2019; Delivery: January – February 2019	Design of councillor survey and workshops	CfPS Panel Members Chair Programme manager
	Panel feedback on draft survey and survey sign off	Panel Members
	Communication about councillor engagement (inc. logistics) / councillor workshop brief	Chair Programme manager
	Council workshops and facilitation of one to one councillor meetings and written submissions	CfPS
	Analysis of gathered evidence	CfPS
	Presentation of highlight findings	CfPS
	Councillor engagement: findings report including anonymised data	CfPS



Timescales	Activities	Responsible/support
3.1 Engagement on progress and draft report		
Feb 2019 – December 2019	Communications about wider engagement and progress (ongoing) – with political Leadership and Groups	Chair Panel Members
	Progress report to July Council	Chair
January 2020	Draft report circulation for councillor discussion	Chair Panel Members
4. Resident and local stakeholder engagement		
4.1 Engagement in the review		
Planning Jan – April 2019; Delivery May – September 2019;	Decide scope of wider engagement (themes, methods, targets)	Panel Members Chair
	Agree the initial list of stakeholders	Panel Members
	Discuss and schedule engagement communication scope and timeline (channels for communicating and methods) e.g. promoting participation via website/use of social media etc.	Panel Members Communication team Programme manager
	Sign off scope of engagement	Panel Members Chair
	Communication and promotion - design and delivery - communication materials e.g. web page	Communication team Programme manager
	Undertake Council officer engagement – Chair meetings with ELT, ED updates to CLT	Chair/Executive Directors
	Undertake Resident engagement: <ul style="list-style-type: none"> existing evidence review; resident survey; resident emails to the Chair and Panel summary 	Panel Members Chair CfPS Programme manager
	Undertake partner engagement – Local Strategic Partnership interviews	CfPS Programme manager
	Analysis of gathered evidence	CfPS
	Presentation of highlight findings	CfPS
Resident and local stakeholder engagement: findings report including anonymised data	CfPS	
4.2 Communications about governance review		
April 2019 – March 2020	Publication of the Governance Review webpage	Programme manager
	Publication of findings of the resident survey on Get Involved	Programme manager
	Website update and communications about the final report (residents and local stakeholders communication about finalised recommendations + evidence)	Chair Panel Programme manager

Timescales	Activities	Responsible/support
5. Expert witness and good practice evidence (LA visits)		
Planning March 2019 Delivery - May 2019 • Visit to Sutton – April • Expert Witness inquiry session – May • Planning Session – June & January 2020	Development of evidence briefs by the commissioned expert - CfPS	Panel Members Chair CfPS
	Agree scope / focus / topics to explore with expert witnesses and peers (based on gathered evidence)	Panel Members Chair
	Approach and arrange visits / meetings	Programme manager
	LA Visit to take place	Panel Members Chair
	Notes from visit to be finalised	Programme manager
	Invitations and communication with witnesses	Chair
	Commission Planning Advisory Service to assess Planning Committee operation / engage planning team to provide an overview of planning	Panel Programme manager PAS / Planning Team
	Plan expert witness inquiry session and planning session	Panel Members Chair Planning team/PAS Programme manager
	Undertake expert witness sessions	Panel Programme manager PAS / Planning Team
Prepare notes from sessions	Panel Members Programme manager	
6. Assessment of council's governance practices		
December 2019 - August 2019	Observing current meetings	Chair Commissioned experts
	Mapping of current governance arrangements: presentations and briefs to provide an overview of structures, processes and practices, opportunities to participate; analysis of decisions made by Croydon in the last financial year	Panel Programme manager Democratic services
	Analysis of satisfaction levels in terms of the range and quality of participation - how well does the current system operate in terms of participation of councillors and residents (councillor and resident survey; democratic services statistics and figures on uptake)	CfPS Programme manager Democratic services
7. Recommendation feasibility and cost assessment		
December 2019 – January 2020	Analysis of feasibility and costs associated with changes to structures (such as committee model)	Finance team Democratic services Programme manager
	Analysis of costs associated with implementing Panel recommendations (improvements)	Finance team Democratic services Programme manager
	Consideration of feasibility and cost implications	Panel

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Timescales	Activities	Responsible/support
8. Panel consideration of evidence and emerging recommendations		
February 2019 - November 2019	Considering evidence at monthly Panel meetings	Panel
	Agreeing Panel's guiding principles	Panel
	Forming conclusions based on evidence gathered	Panel
	Additional Panel workshops to discuss and agree draft recommendations	Panel Project Officer
9. Report drafting, publication and follow-on actions		
July 2019 progress report November 2019 – January 2020 draft report March 2020 report sign off by Council	Drafting of Progress report to Council	Chair
	Approval of the progress report at the Council meeting in July 2019	Council approval
	Drafting and Panel approval of final report following feedback	Chair Panel Members Programme manager
	Drafting Council report	Democratic Services Project Officer
	Report design	Design team Programme manager
	Final report presented at Council in March 2020	Chair Panel
	Development of proposals for governance arrangements to oversee delivery of Panel's recommendations	Chair Panel
	Publishing final report and evidence	Programme manager

Outline of Governance Review meetings

The Panel met on a regular basis to receive and discuss evidence and the formal meetings relating to the Panel's work are summarised below.

Scope of Governance Review meetings in line with the Work Programme (decision points)	
8th October 2018 Council meeting	<ul style="list-style-type: none"> The Governance Review Panel established Terms of reference approved
29th October 2018 Panel meeting	<ul style="list-style-type: none"> Panel and Chair introductory meeting Noting of Terms of Reference An initial discussion regarding the Panel member views on programme of work for the Governance Review
19th November 2018 Panel meeting	<ul style="list-style-type: none"> Presentations about the current governance structures as well as good practice in undertaking governance reviews and engagement
11th December 2018 Panel meeting	<ul style="list-style-type: none"> Agreement for Centre for Public Scrutiny to undertake councillor engagement to help inform the key themes for the review to explore; Chief Executive presentation on localities work
14th January 2019 Panel meeting	<ul style="list-style-type: none"> Consideration of the draft work programme and proposal of scope and timeline extension till December 2019 A list of local stakeholders for consideration Noting of work in progress (Action Log)
23rd and 26th January 2019 Councillor workshops	<ul style="list-style-type: none"> Evidence gathering workshops with councillors facilitated by CfPS
12th February 2019 Panel meeting	<ul style="list-style-type: none"> Outcomes of councillor engagement exercise - headline presentation from CfPS Considering emerging themes and questions for the review and next steps in local stakeholder engagement
18th March 2019 Panel meeting	<ul style="list-style-type: none"> A presentation about participatory opportunities within current governance arrangements (status quo) Questions for Sutton visit and a list of expert witnesses consideration, including a potential expert witness inquiry session Agreement on a list of stakeholders and approach to evidence gathering
1st April 2019 Evidence gathering session	<ul style="list-style-type: none"> Visit to the London Borough of Sutton
15th April 2019 Panel meeting	<ul style="list-style-type: none"> Commissioned expert specification sign off - to undertake resident and local stakeholder evidence gathering and engagements and provide evidence briefs to the Panel Agreement on Panel's draft guiding principles Progress report to Council discussion
21st May 2019 Evidence gathering session	<ul style="list-style-type: none"> Expert witness inquiry session with CEO, peer senior managerial and political experts
3rd June 2019 Evidence gathering session	<ul style="list-style-type: none"> Separate session, focused on planning with PAS, officers and the Chair and vice Chair of the Planning Committee
24th June 2019 Panel Meeting	<ul style="list-style-type: none"> Consideration of findings from expert and planning sessions Discussion about next steps in emerging areas of focus Progress report to Council sign off
15th July 2019 Council meeting	<ul style="list-style-type: none"> Progress report was received by the Council
16th July 2019 Panel Meeting	<ul style="list-style-type: none"> Consideration of CfPS evidence briefs (committee model discussion) Emerging, draft recommendations discussion: culture and structures
August – September 2019 Panel workshops	<ul style="list-style-type: none"> Recommendation scoping workshops CEO attendance and discussion



Scope of Governance Review meetings in line with the Work Programme (decision points)	
26th September 2019 Panel meeting	<ul style="list-style-type: none"> • Recommendation development and prioritisation • Approach to report drafting and presentation
22nd October 2019 Panel meeting	<ul style="list-style-type: none"> • Consideration of a report on resident and stakeholder engagement • Discussion about hybrid options • Discussion about the approach to implementation and cost implications
4th November 2019 Panel workshop	<ul style="list-style-type: none"> • Consideration of impact of general election on Panel's timeline • Workshop style review of conclusions to dates, including gaps and outstanding tasks
18th November 2019 Panel meeting	<ul style="list-style-type: none"> • Draft recommendations sign off • Updated work programme timeline approval • Initial discussion about draft report and councillor discussion of draft findings
2nd December 2019 Panel workshop	<ul style="list-style-type: none"> • Workshop focused on current decision making process and considering questions relating to operation and impact of introducing hybrid arrangements
7th January 2020 Panel meeting	<ul style="list-style-type: none"> • Initial discussion and feedback about the draft report
20th January 2020 Panel meeting	<ul style="list-style-type: none"> • Draft report sign off for Member circulation • Agreement on the approach to the councillor discussion
23rd January 2020 Planning session	<ul style="list-style-type: none"> • Session between the Planning Committee, officers, PAS and Panel to discuss the planning related recommendations and the way forward
30th January 2020 Member discussion	<ul style="list-style-type: none"> • A meeting of all Members to consider the draft report
17th February 2020 Panel meeting	<ul style="list-style-type: none"> • Final report and supplementary evidence report sign off for Council submission
2nd March 2020 Council meeting	<ul style="list-style-type: none"> • Presentation and approval of the Final Report from the Governance Review Panel

[Further informal meetings took place within political groups and with the Chair and/or Panel members on request from stakeholders]

APPENDICES

Appendix B – List Of Key Evidence Gathered By The Panel

Key evidence and information gathered by the Panel was compiled into a separate, supplementary Evidence Report published alongside this report and summarised below.

Ref no.	Evidence name
1	Current governance arrangements presentation slides
2	Current opportunities to participate presentation slides
2.1	Opportunities to participate summary handout
3	Engagements overview report by Centre for Public Scrutiny (CfPS)
3.1	Resident survey response report CfPS + resident survey hard copy
3.2	Changing the culture of running the council – resident written submission
3.3	Desktop analysis of resident / stakeholder engagement – summary report and proposed actions CfPS
3.4	Member engagement - findings report CfPS
3.5	Local Strategic Partnership engagement headlines CfPS
3.6	Planning session slides
3.7	MP letter to Chair re planning
3.8	PAS findings report + addendum
3.9	Residents' Associations evidence submissions
4	Governance models comparison brief by CfPS
4.1	Forward plans and key decisions brief by CfPS
4.2	Hybrid arrangements brief by CfPS
5	Sutton visit notes
6	Expert session summary notes + speaker presentation slides
7	List of Statutory reports handout
8	Key decision definition and no. of key decisions comparison handout
9	Executive decision making figures handout
10	Localities work presentation by CEO handout
11	Examples of ward forums / area committees handout
12	Councillor questions trends handout
13	Record of all Member discussion about the Panel's draft findings
13.1	Councillor written submission following the Member discussion
14	Further reading + links to Croydon Council's key governance documents

This evidence can be viewed at <https://www.croydon.gov.uk/democracy/dande/governance-review>

APPENDICES

Appendix C – Cabinet Member Advisory Committee proposals

Document purpose:

In its final report the Governance Review Panel presents its rationale relating to suggested structural changes, asking the Council to consider introduction of hybrid arrangements, referred to as Cabinet Member Advisory Committees for the purposes of this report.

This document aims to provide additional detail relating to the operation of such committees and some key principles that the Panel believes are important to capture to support the Council in developing detailed proposals and to help inform the Council's considerations in this area.

OVERVIEW

Rationale:

- Need for earlier and more inclusive, collective fora for backbench Members and residents to input into the decision making process in an open meeting
- Need for a meaningful political debate in an open meeting

Key benefits:

- increasing the visibility of decision making and raising the level of openness by considering decisions earlier in the process through debating selected Cabinet Member decisions in public
- helping with collective Cabinet consideration of significant decisions and backbench inclusiveness in discussions
- defining the legitimate role of opposition Members, and allowing for more constructive political debate to take place
- giving speaking rights to residents, allowing for the considering of their views
- increasing the Council's capacity and ability to review significant decisions before they are taken by debating decisions, based on the forward plan
- being able to consider matters of policy and performance and undertake forward looking activities to suggest to the Cabinet areas of focus for future decisions
- assisting with improved decision making and oversight by increasing the quality of decision making reports.

Prerequisites:

- Cultural change is progressed and a forward plan exists to enable effective scoping of new committee agendas
- Committees do not change the formal decision making process (decision making power retained by the Cabinet)
- The Council ensures that duplication is minimised between reports considered by Scrutiny and Cabinet Member Advisory Committees.

Risks/mitigations:

- Establishing and running the new committees in an already complex structure and within available resources/ phased introduction alongside review of existing structures to create a sustainable, streamlined and effective structure
- Effectiveness of committees in attracting Member and resident participation and improving quality of decision making / testing period, implementation of adjustments (based on feedback) if necessary and assessment to ensure effectiveness
- Clarity of distinct advisory committee and scrutiny roles and remits, especially in relation to pre-decision activities /practical testing on live decisions in 2020, to ensure clarity by May 2021
- Ensuring full Member and officer understanding of proposed structural change / detailed scoping by the Working Group (including any revisions to the Constitution) needs to take place by June 2020 Council, with additional resource allocated to undertake and communicate this piece of work.

OPERATIONAL CONSIDERATIONS

No. of committees and remit

- Four committees (established and tested in 2020/21)
- Name to be agreed, Cabinet Member Advisory Committees or Policy and Performance Committees proposed for consideration
- Proposed split of Cabinet Member portfolios for consideration:

Regeneration & Housing, Environment

- Homes & Gateway Services Cabinet Portfolio
- Clean & Green Croydon Cabinet Portfolio
- Environment, Transport, Regeneration Cabinet Portfolio

Young People Services + Leisure

- Children Young People & Learning Cabinet Portfolio
- Culture Leisure & Sport Cabinet Portfolio

Health & Social Care + Community

- Families health & Social Care Cabinet Portfolio
- Safer Croydon & Cabinet Portfolio

Resources & Economy

- Finance & Resources Cabinet Portfolio
- Economy & Jobs Cabinet Portfolio

Frequencies

- In 2020/21 number of meetings to be determined, but at least one meeting per committee
- At times that allow them to be best aligned with Cabinet meetings and forward plan
- From May 2021 anticipated, estimated 16 additional meetings in total

Types of decisions to be considered

- Predominately decisions included on the forward plan, including significant and key executive decisions

Types of decisions to be excluded

- Operational decisions
- Decisions reserved to regulatory committees
- Contract decisions / commercially sensitive decisions, where appropriate

Key functions

- Consider and either endorse or make recommendations on the statutory key and significant decisions to be taken by the Leader, a Cabinet Member, the Cabinet or officers
- Assist and advise the Leader, Cabinet Members, the Cabinet and officers in the development of the Policy Framework
- Review the performance of the functions of the Council and GPAC that fall within the remit of the Cabinet Member Advisory Committee in relation to its policy objectives, performance targets and the customer experience (assess effectiveness of the Council)
- Suggest further areas of focus for the Leader and Cabinet

Chairing

- By Members with existing SRA (no additional allowances are proposed) – the SRA budget to remain the same
- Proposed that Chairs are chosen out of Deputy Cabinet Members to enhance their roles
- Proposed that there are two vice chairs for each committee, one from both the majority group backbench and minority group
- A protocol for Charing and vice-chairing, including a protocol about confidentiality, should be developed

Memberships

- 10-12 Members mostly backbench
- Proportionate representation of opposition
- Cabinet Members standing invitees, actively involved but not voting Members of the Committee. They will attend when their reports are debated to present their proposals and to consider points and views agreed by the committees

Terms of Reference

- Constitution to be updated
- To include a protocol on cross-party working standards
- To include clarity around Cabinet Member role in actively contributing to the committee work and proactively engaging with Chairs about upcoming decisions

Agenda Planning

- Based on the forward plan
- Chair and vice chair in consultation with Cabinet Member to choose decisions
- Cabinet Members will be involved in setting the agenda
- In principle Chairs to negotiate decisions with scrutiny, to ensure best route taken and to avoid duplication

Public participation

- Meetings to be open to the public
- Webcast of the meeting to be available
- Residents to have speaking rights and details to be agreed prior to implementation
- In time potential to decrease public questions at Council, if public participation found more meaningful in Cabinet Member Advisory Committees

Output of committees

- Consider and comment on draft reports,
- feedback on draft proposals,
- recommend amendments to Cabinet Member
- raise performance issues and propose areas of focus for cabinet

Cabinet Member response to committees

- accept recommendations in full or partially and formally recommend to Cabinet or Council (where relevant)
- reject recommendations and provide a reason
- make final decision, noting Cabinet Member Advisory Committees input in the final decision making report

Phased introduction of the Cabinet Member Advisory Committee meetings and other existing structures

- formal changes to constitution and Membership appointment to take place between June 2020 and April 2021
- if committees deemed effective, other existing bodies to be considered in terms of their effectiveness and possibilities to be scaled down, abolished or transfer their business to the new committees

Aligning current structures to new committees

Effectiveness of meetings was seen as very important by Members. As such it is proposed that, as the Council tests the new committees, it at the same time begins reviewing other existing committees in terms of their purposefulness and:

- Ensure meaningful Member and where appropriate resident / partner participation exists
- Ensure that where appropriate those encourage cross-party debate
- Clarify their role, powers and where appropriate links to democratic decision making processes (making / influencing decisions)

- Assess if they achieve the purpose they were set up to achieve
- Assess if they could be incorporated into new committee business or abandoned all together if they have no clear and defined purpose

Each committee should have a clear and up to date ToR that sets out its purpose and the Constitution should be reviewed accordingly. When it comes to Panels and committees that are not statutory and do not make or influence decisions, e.g only share and note information, it needs to be considered if those are necessary and if more efficient ways of sharing information could be introduced, especially through use of technology.

The complexity of the structure itself impacts on the clarity of how decisions are taken. The Council has an opportunity to come out of the exercise to introduce a hybrid model with fewer but more purposeful committees.

The Panel also notes that it is important that the Council has resources to effectively support all existing and proposed committees. As such the Council needs to consider how an introduction of new meetings impacts on its ability to support all existing fora within its structure.

The Panel knows that initial changes and additional meetings will require additional investment in the structures, but recognises that limited resource is available, and hopes that reviewing current structures and testing effectiveness of any changes could help the Council to work towards changes that are cost neutral in the long term.

The Panel wants to also acknowledge that as of drafting this report, one of the two job-share Cabinet Members for Environment, Transport and Regeneration has put forward proposals for the creation of a Cabinet Member Advisory Committee under existing powers within the Constitution to advise on planning and regeneration policy matters. The Panel wants to ensure that the introduction of such an advisory committee is more closely considered at a point of the Council implementing the new structures, to ensure this wouldn't defeat the purpose of creating purposeful and aligned new Cabinet Member Advisory Committees as detailed in Theme 4 of the main report. If the Council decides to progress with the committee as proposed by the Cabinet Member, the Panel would urge the Council to ensure the purposefulness, effectiveness and alignment of such a committee is tested in the same way as the proposals set out in this report. This is to prevent further confusion and fragmentation of an already complex structure.

APPENDICES

Appendix D – Financial Considerations

In its terms of reference the Panel was asked to consider the cost of any recommendations. This has been difficult to do in the time available and the cost of each recommendation individually is difficult to establish before further work is undertaken by lead officers in consultation with Members to ensure a phased and sustainable approach to implementation.

The Panel however appreciates that in the first few months, as the Council begins considering practical ways of implementing the recommendations, the cost will mostly be associated with the leadership team time and officer support to scope out proposals in areas highlighted in the report and agree realistic and achievable timescales and methods of delivery.

Following the initial scoping phase in March till June 2020 the Panel believes that some recommendations relating to ongoing improvement and review can be delivered within current resources and should form part of the Council's improvement journey.

The areas where the Panel anticipates additional funding would be required are:

- Introducing Member support function / more focused Member support (if feasible and agreed by Council)
- Implementing changes to structures and delivery of one off improvements & options appraisals
- Project management

Member support

The Council needs to consider if a dedicated (centralised) Member support function is financially viable, whether permanently or on a fixed term basis. Alternatively, resources could be directed from existing activity to provide support to Members.

Should the Council consider recruiting dedicated support officers for Members, this will require an estimated £35k of funding per annum per officer.

Structural changes and delivery of 'one off' improvements

Changes to structures will require completion of transitional activities as well as consideration of ongoing costs associated with running additional meetings. The recommendations also ask for development of additional guides and documents that would support the transparency and inclusiveness agendas. The key costs and officer time will be required in relation to:

Drafting: There are various drafting requirements arising from recommendations such as a Protocol/Strategy on Engagement, Forward Plan, Guidance on Key Decisions, Guidance on decision Making Process, Draft Role Profiles, Culture Plan, Review of the training programme officers/ Members.

Constitution review: In addition, a review of the Council's Constitution will need to be undertaken in the event that there is an agreed proposal to create new cross party Cabinet Member Advisory Committees which is likely to require the creation of Terms of Reference plus revisions to Articles, Responsibility for Functions, Access to Information Procedure rules, Executive Procedure Rules, Protocol on Staff Councillor Relations, Protocol on Decision Making

Council procedures: Changes to process and procedure at Council meetings will require a review of the Council Procedure Rules.

Decision making: Review of all Schemes of Delegation.

PAS report: Delivery of agreed planning improvements

Operation of new advisory committee meetings: It is anticipated that following the formal establishment at the June 2020 Council, the Council will endeavour to arrange the initial meetings in 2020/21, with an estimated 4-8 additional meetings to be organised in that year and the assumption that 16 additional meetings will need to be accommodated within the 2021/22 municipal year.

The Panel believes that to accommodate those in the long term, the frequency and necessity of other meetings needs to be reviewed and rationalised over the same period of 2 years. It is likely however that additional democratic service support will be needed to accommodate those high profile committees and ensure any changes to operations and support provided to the current meetings can be implemented effectively. If there isn't an equivalent reduction in existing formal meetings, those additional costs will become permanent. There will be further costs dispersed across departments in preparing, reviewing and updating reports and in attending at those committees and undertaking actions that emerge from them.

The Mid Term Financial Strategy requires savings within democratic services. In this context the democratic services team would not have capacity to accommodate additional meetings.



Project Management

The working group will require officer support to work with responsible Members and officers on delivering the agreed improvement plans and coordinating activities relating to progress reporting and improvement monitoring.

The recruitment of a full time project manager for a two year fixed term contract will require the Council to commit between £40-55k, excluding on costs, depending on the levels of expertise and seniority needed.

Officer time

There are clear additional costs relating to senior officer time required to support the options scoping and delivery of recommendations. This means officer time to attend meetings and workshops to develop a detailed plan, assessing in more detail the issues raised and an appropriate and measured response, updating current documents, processes and procedures and reporting on progress. This is however difficult to quantify in terms of monetary impact and the Council needs to be flexible in appreciating that as the work progresses there may be legitimate capacity limitations that will influence the pace of progress.

Cost estimations

Over the period of 2 years following the conclusion of the review, and dependent upon the decisions the Council takes in implementing the recommendations, the Panel estimates additional costs to be in the region of:

Area of spend	year 1 (min /max)	Year 2 (min /max)
Member support	£0/£35-70k	£0/£35-70k
Structural changes and key improvements implementation including one off transitional costs	£115k	£115k
Project management	£55k/65k	£55k /£65k
Total	£170k/£250k	£170k/£250k

This means a minimum, estimated average cost of £170k per annum, and maximum cost of £250k per annum, for a period of two years. The estimated cost includes only direct, additional resource required, and does not account for indirect costs likely to be incurred across different teams that might be required to change the way they operate. Such further hidden costs are likely, especially in terms of departmental resources to support implementation.

This is not an insignificant resource commitment and the Council needs to carefully consider if it is prepared to commit the necessary resources to effectively implement desired changes, and if it can find the most cost effective ways of doing so.

It is anticipated that in June 2020 a detailed improvement plan will be presented to the Council and at that point cost estimates will be more accurate and finalised for approval.

ACKNOWLEDGEMENTS

The Panel would like to acknowledge and extend its thanks to the contributions of the many residents that participated in the review. The Panel also thanks all of the individuals and organisations that have contributed to the review.

Individuals and Organisations that contributed to the Review

London Borough of Sutton:

Alexa Coates, Head of Committee and Management Support
Councillor David Hicks
Councillor Jayne McCoy
Councillor Neil Garratt

Expert witness session speakers:

Barry Quirk, Chief Executive at Royal Borough of Kensington and Chelsea
Carl Whistlecraft, Head of Democracy at Kirklees Council
Dame Jane Roberts, Chair of 2007 DCLG Councillors' Commission
Paul Martin, Chief Executive, London Boroughs of Wandsworth and Richmond

Local Stakeholders:

Croydon MPs
Coulsdon West Residents' Association
East Coulsdon Residents' Association
Whitgift Estate (East Croydon) Residents' Association

Local Strategic Partnership:

Asian Resource Centre Croydon (ARCC)
Croydon Business Improvement District (BID)
Croydon College
Croydon Voluntary Action
Department of Works and Pensions
Fire and Rescue Service
Metropolitan Police
Safeguarding Adults Board

Centre for Public Scrutiny:

Ed Hammond, Director of Research and Campaigns
Jacqui McKinlay, Chief Executive

Planning Advisory Service:

John Cummins, Consultant
Martin Hutchings, Improvement Manager

Croydon Council:

Croydon Council Elected Members and former Members
Croydon Council Planning Committee
Croydon Council Corporate Leadership Team
Heather Cheesbrough,
Director of Planning and Strategic Transport
Jo Negrini, Chief Executive
Pete Smith, Head of Development Management
Sandra Herbert, Head of Corporate Law
Sean Murphy, Interim Director of Law and Governance

Senior Responsible Officer

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Stephen Rowan, Head of Democratic Services and Scrutiny
With additional support provided by the Democratic Services Team and Croydon Town Hall Concierge Team.

CROYDON COUNCIL GOVERNANCE REVIEW

FINAL REPORT OF THE GOVERNANCE
REVIEW PANEL MARCH 2020