



# Technical appendix

## **Change at the Council**

Independent Review of Governance for the  
Royal Borough of Kensington and Chelsea

# Technical appendix

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## Introduction and explanation

Our main report focuses on the twelve principles that should underpin the changes the Royal Borough of Kensington and Chelsea (RBKC) needs to make. As we have said in that report, a change in culture is critical if RBKC is going to improve. This process has begun, but we want to make sure it is embedded and continues.

This technical appendix goes into more detail on the steps that RBKC can carry out to embed that culture. The recommendations we make reflect the terms of reference we were given to guide our work, but we have also commented on other issues where we feel that they impact on our task of helping the Council to improve its governance.

It will be for the Council's new administration in May to consider these issues and agree an approach to implementation. However, we do think that the recommendations in our first section, "Foundations for improvement", have to be put in place first.

There are no quick fixes to deliver the cultural change required in RBKC. We anticipate that the recommendations will overall take time to deliver. Local people should, however, expect progress and be able to see it, even if this is slower than they would like. There is already a programme of significant cultural change being developed; public oversight and challenge of this process is crucial.

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## Foundations for improvement

### Recommendations

#### **A. Incorporate the twelve principles into the Council's key policies, strategies and partnership arrangements, including the Constitution, organisational, officer and member development programmes, as the foundation for a new and positive culture**

In our main report, we highlight the challenge the Council faces regarding the trust that it needs to earn back from local people.

Trust and honesty are central to a council's ability to properly represent the interests of local people.

There has been a lot of discussion locally about whether the Council thinks it can return to "business as usual" in the aftermath of the Grenfell fire. The top of the Council has sent a very strong message that this can never happen – that a profound change in the way the Council works is now in progress.

Strong statements by people in leadership positions (like the Leader and Chief Executive) are critically important in starting that process of learning and change. Local people – and some external partners – are rightly impatient that the pace of this activity should

increase. But the challenge the Council faces is "generational" – it will take many years to overcome. Rebuilding trust is not something that can be done overnight, or even in the next couple of years. The foundation of the distrust in the Council felt by many in the local community goes back decades. Trust cannot be won back easily.

The level of distrust is so bad that we have heard that some residents in North Kensington in particular will refuse to engage with council services (or services provided by third parties and funded by the Council).

This is evidence of the sense of real betrayal that local people feel. This has been shown at a number of public meetings, most notably at meetings of the Grenfell Recovery Scrutiny Committee (GRSC). Some people are firm in their belief that the Council consistently acts in bad faith – that the Council is lying to them, and to the community of which they are part.

We have heard these opinions expressed most strongly in the North of the Borough, but a number of those we spoke to in the South shared them as well – although concerns for those in the South were dominated by issues

relating to planning (albeit not exclusively).

In relation to the Grenfell response in particular, local people have demands and expectations regarding care and rehousing. The scale of the administrative task here cannot be underestimated. Finding permanent homes within the Borough of Kensington and Chelsea for those who need them is hugely challenging. The Council thinks it is doing all it can to explain, discuss and be held to account by local people on this pressing issue. Local people think the opposite. Many do not trust the Council to rehouse people fairly, and some do not trust that “temporary” accommodation offered to those still living in hotels will not become permanent.

RBKC is only now getting to grips with the scale of this challenge and how it affects all its work – not only its response to Grenfell. The only way to overcome it is through its actions. The difficulties that the Council has encountered in trying to manage its operational response to the Grenfell fire show just how much learning and improvement it has to do.

The cultural change that the Council needs to make will be underpinned by a proper understanding of the challenge. The election on its own will not change things – distrust and scepticism will continue. RBKC has to ensure that in everything it does and how it acts from now on that the need to rebuild trust is central, and that it is committed to doing so.

RBKC can begin to evidence this by putting in place our twelve principles and the structural changes we suggest, which are about ceding power to local people and communities – particularly around decision-making.

The twelve principles we set out in our main report are drawn from the conversations we have had with a range of people – councillors, council officers and local people. We feel that between them they reflect the change that the Council needs to make.

It is likely that – as the Council and local people talk to each other – these principles will need to be adapted and refined. For us, now, they represent the starting point for that longer conversation.

Commitment to these principles (and whatever

they evolve into in due course) is about ensuring that they drive action.

The Council is currently developing plans for “organisational change” – improving the way that council officers and the Council as a whole does business. Part of those plans has to be about taking action that will embed these principles – that will make the Council more responsive to local people and their needs. Without this further work to connect the principles to clear actions – on which local people can hold the Council to account – they will not mean anything. Adoption of the principles should therefore be seen as a starting point – not an end in itself.

In parallel, elected councillors will need to adopt these principles in how they work too. “Member development” is the training and development that all councillors need in order to be able to carry out their roles properly – which involves a recasting and re-understanding of those roles in the light of the principles we set out. We know that steps are being taken to put together a member development programme (particularly in light of the forthcoming election).

In the short term, member development will focus on the induction of new councillors. This is an important opportunity to begin to talk about the twelve principles – not only with newer councillors but also with ones of longer standing, who should be encouraged to play an active role in the member induction process. In our view, member induction in May provides the ideal opportunity to begin to discuss, with the new member corps, the twelve principles and what they mean for how members act and behave.

In the medium term, member development will need to focus on the different skills that members are likely to need to operate effectively as the Council changes. In subsequent sections of this appendix, we describe in more detail councillors’ varying roles – as decision-makers, as scrutineers and (in particular) as representatives of local people. The nature of these roles is likely to change. The skills that councillors need to carry out these roles may also change. Councillors’ assumptions about what their roles are, and how those roles intersect with the roles of others, may well be

challenged. To provide support on all of this, a consistent programme of member development, tailored to individual councillors' needs, will be necessary.

This work will need to focus on members' behaviours, attitudes and values. It is "member culture" – the perspectives and opinions that councillors bring to their various roles – that plays such a strong part in shaping the culture of RBKC as an organisation.

As things stand, we have identified a member culture which has been subject to criticism from a number of those to whom we have spoken. A blurring of the mutual roles of members and officers, shortcomings in the way that the council (and lead members) have taken into account the views of local people in the past, and struggles with accountability through the overview and scrutiny process are all issues which we highlight elsewhere – either in our report or in this appendix. We know from the conversations we have had that councillors are by and large committed to understanding and serving their constituents. Councillors now need to think about how they can challenge their own assumptions and preconceptions about the Borough – what it was in the past, what it is now, and what it will be in the future – in order to play a full part in the "Borough-wide conversation" we describe below.

A programme of support for councillors which is built around the twelve principles will help to make this happen. Our twelve principles have been specifically designed to highlight the need for personal, and professional, accountability, for the organisation and everyone in it. This includes councillors.

We have been asked to review what "good" looks like, in relation to the behaviours and performance of councillors. "Good" looks different from council to council – from councillor to councillor. It is defined by the unique roles that different councillors play in different situations. Behaviours for each of these roles will also need to be different. The kind of behaviour that might be seen as appropriate in the heat of political debate in a traditional Full Council meeting may be unwelcome and unproductive in scrutiny, for example.

An understanding of the way that behaviours –

even (perhaps especially) behaviours expressed in private meetings – influence the way that people think and act is crucial. It is central to the call that the Grenfell Taskforce made to the Council, that attributes of "empathy and emotional intelligence" needed to be placed at the heart of the Council's recovery efforts following the Grenfell fire.

These attributes, and their crucial nature, need to be understood better by the Council, and also by councillors. For this reason, this medium-term approach to member development has to be driven by councillors themselves. It will need to start with a commitment from members to live up to the twelve principles. This may include individual work to explore what the twelve principles mean to each councillor and how it might influence ongoing training and development. Member development will therefore need to be a central element of councillors' various roles – integrated into their day to day activity rather than happening in a classroom. This may involve a shift in mindset for some councillors, and officers. This shift in mindset will involve an acceptance that all councillors, irrespective of seniority or length of service, will need to support, develop and learn from each other – and from those outside the Council – on a continuing basis.

A change in culture in the way that councillors act and behave inevitably also involves accountability for behaviour. There are two main ways for this to happen – through a "formal" code of conduct system (which the Council already has) and through the mechanisms which political Groups operate within the Council.

The Council's code of conduct for members incorporates the Nolan principles (to which we make reference in our main report) and sets out robust expectations for the behaviour that members are expected to uphold. We have not heard any evidence that complaints dealt with through the code of conduct have not been dealt with properly – in-depth analysis of the "formal" aspect of the code of conduct has not been a focus of our work. The "informal" aspect of the Code is, however, important – it acts as a statement both to councillors and to the community and conduct. It should act as a commitment and as a reassurance to both groups. We would suggest that – in due

course – as the Council’s member development programme following the May 2018 election progresses, the Council and councillors may wish to review if some of the learning from that development activity might need to be reflected in new wording for the code of conduct.

The role of political groups is also important in promoting positive behaviours. Elsewhere in this appendix we comment on the support for political groups. Political parties are an important source of support and advice for learning and development. We think that Group leaders should play an active role in acting on aligning activity within the Group with the twelve principles. This includes reviewing the operation of “political management”, or “whipping”, arrangements.

The Council will need to think about how it can help independent councillors, or those from smaller parties (if elected in May 2018) to gain the same level of support and assistance. The Independent Group at the Local Government Association may be able to provide advice here.

This links in to the Council’s broader plans for culture change. There is a programme for such change already in development. This programme as a whole should incorporate the twelve principles and take account of the critical role that members play – both in driving culture change itself and in holding the Council to account as it embarks on this process.

This work – to establish a new operating culture – will need to follow on from the work that we talk about below relating to a council’s new strategic direction. It will allow the Council to move with more confidence to implement some of the other recommendations we talk about below.

## **B. Hold a Borough-wide conversation to decide the strategic direction and governance arrangements for the Council**

Understanding as much as we can about what priorities the Council has at the moment is important – it helps us to understand how much the Council might need to change.

We have started by looking at what the Council’s priorities were before June 2017 (because

since then, they have changed). The more we can understand what these priorities were, the better we can understand the culture that underpins them. By “culture”, we mean people’s behaviours and attitudes, and how those behaviours and attitudes affect what people think is more or less important.

Councils have to ensure that their time and resources are pushed towards those issues on which they can make the most positive difference to local people. This means the Council’s priorities have to be aligned with what is important to those people. Basically, the Council has to understand what local people’s needs are, and let those needs direct what it does, within the limits of its resources and legal obligations.

Good governance means that people making decisions must have a clear sense of their aims – what they are trying to achieve and why. These aims have to be understood by others, including local people.

When councils make these decisions, they are likely to sometimes be controversial. Some local people might disagree; there might be local opposition. Councils have to be open and honest in how decisions are made – they have to be trustworthy and prepared to change their minds when they are challenged.

We have gone back through a range of council documents and papers to try to work out the Council’s priorities. There is not a single place where the same clear council priorities are set out prior to June 2017.

The material we used to do this was:

- The Council’s annual “Report to Taxpayers”
- The Council’s annual budget and policy material
- Major policies and other documents that we were able to find in the paperwork of council committees since around 2014
- The targets that made up the Council’s “Vital Signs” system for reporting its performance

The Council’s overall priorities, it seems to us, have been:

- Excellent management of the Council's finances
- The provision of excellent services to local people

The word “excellence” here means “excellence in the view of the Council”. Many of the things the Council has historically measured and reported to support this view seem to be things that are easy to measure and report, rather than things that give the Council a sense of how local people experience the services they receive.

Councils should aim to deliver excellent services and excellent value for money – both go to the heart of the duty that councils have to local people. But many people locally feel that RBKC sees residents as consumers of council services rather than citizens with a democratic right to influence and direct what the Council does. The Council's wider duties to the area and its citizens have not been forgotten. But some at the Council have assumed that the Council being “well run” means that these wider duties are being met automatically.

The Council being well run has been a source of pride for the authority and its members. The Council has used its self-image to demonstrate its differences from other councils – in London and elsewhere in the country. RBKC benefits from, and is challenged by, a mix of residents with a wide variety of needs, as well as a large working population who live elsewhere – which includes many council staff. It is a place with great wealth and a unique history. In the past, this sense of difference has meant that RBKC has been unwilling to draw lessons from the experience of other councils and the local government “community” at large. It still draws on the ten-year-old judgements made by the Audit Commission about its excellence. This strong sense of self-belief has led to some people at the Council thinking its excellent management (particularly management of its finances) means it is insulated from the issues facing the rest of the sector, making it less likely to wish to experiment with different ways of carrying out its work, as other councils are doing. This culture makes change and improvement very difficult.

This culture and self-image define the relationship between the Council and local

people. Setting some new priorities will not shift this culture on their own.

Since June 2017, two things have aimed to provide a fresh strategic direction for the authority:

- Speeches by the Leader (principally the speech to Full Council in July 2017, but also more recent addresses)
- An address and report given to the Administration Committee by Barry Quirk, the Council's Chief Executive, in autumn 2017

Both have set out a new direction for the Council; both (understandably) discuss this new direction in light of the Grenfell fire. The overall principles these things set out are going towards formulating a programme of cultural change at the Council. Further context is provided by reports produced by the Grenfell Taskforce – in autumn 2017, and as we finalise this report in March 2018.

The Council has made statements about needing to become a more open, learning organisation. Steps are being taken to begin to translate these into action – but change takes time, and the Council is continuing to grapple with its operational response to the Grenfell fire. This has been accompanied by substantial changes in political and managerial leadership for the Council. Finally, there is a sense that change, when it comes, will need to be directed by whichever party wins the local election in May 2018.

Only after the election can clear effort start to be made to look again at the strategic direction of the Council – its purpose, priorities and role – and its relationship with local people. This will align very closely with the culture change programme that we talked about above, and with the member development work we mentioned in the previous section. The election campaign, and the manifesto of the party that ends up running the Council, will provide the foundation for the conversation with the community that will follow. Inevitably, this has acted as a brake on the Council's ability to act quickly. Another pressing issue that will limit action is the ongoing public inquiry. There is a real risk that the inquiry's vital work will

further delay the future-focused activity that the Council and the community need to engage with.

We recognise the sense of frustration that some local people feel about the lack of progress the Council has made to date. It is likely that the election and the inquiry may mean that progress will continue to be slower than they might like, need and expect. Those frustrations are not unreasonable. They are in fact vital – they provide a direct challenge to the Council to step up its efforts, which the Council should welcome and act on.

The Council needs to have a conversation with local people about what is important to them. The priorities of local people (informed by the manifesto of the party in control of the Council) need to define the priorities of the Council. This should be seen as putting local people in control – giving them ownership of the Council’s future direction. In the section below, we provide some examples of how this might work in practice.

The three areas with which this conversation will need to engage are:

- The Council’s strategic direction, mentioned above.
- The way that the Council’s culture needs to change, and how it can make a practical commitment to that change in the way it makes decisions with the public (a subject we comment on in more detail below).
- The formal governance systems in place for the whole Borough, and those that might apply to individual areas. We cover these issues and the options involved in more detail below.

Opening up debate on these topics represents not only a big departure from how the Council is used to working but also innovations in the way that local government does things. We understand the need for the Council to be able to “walk before it can run” – and the risks inherent in such a conversation if the Council is unable to follow up on its commitments.

However, such a conversation is, we think, the only way to build a foundation on which such change can happen.

This also represents a big ask for the local community, which may be unwilling to engage, given the level of distrust in the Council (discussed below). This is why a sense of ownership by local people in this process – and how it is designed – is so crucial.

### **C. Establish a citizens’ assembly, along with similar “deliberative” processes, as part of the Borough-wide conversation on the strategic direction and future governance of the Council**

The local conversation that we talked about in the section above needs to be legitimate – it has to work in a way that involves, engages and empowers all those in the community to take part.

Legitimacy can come from many sources. Representativeness is one source – opinions that derive from a representative sample of people, and/or views reflected by councillors as part of their “civic leadership” role. Another is diversity – large numbers of people having an opportunity to have their say on an equal footing.

Citizens’ assemblies provide part of the solution to the challenge of having a representative debate and discussion.

In some areas, citizens’ assemblies or juries (appointed at random, or recruited in order to secure a cross-section of the local community) have been explored as a tool to allow local people to understand and tackle knotty and intractable problems.

Citizens’ assemblies have a track record in the UK and elsewhere as ways to bring together a representative sample of people to discuss a complex issue. In Iceland, a citizens’ assembly was used to develop a new constitution. In Ireland, one was used to review the government’s approach to the law on abortion. In the UK, they have been used as methods to look at regional devolution (in Sheffield and Southampton) and Brexit.

An assembly of this type aims to identify and engage a demographically representative cross-section of the local community to come together and discuss an issue or question affecting the area.



Some citizens' assemblies have involved elected politicians. This can help politicians to better understand the views of the public and what is important to them. It can also help citizen members of the assembly to understand the practical limitations of local governance and decision-making. The devolution assemblies mentioned above trialled both approaches. We think that, on balance, an assembly model that involves local councillors would be productive.

Citizens' assemblies by definition only involve a small group of people. We think an assembly would be critical in ensuring that a representative range of people are leading and owning this local conversation – but it would not be the only way for the community to deliberate on the big challenges confronting RBKC.

Other mechanisms could be used to draw in opinions from elsewhere in the Borough and to bring the diversity that provides another source of legitimacy.

We think that a citizens' assembly could produce "discussion kits", which would allow local people to have conversations about the critical issues identified above in their own areas. This highlights the need of the conversation to be driven by local people self-organising to make their voices heard by the Council. The assembly's work and deliberations would provide the catalyst for some of these local conversations.

These local conversations are already happening, and we do not doubt the capacity and willingness of many in the local community when it comes to speaking up. We have already said that the community needs to be in control of this process. But it will need some support in order to do so.

#### **D. Establish a "listening committee" for councillors to hear directly from residents in an open format**

Later in this appendix, we make reference to the spaces that exist for the public to hold the Council to account and to provide a "way in" to the decision-making process.

We think the focus of such work should involve

the establishment of a council committee specifically tasked with listening to the views of local people – their worries, complaints, concerns and hopes for the future.

This committee would be a place for the Council to better hear and understand local people's concerns, worries and anger, enabling it to reflect on and respond to those issues in due course. For local people, it would provide a separate space in which to hold the Council to account. We would not expect the Council to be able to respond substantively to people's problems then and there. However, we would expect the committee to provoke them to engage more constructively with individuals bringing issues – and by so doing, in due course, the wider community.

This will help the Council to develop and refine its new strategic direction, as well as providing local people with a public space for direct accountability.

We think this committee's work will be time-limited; once long-term arrangements are in place to integrate the public voice into decision-making and other elements of council's work, the need for it will be less keenly felt. But now, and until the citizens' assembly's work is complete, that need is very real. We think lessons can be learned from the operation of the GRSC to make this committee work better – two in particular:

- Ensuring this committee has no "formal business" to transact, other than to listen to and better understand the views of local people (before taking and acting on those views).
- Giving the public a leading role in planning how such a committee should work, meeting by meeting. In our view, this would be led by an independent Chair – someone who can be trusted by the local community.

The idea of a listening committee has come to us from local people. It is a locally developed solution to a unique local challenge. There are no obvious examples from elsewhere to draw on in how it might operate. We recognise that this, and the high-profile nature of such a committee, will make designing and operating it a challenge. This is what drives our sense that design and

operation must, as far as possible, sit in the hands of local people.

This committee would listen but would not just be a talking shop. It would report what it had heard regularly back to Full Council and the Leadership Team so that the views expressed could inform action. It would also provoke officers and lead members to take action on the specific issues that local people want to raise – with the results being fed back to the committee formally at the next meeting. It would aim to problem-solve – seeing solutions as coming not just from the Council, but from the community at large – and would invite public participation in that spirit.

We do not think such a committee would necessarily take over the work of the GRSC; that committee has a particular focus on the operational response to the fire, which deserves additional public scrutiny. But we do anticipate that if the work of the GRSC continues after the election, it will need to operate in a similar way to the listening committee, to feel as though it is “owned” by the local community.

Such a committee should involve the Leader, some lead members and leading councillors from other parties, and it would move around the Borough. It might meet on a six- or eight-weekly basis.

Care would need to be taken to ensure its work does not reinforce the hurt of those directly affected by the Grenfell fire (and others who have had traumatic experiences, whether or not related to the fire). The Council, and independent Chair once appointed, should invite the views of the community about how such a committee, space or forum might be configured to minimise this risk.

#### **E. Set up a commission to review and agree how Borough-wide and area governance will work in the future, involving residents and partners to consider options**

The Council and local people need a transparent way of deciding on a new model for governance, both Borough- and area-wide. A commission in which councillors and residents play a part but local people lead would be able to review the options in a reflective and democratic way.

Our work below sets out some of the arguments and options around these issues. However, the “end state” has to be one that has buy-in from the whole community.

#### **Borough-wide**

We have been asked to look at the options for introducing a different system for the Council to make decisions across the whole Borough. There have been some vocal calls for the Council to adopt the “committee system”, which is a different system for making decisions than that which the Council operates at the moment.

We want to do justice to this important issue, and so we will go into the issues in some detail.

We have also been asked to look at the options for decision-making area by area; more detail on this can be found in the sections below.

A decision about the future governance of the Council can only be made once two requirements have been fulfilled:

- The Council must, with the local community, have decided on its future direction and the cultures, attitudes and behaviours it needs to adopt to follow that direction (essentially, the Council must have addressed the recommendations that precede this one)
- The Council must have engaged in a meaningful debate about its future governance in light of agreement on the above matters

Discussions about future Borough-wide governance will need to happen at the same time as the conversations about area-based governance. Although we have dealt with both separately in this appendix, they are closely linked, and a commission will need to take account of this. For this reason, such a commission would need to see completing the legal task of concluding a “community governance review” as a central part of its work. A community governance review is legally necessary for councils that wish, for example, to establish a parish council (a possibility we discuss elsewhere).

At the moment, the Council makes decisions using what is known as the “Leader and

Cabinet” system. This means that a Cabinet (which RBKC currently calls the Leadership Team) holds most decision-making powers. Individual lead members are responsible for a “portfolio” – a group of issues and services. Lead members can make decisions on their own (which is usually what happens when a decision relates to a single portfolio area) or together. Some major and important decisions still need to be made by the Full Council (all councillors sitting and voting in the Council chamber).

This system has been in place since 2000. The suggestion has been made that it would be better for the Council to be run using the “committee system” instead. Under the committee system, separate council committees have responsibility for making decisions (so, prior to 2000, councils had housing committees, education committees, social services committees and so forth, all making decisions relating to those issues). The committees under a committee system are politically balanced – they reflect the size of the parties in the Council at large. They are usually all chaired by a councillor from the largest party on the Council.

Most councils were forced to stop using the committee system in 2000, when the Leader and Cabinet system was created. In 2011, a law was passed that allowed those councils to adopt it again.

There are a number of other governance options available, although we will cover them in less depth:

- **Mayor and Cabinet.** Here, a directly elected Mayor appoints a Cabinet of councillors from the authority. The Mayor has individual decision-making power, which can be quite broad. Mayoral working is quite popular in London – Hackney, Lewisham, Tower Hamlets and Newham all have mayors.

- **“Prescribed” arrangements.** Councils can bring proposals to the Secretary of State for Housing, Communities and Local Government for a different kind of governance arrangement. We are not aware that any council has taken advantage of this opportunity; there has not been a great deal of thinking in the sector about what

different arrangements might look like. We will go into this in a bit more detail in the section on area governance.

- **A “hybrid” system.** A hybrid system might share the characteristics of more than one governance option. For example, Wandsworth and Kent councils both legally operate the Leader and Cabinet system, but the way they make decisions looks and operates rather like the committee system. The benefit of adopting a hybrid system is that it is not a formal change in governance, so the rules we set out below around governance change do not apply. In some places operating hybrid arrangements (like Kent), scrutiny committees are styled as “Cabinet committees”; they review, debate and make recommendations on decisions, before the decisions are essentially “rubber-stamped” by Cabinet.

Since 2011, about 25 councils have moved from the Leader and Cabinet system (or the Mayor system) to the committee system. Some councils have also moved the other way. Councils have to follow a particular legal process to change their governance arrangements, which basically means that a change can only take effect immediately following a council’s annual general meeting in May.

A council can bring about a governance change through a local referendum. The Council can decide to hold the referendum itself, or local people can organise a petition. If more than 5% of the local population signs the petition, a referendum is triggered automatically. The wording of the referendum question is set out in law and cannot be changed. A petition-led referendum has led to governance change in one place (Fylde Borough in Lancashire). In other areas, petitions have been started, but councils have attempted to pre-empt the process by bringing forward proposals for change themselves.

Making a governance change locks a council into its new governance system for five years. If that change was confirmed in a referendum, the lock lasts for ten years. As yet, one council that decided to change its governance under these rules, in 2012, has now changed its governance option again (South Gloucestershire, a unitary

authority, which moved from Leader and Cabinet to the committee system and back again).

It has been suggested that the committee system is inherently more democratic, more transparent and more consensual than the Leader and Cabinet system. The argument is that the latter concentrates power into the hands of too few people, reduces most councillors to the role of spectators and makes it more difficult to follow and understand how decisions are made.

There are opposing arguments. The committee system can be criticised as slow, unwieldy and inefficient. It can be argued that the Leader and Cabinet system makes individual responsibility clearer, makes decision-making quicker and more responsive and makes it easier for the Council to work with other organisations in the local area.

The Centre for Public Scrutiny (CfPS) has carried out significant research on governance change in local councils. We have published two major pieces of research on the subject: “Musical chairs” (2013) and “Rethinking governance” (produced jointly with the Local Government Association in 2014). We have provided advice and support to a large number of councils that, since May 2012, have looked into changing their governance arrangements.

In some councils, the most prominent calls for change have come from councillors themselves. Nottinghamshire, arguably the most high-profile council to change its governance arrangements in 2012, did so because its Leader at the time considered the committee system to be more democratic and transparent.

In some councils, calls to adopt the committee system principally come from outside the Council. There is usually some kind of catalyst for this – a locally controversial issue that campaigners think would be solved, at least partially, by adopting the committee system. Very often, but not always, this “locally controversial issue” relates in some way to planning. It bears stating here that changing the rules about decision-making won’t make a practical difference to the way that planning decisions are made.

There is naturally a question about how

governance change is resourced. Nearly all councils making a change have explicitly stated as a requirement that such a change has to be “cost neutral” – that is, that the cost of operating a different system must be the same as or less than the one they currently operate. There is certainly no evidence that one governance option is inherently more or less expensive than another. There is, however, an inevitable cost implication attached to the act of making the change itself – redrafting the constitution, making changes to rules of procedure and financial systems, reworking forward work programmes and so forth. But such internal governance systems are subject to continued review anyway, and one would hope that the identified benefits of governance change would outweigh what is, in the scheme of total council expenditure, a minor expense.

What have councils learned from changing their governance arrangements? Learning is surprisingly difficult to find. Most councils that have done it have not systematically evaluated the difference it has made to their work and their relationship with local people. Our research shows that the difficulty in evaluating lies in not having a clear sense of what specific outcomes sought from a change in governance arrangements. Where they do exist, these objectives are often vague (as we have noted above in the case of Nottinghamshire).

In brief, these are the lessons we have learned:

- Good governance is more about culture than it is about structure (which informs the conclusions in our main report).
- As such, there are no clear pros and cons to a particular governance option. Above, we have set out some of the opposing arguments – but none of the arguments for or against any system really stand up to proper scrutiny. More comes down to the personal attitudes and behaviours of those who work in that system. So, the committee system is not, by definition, more transparent and democratic – plenty of research shows it is quite possible for committee chairs to cobble together decisions between them, especially where they are all from a single party. Equally, the Leader and Cabinet system is not, by

definition, quick and efficient. And in any case, should speed and efficiency be characteristics by which we judge democratic decision-making?

- As such, moving to a different governance option won't resolve any issues on its own.
- However, as part of a wider programme to address the culture of an organisation, this kind of structural change could, in theory, make a difference. But this requires that the objectives for the change are set out clearly at the outset. We have suggested that councils in this position establish some "design principles" at the outset – principles that define what they want to improve and make different as a result of governance. Proposals for change can be tested against these principles – and change, once it happens, can be evaluated in the same way.

A focus on design principles goes deeper than just saying that we want governance that is accountable and transparent. We need to ask: What does that transparency look like? How are decisions made in public, and when? We need, in short, to ask and answer many of the questions that we pose throughout this report. Only then is it possible to talk meaningfully about governance change – however tempting it might be to do it the other way around.

In RBKC's case, we think the design principles have been provided in the form of the twelve principles that form the basis of our report.

In many ways, formal governance might represent the ultimate end of some of the other improvements we have talked about, both in our main report and in this appendix. But it may be that the changes many in the Borough want to bring about can happen without a formal change of governance option.

Looking at formal governance change is not something for the short term. Alongside the structure of council committees, the frequency of meetings and other structural components of governance, the time will come when the Council is able to review them – but doing that now will risk taking attention away from the importance of cultural change. We recognise the strong feeling in the local area (and among

a number of sitting councillors) that governance change will go a long way towards shifting the culture and expectations about how the Council works – that it could kickstart a process of change. This may be the case, but the fact that RBKC's prevailing culture focuses on structures rather than culture means there would be real risks of this approach not working.

CfPS's experience is that structural change of this kind can be a displacement activity for councils that have broader cultural challenges but lack the capacity or reflective ability to effectively tackle those challenges. We think this would particularly be the case in RBKC – notwithstanding the temptation to make a change now.

Once the Council has undertaken its work on culture change, once the citizens' assembly has had an opportunity to lay out its views on the strategic direction for the authority (and the Council has chosen to endorse that direction), then the "design principles" for the Council's approach to governance can be confirmed, and a commission (again, led by local people and their needs) can be convened to review the options and chart a way forward.

### **Area-wide**

We have been asked to look at what systems for making decisions could be adopted to cover particular areas within Kensington and Chelsea. In the near future, there is seen to be a pressing need to rethink how local people are empowered, in their own neighbourhoods, to make decisions that affect them.

Some of the drivers for Borough-wide and area-wide governance are likely to be similar, which is why we recommend that the two be considered together.

Whatever the solution looks like, the answers to RBKC's questions about how its formal decision-making systems work and are organised will be found by thinking about the connection people feel towards their environment at the most local level.

It is likely that this will come up against professional and political assumptions about representative democracy and the role of councillors. We know that sometimes "representative democracy" (decision-making

by councillors, for example) is seen as working against more participatory forms of decision-making (which might include the kind of community action we are talking about). This is why area- and Borough-wide governance need to be looked at together.

In thinking about this issue, we assume that local, area-based governance is about a space existing for community action – for local people to come together to talk about the challenges they face and think of collective ways to resolve those challenges. However, this assumption will need to be tested with local people. They may have different ideas of what local governance and decision-making means for them. In the options we provide a little later in this report, we try to take account of what these different objectives might lead to in practice.

The first – and most important – point to be made about area-based governance, community action and local decision-making is that none of these things should happen with only the approval of the Council. By definition, these things are all “bottom up”. Kensington and Chelsea benefits from an extremely vibrant and well-developed range of individuals and organisations committed to agitating on the behalf of local people. Sometimes people come together in traditional residents’ groups and amenity groups – sometimes relationships are looser. But none of these arrangements require council approval to happen. Nor should they. In thinking about these issues, the Council should be guided and driven by what local people say they want and need – not the other way around.

The second point is that “asymmetry” in area working arrangements is not necessarily something to be avoided. Asymmetry is the idea of having different ways of working in different areas, so certain things will be decided differently in different areas. In theory, a consistent approach works best – it is more efficient and more understandable. However, if local people want to take a different approach – an approach that is better aligned to their needs and places them in the driving seat as experts on their local community – this should not be a problem. In Westminster, for example, the formation of a new parish of Queen’s Park has not led to significant governance problems elsewhere. Neither has partial “parishing” in

other parts of the country presented too much of a problem.

We have looked at a number of different approaches. Success, for any local scheme, seems to depend on:

- **Clarity of powers, responsibilities, duties and accountability:** Everyone must understand a new local governance system, what it is there to accomplish and where its accountabilities lie.
- **Local leadership:** What happens must be driven by local people and their needs, rather than professionals or others. We think there is a clear role for local elected councillors to play, although they should not lead the process.
- **Sustainability:** What is put in place must be able to be supported locally in the long term, in terms of the time and capacity of people in the local community.
- **Funding:** Ensuring that finances are in place to deliver the duties and responsibilities.

Importantly, a clear role for locally elected councillors is critical for all of the above. Even in the case of parishes, which hold their own elections and so have their own democratic mandate, councillors of the so-called “principal” authority (RBKC, in this case) still have a valuable role to play. They can advise, support and take an active part in area working. They can liaise between area and Borough-wide discussions and decisions. Local people can use these structures to hold their own councillors to account. Where local people are empowered to take action themselves – and have the resources and support to take that action – the role of the Councillor at ward level may well change for some. This links back to the first bullet point above on clarity of responsibilities.

All of this has to be fed by a commitment to “civic dialogue” – giving local people the space and information they need to reach independent and locally supported solutions. This is very different to a council-run “consultation exercise”. Instead, we are talking about putting the tools in the hands of local people and stepping back to allow conversations to happen (while still engaging in those conversations).

Civic dialogue can, for example, help to resolve the kinds of problems that some may think is significant.

One of these is the challenge of geography. It is not necessary for political leaders to draw lines on a map; those leaders have a subordinate role to local people in deciding how those communities will be organised.

Another may be the perceived threat of this dialogue being “captured” by people who may use it to progress their own interests, rather than the interests of the wider community. Dialogue certainly needs to take into account the very real nature of structural inequalities (such as race, gender, income and disability), which might make it more difficult for certain people to engage in those conversations and easier for certain people and groups to dominate those conversations. It also needs to take into account disagreements about who, in the local area, “represents” the interests of local people – especially where local groups exist with different mandates. Officers in the Town Hall are unlikely, on their own, to be able to come up with reasoned solutions here. Local councillors can help to mediate in these disagreements – with the support of local people. Ultimately, the issue of “capture” can only be dealt with on an area-by-area basis as part of the way that area working is designed. There is no easy Borough-wide solution.

In any case, the people who know local communities the best are those that live in them. The Council’s sense about what “capture” looks and feels like might be very different to the views held by local people about a certain individual or group with a prominent role. Local people will also understand the barriers that some local people might experience in engaging in this debate and will be able to take action to eliminate these barriers.

This is one of the areas where the role of councillors can be so valuable. Civic dialogue requires civic leadership. Councillors can exercise this role in leadership – not in directing conversations, but in ensuring that local people are empowered to take an active part in those conversations, and in the decisions that follow.

The concerns expressed by local people through this dialogue feed directly into the aims and

objectives for local governance. The needs for a purpose, an aim and some “design principles” for Borough-wide governance also apply to governance at an area level. Only then is it possible to intelligently understand and evaluate the different structural options available. Again, we have already noted that the design principles would be the same as the twelve principles we have identified for the Borough in our main report.

There could be a number of different objectives and tasks for area structures, such as:

- Giving people more of a voice on local planning issues (RBKC does provide guidance on its website for people keen to use the neighbourhood planning systems established in the Localism Act)
- Giving local people direct responsibility for certain aspects of service delivery
- Giving local people responsibility for supporting the Council’s development of policy
- Ensuring that any local solution is self-organised rather than imposed from above

This may also help to identify and deal with “red lines” – aspects of local governance with which some people might be especially unhappy. For example, a feature of some structures is the ability for local bodies to issue precepts – raising money from local people. Some people may feel it is unfair for them to bear the costs for local governance structures – especially when such structures are being brought in because of the perceived remoteness of a local authority.

There is a particular interest in area governance for the North of the Borough. It is important to understand how the lack of trust (which we talked about above) links into calls for area governance. The two are closely linked, and the nature of that trust deficit will significantly influence the nature of the “civic dialogue” we just talked about. As such, they influence how the Council engages in that dialogue.

There are a number of options for how area governance might look. Some of these might end up co-existing in the Borough at the same time, highlighting the comments we made above

about “asymmetry”. Options include:

■ **Establishing area-based consultancy boards:** We go into more detail on Borough-wide “consultation” and empowerment on decision-making below, but there are area-based options too. Depending on the model the Council adopts to develop and refine policy, local boards (which might either be set up by the Council or formed through agreement with local people) could provide local space for those policies to be discussed. This would be a way to bring “strategic” policymaking down to street level, and to ensure that Borough-wide policies could be refined to reflect the needs and concerns of people at local level.

■ **Establish neighbourhood or area forums:** Many councils operate traditional area forums or “locality boards” – bodies usually establish on a ward basis and often chaired by a local councillor. Area forums often provide a space for the discussion of “clean and green” issues, planning matters and other issues of local importance. Other models are available; for example, under neighbourhood planning arrangements, such bodies could play a more active part in planning decision-making. Potentially, budgets can be devolved to forums to spend on issues deemed to be a priority by local people.

In some councils, these boards or forums are defined and controlled by the Council itself, with the Council setting the agenda and approach. In some councils, these forums can even take the form of formal council committees. Sometimes, these kinds of forums have no real power and are seen as talking shops. We think instead that there would need to be clear rules, incorporated into the Council’s decision-making rules of procedure, setting out publicly where neighbourhood forums would be empowered to make decisions. Different neighbourhoods might have different expectations on this point. It would be for the Council and local people to decide how to balance the need for the efficiency that comes from Borough-wide services with the need for a focus on local needs.

In some places, forums have been set up to develop and agree “neighbourhood plans” – formal council planning documents used to make decisions on planning applications under the Localism Act. We have been told that planning is a significant issue and concern for many in the Borough, and we comment on this in more detail below. Of course, neighbourhood forums that focus only on planning may be too narrow – although in some communities, discussing planning may be a good way of fostering the “civic dialogue” we mentioned above.

In Wiltshire, eighteen area boards have been established to give people a driving role in tackling issues of local importance. They meet every eight weeks and, between meetings, task groups made up of councillors and local people get together to look at certain issues in more detail, which cover a wide range of local public services. The work of the boards is supported by a dedicated Community Engagement Manager. This links the work of the boards to the broader work of the Council as the Council has other conversations with local people. The boards have powers to make grants, particularly for things that involve young people. This model – of boards established by a council but doing work which is defined by local needs and interests, and controlled by local people – could be one for RBKC to investigate further.

■ **Support the establishment of a Community Interest Company, co-operative or other kind of local formal body for community action:** In the recent past, RBKC has assisted with the establishment of a Community Interest Company, Epic CIC. This model provides a way for local people to deliver services to their neighbours and to tackle the issues that are important to them. This would help local people to work together to tackle local social problems – although the contract-based model for delivery under which this work would probably be undertaken might be unattractive to local people. Its attractiveness would depend on the willingness of people in the local community



to be part of an organisation that might well end up delivering services “on behalf of” (i.e. funded by) the Council.

- **Support the establishment of an urban parish (or parishes):** Since 2011, it has been possible to establish new parishes in urban areas. The most high-profile examples of this have occurred following community action in Sutton Coldfield and Queen’s Park. Queen’s Park, of course, shares a border with parts of North Kensington. Usually, steps to establish an urban parish should be preceded by a community governance review, which would be informed by the kind of civic dialogue we discussed above.

The option of a formal urban parish begs the questions of the overall role of such a body. “Urban” parishes benefit from the same powers as any other parish council, although the challenges and opportunities they face are likely to be quite different. Parishes’ work has traditionally focused on “clean and green” issues, but newer parishes in urban areas have seen their role as broader than this. They can cover support for the arts and local community work (which might include grants), youth services and certain issues relating to the safety of the local community (such as street lighting).

Public decision-making, by elected people, on issues important to local people, close to where they live, will help to make decision-making more accountable. It is not guaranteed, but empowering people to take ownership of the spaces in which they live may help to rebuild trust with RBKC as the “principal council”.

Parishes also have a representative role, particularly on issues such as planning, where they are required to be notified by the local planning authority of any planning application covering that area. Parish councils’ representative role (in this and other areas) provides a strong voice for local people.

Proper checks and balances are required – local elections provide this, but the new parish would need to conform with a wider regulatory regime. Establishing a

parish would probably also take longer than some of the options above. There is also a challenge around funding. Usually, parishes are funded by a precept – a charge made to local people, which is billed as part of the council tax bill for people living in the relevant area. Some people (especially those in the North of the Borough) might think it is unfair that they would have to cover the costs of an “enhanced” local governance system themselves.

Despite this, parishes benefit from independence – over budgets and priorities – which is formalised in law. This formal distinctiveness might well be attractive to local people. The fact that parishes are under separate democratic control – directed by parish councillors – might also be attractive. However, we know that some local people in the community want to see the implementation of systems that are more radical, and that involve broader community involvement, than one that might be seen as repeating a “traditional” council model at a more local level.

As part of our investigation into locally led area governance, we have looked at national and international examples of area arrangements – ways that local people can participate while also securing a place for representative democracy.

A model that could help to resolve some of these concerns is one that has operated in the city of Auckland, New Zealand, since local government reforms there in 2010.

The changes saw two-tier governance abolished and a single Auckland Council created, replacing a handful of smaller authorities and the territorial government. Alongside the Council sit 21 local boards. Local boards share responsibility with the Council’s “Governing Body” (loosely equivalent to Full Council). Local boards reach agreement with the Governing Body over funding and plans (which operate on a three-year cycle). Local boards by and large have responsibility for community-facing facilities, but the planning process involves the boards and the Governing Body entering into a negotiation over which powers will be allocated. This is subject to an independent dispute resolution mechanism.

Once the local plan (with its associated

allocations of responsibility) has been agreed, the local board has full autonomy within the framework of that plan (and within the law) and is accountable directly to local people for its implementation.

Funding is allocated according to a transparent formula agreed as part of the Council's long-term plan. Additional funds are also made available – for example, the local transport authority ring-fences NZ\$10 million, allocated according to population, across the local boards for local transport projects.

The arrangements that govern the relationship between the city council and its local boards act as both a guarantee of independence for the boards and a way for the city council to work with them. This presents a way to secure the maximum possible local devolution while falling just short of total independence. It could be a halfway house towards the establishment of an urban parish – or an end in itself, if the right procedural framework can be developed to make it work to everyone's satisfaction.

There was controversy at the time of these moves; local boards were seen not to have sufficient autonomy, and the fear was that local democracy would suffer, with big decisions being made at a remote city level.

Overall, putting in place area working will help to resolve some concerns – especially those relating to the sense that decision-making in the Town Hall is too remote.

But there is also a sense that Town Hall decision-makers have a simplistic view of the North Kensington community in particular, and that this makes it difficult for them to make decisions in their interests. Local people (particularly in light of the Grenfell fire) feel they are wrongly portrayed as living on “sink estates”, that they are universally deprived and that the reason they agitate for better services and care is because they are ungrateful. This concern predates the Grenfell fire; many feel they have been forgotten over the course of many decades. More local governance will not be a panacea for these deep-rooted concerns and angers. Both the Council and the community have to be realistic in considering what it can achieve. Area working – empowering local people to make decisions on issues that affect them – will

provide some of the answer, but only alongside wider cultural change.

## **F. Take practical steps to engage with local government good practice**

RBKC should also rebuild its links with local government nationally – with its neighbouring councils in London and with the Local Government Association (LGA). This will help the Council to get the perspective it needs from fellow councillors and professionals, and to break down its sense that it is somehow an exceptional and unique council. The challenges RBKC faces are in many ways deeper than those of its neighbours – but it can still learn from other councils and communities, across the capital and further afield.

In particular, we would suggest that the Council take up the opportunity of an LGA Corporate Peer Challenge (CPC). A CPC brings a team of councillors and officers from other parts of England into the Council to look at the Council and its work. These people are chosen on the basis of their experience and expertise. They would be able to make independent suggestions for change. Taken as part of the wider steps we set out in our report and appendix, this could help – in due course – to cement the improvements the Council needs to make. We think this kind of engagement with the wider local government sector – although it is, of course, starting immediately – would serve best as a check to the Council once it has had a chance to put in place some of our more immediate recommendations.

Finally, it has been suggested that the Council's challenges are so significant that it requires more sustained intervention from central government. Some have suggested that the Council be placed in “special measures” (which we have assumed means the appointment of external commissioners).

“Commissioners” are unelected people who can be appointed by the Secretary of State for Housing, Communities and Local Government to run a council instead of locally elected politicians. There is a legal framework for doing this in the Local Government Act 1999. Under central government control by commissioners,

RBKC's councillors (of whatever party) would have no role in making decisions until the Secretary of State decides to return those powers to them.

Nothing in the evidence we have gathered supports this view. The Council's main challenges are about rebuilding its links with local people and putting in place a vision and plan to make this happen. Bringing in commissioners would, in our view, harm and delay this process. While it might seem attractive (particularly to those locally who do not hold any trust in the Council), in the medium to long term we do not think it would lead to quicker or more sustained improvement than would happen otherwise.

The experience of other councils demonstrates that there will be no "moment of catharsis" – a point at which tension and distrust will start to ebb away and relationships can begin to be rebuilt. There is no clear roadmap or comforting words that people at the top of the Council can use to make improvements "just happen". Organisations in this position simply have to work to ensure that everything they do – every interaction, every promise, everything they deliver – is steeped in the new culture of the organisation. This is the culture we talked about at the start – the open, frank and candid culture that admits to mistakes and tries to make things better. People will, and should, still be suspicious. But this is the only way.

It would be easy to see this as the Council doing penance, or self-flagellation. It would also be easy to say that penance and self-flagellation are two things that the Council should be doing more of. In truth, what we are talking about is neither. It is simply a well-adjusted council prepared to do what is right by its people.

## **G. Use the Annual Government Statement as the basis for an ongoing, wider conversation about how governance can be improved**

Councils are obliged to produce an Annual Governance Statement (AGS). This document is usually procedural and technical in nature.

At RBKC, the AGS should be used to inform an annual conversation about governance, transparency, decision-making and local people's involvement in all of this. Providing a means to reflect on how decision-making happens on a regular basis will be important in sustaining the Council's improvements to governance. How the Council produces and provokes discussion on the statement is up for debate. In the sections below, we suggest a number of different models and structures that could "own" this process. It could well be led by local people, who could use the opportunity to present robust challenge to the Council on how it is living up to the twelve principles. Whatever happens, the review process would need to be seen as independent from the Council's leadership.

## Options for next steps

Our recommendations, above and in the main report, are about providing the Council and local people with a framework within which a substantial local conversation can happen on major issues around governance and decision-making.

The result of those conversations will define what follows. Local need and appetite for various different approaches to governance, decision-making, policymaking and oversight will all influence what the Council, with local people, finally agrees.

We present our suggestions here as options – not because we think that addressing these points is optional, but because it is right that local people and councillors should engage with and discuss what is likely to work, based on the Borough-wide conversation we propose above.

These “suggestions for action” are things on which the Council will need to take a firm view in light of the Borough-wide conversation above. Until then, we suggest that (in support of the work of the citizens’ assembly, and the other conversations that will be happening in the Borough) the Council might choose some of these suggestions as things with which to experiment – different approaches to formulating decisions, and holding them to account, on which local people, councillors and the Council can try out to see what works.

This experimental approach is the most proportionate for a number of reasons:

- It recognises that the Council, and local people, are not going to be able to build perfect systems for everything straight away. A trial period is necessary.
  - Putting in place “permanent solutions” could be seen as more risk – to the Council and to local people. Trialling different approaches means that decisions can be taken later, informed by evidence.
  - Putting in place “permanent solutions” could be seen as resource-intensive.
- Experimental approaches can be trialled and evaluated more dynamically.
  - Experimentation helps to manage the challenge of prioritisation – that is, which of these measures to address first. Because a number of these measures are interconnected, setting a priority and order for them is very difficult. Experimenting with different elements of what we propose before taking firm action means that the Council is able to prioritise from a more informed standpoint.
  - Finally, an experimental approach means that the Council, councillors and local people “own the change”, when it happens. People will have had the opportunity to check, review and evaluate the strengths and pitfalls of different approaches – they will understand what they are signing up to and how to make it work.

# Resident involvement in decision-making

## Recommendations

### **Publish a statement of the Council's new culture (and new strategic vision) to demonstrate how the Council will work with local people to understand how decision-making ought to be opened up**

We have been told by some that the Council sees engagement, involvement and dialogue with local people as a risk. We have heard that there is a preoccupation with “managing” the way that the Council and local people talk to each other, which has driven the continued focus on traditional consultation, which some local people think is unsatisfactory. We have seen some recent “consultation” activity that backs up this view. We have also seen evidence that this has historically affected the way that the Council engages with the local media, although this does now appear to be changing.

We think the Council needs to do more to publicly explain first that it understands what benefits the public can bring to decision-making, and second that it is prepared to put steps in place to cede power to local people to make this happen. At the moment, it is not clear that the Council (corporately) understands this – although we know that examples exist of better working at a more local, operational level.

This inconsistency, and the feeling that they are being ignored, has contributed to local people's justified frustration. This is part of the cultural challenge that we identify elsewhere.

The way that power is distributed and used will need to be different to suit the needs of different issues, challenges and parts of the Borough. We discuss this in more detail in the section on how the Council makes “key decisions”.

There is huge capacity, expertise and skill in the local community, which can be brought to bear on the challenges facing the Council and the area. Local people deserve a public commitment that demonstrates the Council's recognition of this fact and shows how the Council will work with local people in future in a spirit of partnership.

### **Introduce an advisory panel for policy development**

Historically, the Council has operated a residents' panel, but this appears to have been in abeyance for some time. We have been unable to determine when, and in what capacity, it was active. Residents' panels were generally set up by local authorities in response to the Comprehensive Performance Assessment regime in the last decade.

In other councils, residents' panels were used for consultation and surveys. They were (as far as possible) a broadly representative sample of the local population. They varied in size quite significantly.

Used well, residents' panels have the potential to be more than just a talking shop. We think the potential exists to restart the panel and use it as one of a number of ways to draw members of the public into the decision-making process.

We think there are a number of roles that such a panel could perform.

First, it could highlight and encourage links between residents and communities in the North and South of the Borough.

Second, it could take on some of the work and recommendations of the citizens' assembly. The citizens' assembly would be set up on a time-limited basis specifically to engage with the challenges we identified at the start of this report. A panel made up of local people would be able to take some of this work forward.

Third, it could help to formulate and oversee a “matrix” of different involvement, engagement and empowerment techniques and approaches for a range of different services, issues and outcomes. We explain this in more detail below.

Fourth, it could provide a way (within this matrix) for particular policies to be deliberated and refined. The precise role would depend on the broader governance decisions that we have suggested the Council make elsewhere.

It could be that such a panel could be facilitated and supported by the Council but organised and managed from the ground up. The form and approach taken by such a panel is something that could form part of the discussions we suggest happen elsewhere on area governance.

### **Set up a model of policymaking that involves residents appropriately in the development of policy proposals, including the use of policy commissions**

Some of the people we spoke to suggested that the Council convene commissions (which might incorporate councillors and members of the public) to direct and develop policy. This idea may go together with the residents' panel option highlighted above. These commissions might be given broad terms of reference by the Council to tackle a particular challenge or issue, reporting back with refined proposals after a set time. They would be empowered to gather evidence from council officers as well as local experts.

We think these commissions could be given independence by being organised by the Council's overview and scrutiny function rather than the leadership. They would not be the same as scrutiny "working" groups – their work would be more intensive and consciously public-facing, and would require more support.

This would complement the operation of scrutiny. It mirrors the approach that councils in the Netherlands operate. The Netherlands has a long history of consensus decision-making. It operates a "Mayor and Aldermen"-style Cabinet system at local level. There are two models for municipal governance in the Netherlands: the programme model (where the membership of the "Cabinet" is made up exclusively of members of the majority party) and the mirror model (where membership reflects the political proportionality of the authority at large) – a bit more like a traditional Policy and Resources committee under the committee system. The key feature of this system (and the Dutch approach to government more generally) is its dualism – the Mayor and Aldermen are not actually members of the Council; the Council is a legally distinct entity. With the advent of dualism in local government in the Netherlands,

the separation increased. The nature of coalition politics in the Netherlands means that even programme-based executives are multi-party; the weekly Mayor and Aldermen meetings (which take place in private) are therefore a critical space for consensus building, debate and discussion.

For us, this highlighted the challenge of when it might be appropriate for these kinds of commissions to be established – and who makes the decision on establishment.

Open policymaking is important but will not be appropriate (or feasible) for every council decision. There has to be a way of ensuring that transparent methods for debate, discussion and decision-making can be applied consistently, and in a way that is fair to everyone. Importantly, those methods, and how they are applied in relation to council decisions and policies, have to be owned by both the Council and local people.

In the section below on lead members and decision-making, we note the Council's "diamond" system of identifying where decisions are likely to be of particular importance. We comment that this could be used to support a system that involves the "variable" involvement of local people.

A system that provides consistent and well-understood mechanisms for local people to get involved in decision-making at different stages, and in different ways, is a critical part of making sure decision-making is open, accessible and accountable.

This kind of approach rests on understanding the expectations of local people.

Some people (local people and elected councillors) want to play a role in the formal act of decision-making. To meet these ends, we suggest changes to the way the Council manages its "key decisions" below. For others, a direct role in crafting and shaping those decisions from the earliest stages is a priority. How this works in practice will ultimately be defined by the decisions that local people and the Council end up making about Borough and area governance, as well as by the role of scrutiny (which we discuss below). But in advance of those decisions being made, we

think that experiments can be taken in opening up decision-making – to see what works, how systems might adapt and how working cultures can change. Experimentation will not only yield success but also give the Council and local people the confidence to choose the approaches that are likely to work in the long term.

Whatever these different approaches look like, they will need to be supported by a more open approach to the preparation, publication and use of information by the Council. A shift is needed in openness and transparency. We will go on to talk about this in more detail in the sections below on formal decision-making, but it is important to note here that the provision of information, in an open, candid and frank way, is both a key element of cultural change and a critical prerequisite of an approach that gives local people more of an active role in decision-making.

Historically in RBKC, opportunities for the involvement of local people in decision-making have been limited. There is a consultation portal on the Council’s website, but it contains very little information (at the time of writing, three active consultations are listed, with no onwards links for those requiring more information). There appears in the past to have been a residents’ panel, but it seems to be in abeyance. One of the options we suggest below is that it should be re-established.

The examples we have seen of “consultations” are traditional and based on the assumption that the public will comment on detailed proposals produced by the Council. Under these circumstances, it is easy for local people to assume that consultations are seemingly carried out for the sake of compliance rather than to genuinely elicit views. The way that consultations are explained and expressed leaves the Council open to the criticism that materials make assumptions about the future that may not be justified, or that they deliberately exclude options that residents might like to explore.

We heard many examples of significant anger among local residents – both before and after the Grenfell fire – because of a sense that the Council routinely ignores their wishes and interests.

Further discussions about local expectations are necessary to dig into these concerns and to inform choices about some of the options. In particular, these conversations will influence the Council’s decisions over both formal decision-making and scrutiny. Councillors will need to play a central role in these conversations, but they and the Council at large will need to show they intend to put local people in the driving seat when it comes to how these formal systems operate. This means formal decision-makers on the Leadership Team talking to local people and engaging with their views far earlier. It may also involve scrutiny and ward councillors having a particular role in understanding, challenging and mediating local people’s views – especially on large or contentious topics on which local disagreement may arise. Councillors cannot, however, be seen as controlling these debates and discussions. They can be participants – and they have a role in feeding and shaping the debate – but that debate will belong to local people.

We think a likely approach will see a “matrix” developed that will provide a range of different options for public involvement and empowerment on different kinds of issues. Forthcoming decisions likely to have a profound impact on the whole Borough would demand a very different approach to public engagement compared to landscaping improvements in a local park, for example. But there will need to be some form of public stake, and public involvement, in each of these decisions.

A spectrum of participation methods and approaches are available that could “fill” this matrix. The citizens’ assembly could begin to evaluate these different methods; this task could then be taken on by the policy development panel we talked about above. This panel could play a role in overseeing this process, identifying which decisions or issues could be subject to different levels of involvement and empowerment.

It is not possible at this stage to set out a list of decisions or issues that might be particularly amenable to certain levels of “public involvement”. Only a conversation between the Council and local people can give rise to this agreement. That conversation cannot be short-circuited. The menu of different methods and

approaches to secure that involvement, too, can only be reviewed and evaluated by local people and councillors working together.

The methods and issues that would form part of this “matrix” would not, importantly, be the only way the Council would seek to secure public views on topics of local interest and contention. The approach we recommend the Council encourages elsewhere – the spirit of local people being able to self-organise and hold the Council to account in a way that suits them – applies to policy development as much as anything else. In a section below, we highlight how this bottom-up self-organising would intersect with these more Borough-wide approaches.

The different challenges and expectations around planning and development are a good example of the kinds of issues and factors that the Council and local people will need to consider to properly address everyone’s needs.

Planning sits outside of the Council’s executive decision-making arrangements. A change to the Council’s governance arrangements would not affect the way that planning decisions are made. Planning policy is developed and adopted based on a statutory framework; planning applications are determined in a particular way, which is defined by law. There is not so much scope to do things differently in planning as there might be in other areas.

However, we have heard significant concerns about the way local people engage with the planning process. There is a worry that people are ignored when they express concerns about planning – that there is no “comeback” for local people, and no consequence for the Council if they act in a way that is seen to be to the detriment of local people.

These concerns are not unique to RBKC. In other parts of the country, planning is also a cause of significant local contention. But it has to be recognised as part of the range of issues that have contributed to the distrust in the Council. RBKC’s planning challenges, as an inner-London Borough with complex, unique and significant pressures on development, suggest that a unique solution is required.

There is a clear case for the Council to do more – to learn from mistakes when they happen, to understand where local concern and frustration arises, to recognise the need for accountability to local people, and to explain and justify decisions on the basis of policy in a way that local people can understand.

Revisiting planning policy and how policies are designed and adopted seems to be the most obvious way to spread trust and understanding. Part of this will involve the Council being franker and more open about the competing interests and demands that influence policymaking. The “matrix” of different methods of involvement will help the Council and local people to understand what the best balance is.

Inevitably, engaging people in the act of decision-making will always be more attractive to local people – individual planning applications excite more interest than policies and plans, especially when they are large-scale in nature. While it will be difficult (and perhaps not advisable) to open up planning decision-making itself, in the first instance there is certainly a case for the Council to take more steps to explain and justify its decisions – on the basis of not only planning policy but also the impact that decisions have on people’s lives.

Thinking about making it easier for members of the public to actively contribute at planning meetings might be one approach: giving local people more than a three-minute slot to express their views and giving them a right to reply to statements made by applicants. There is also a need for the Council to make sure that public representations can be shown to have been given due weight in the decision-making process. Jargon-busting work (in the form of documents and/or seminars for local people, provided by planning officers), and work to support ward councillors to empower their residents to engage productively in the planning system, will all help.

RBKC has unique demands around planning, which require unique responses in terms of governance. But these, like other issues, need to fit into a broader framework for public involvement in decision-making that is consistent, understandable and seen as owned by local people.



It is likely to take some time for a framework like this to get up and running. It will require experimentation. It represents a method of securing local insight and involvement in policymaking that is (in the UK local government context) quite radical.

## **Redesign the Council website**

A large number of those we spoke to said the Council website needs urgent work to be fit for purpose. The website is the first port of call for people who want to find more information about the Council – and for those (including councillors) who are trying to hold the Council to account.

We recommend that a major redesign takes place as soon as possible, so that the website meets the needs of residents. The gov.uk design principles provide an excellent starting point, and we would also suggest talking to the LocalGovDigital group if more help is needed.

## **Work with councillors and the voluntary sector to foster and support local individuals, groups and organisations to self-organise to influence council decision-making**

Above, we have set out a range of ways in which local people can use formal mechanisms to influence formal decision-making.

But public debate cannot – and should not – be channelled exclusively through these kinds of mechanisms. We talked in our main report and in this appendix about the importance of self-organisation – empowering local people to make decisions and influence the Council’s decisions in the ways that best suit them, not the ways that are most administratively convenient for the Council.

Area working – again, discussed above – is one method of dealing with this challenge.

There are huge strengths in RBKC’s community, not least the vibrancy, activity and interconnection of the various groups that exist to make local people’s lives better on a practical level. Any solution, therefore, must also provide significant space for these groups to feed in,

express themselves and take action in ways that make sense to them – with the support of the Council. We think the flexibility that local people will demand to define for themselves how and where they engage will need to be built into the “matrix” approach we define above.

A range of individuals and organisations need to be supported and empowered to be more active and involved in this work – if they want to be. We have heard it expressed that local people are not especially interested in getting involved unless something directly affects them; that they are happy for the Council to act on their behalf. This is likely to be the case for certain people and issues (and the “matrix” will need to take account of this), but we cannot expect, given the scale and vibrancy of voluntary and community action in the Borough, that it is a widespread rule. In fact, we suspect there is a significant latent demand – people who would like to be more involved more but need support to play that more active part.

Councillors – in their role as representatives, but also as people encouraging their constituents to get more involved in important local issues – have a specific role here. Certain councillors may feel comfortable in “leading” efforts to do this in their own areas. In some areas, councillors may end up “mediating” local views, where they are expressed – if this is what local people want.

We think the voluntary sector in particular could also be crucial in providing this support. The sector, the Council and community organisations should discuss how the kinds of conversations we talk about in our report, and this appendix, can be opened up to engage a wider range of people. We can provide no hard-and-fast rules and approaches here; much of this will be very local – street by street, house by house, flat by flat.

Importantly, the people we are talking about here are not just current residents. We think there is a role in seeking to involve people who work and provide services in the Borough too.

# Councillors working with residents

## Recommendations

### **Hold development sessions for councillors working with communities**

We have heard that some councillors need support as they engage with their constituents. Part of a response to this might be the employment of political assistants, as we discuss in later sections.

But other forms of development may also be necessary. Our recommendations pose challenges to local people, and to the Council, about how they work together. Councillors will be the mechanism through which much of this dialogue must happen – they must get the assistance they need to carry out their roles properly.

First, councillors need support to help local people navigate the Council's systems and processes. Councillors themselves need support in these systems to provide this assistance. This is particularly the case in the immediate aftermath of an election, and this support should form part of the induction process in the early summer.

Second, councillors need support to help local people engage in the various debates and dialogues we talk about throughout our report and appendix.

Third, councillors need support to gather and make use of insight and intelligence from local people. Part of this relates to the historic lack of a formal management system for councillors' casework. Councillors in a modern London Borough are called on to deal with a huge number and breadth of issues their residents are experiencing. Most councils have corporate systems, both to assist councillors in managing their time and to ensure they get answers to the questions they want answered on behalf of local people. Such systems often get fed into the Council's corporate complaints system. In the best instances, this ensures the Council's response to complaints, and issues arising from councillor contact, are prompt and seamless.

We are aware that RBKC is putting systems in place for the adoption of such a system.

Finally, councillors need support to more fundamentally understand the communities they serve. At ward level, there are a number of councillors who have excellent relationships with their residents – who are known and trusted.

But even councillors who have served the same communities for some time would, we think, benefit from the opportunity for structured conversations with local people and groups – led by local people – to talk about their hopes, needs and aspirations. In time, this option will come through the area working proposals we make in earlier sections. In the short term, we would call on local people and groups to organise to engage with ward councillors post-election – and we would call on councillors to respond promptly and positively to those attempts at engagement. We believe these steps can be supported by the Council's member induction process, which will work with councillors to understand how they, and the Council, can understand the communities they represent. As such, the member induction process will be a crucial element in making this happen.

### **Focus member induction (and ongoing support to councillors) on a clear understanding of councillors' various roles**

Throughout our main report, and our appendices, we have commented on councillors' representative role. Later in this appendix, we will cover councillors' important role in decision-making.

It is important that councillors understand this role – and their other roles.

The recent report of the Councillor Commission (a body established by De Montfort University's Local Government Research Unit, on which the chief executives of both the Democratic Society and CfPS sat as commissioners) provides a good starting point for exploring councillors' different roles. We have also explored these roles with

interviewees (councillors, officers and residents).

Councillors are representatives of local people, but not delegates. They have to exercise their own judgement and use their perspective to understand and act on local issues in service of their community. Viewed this way, it is simplistic to say that they are “community leaders”. They are a part of the community, but they do not “lead” in a conventional sense – they can act as advocates for local people, mediators where the interests of competing groups might clash and solution-finders for difficult local problems that affect an individual, a group or the whole area.

Councillors’ roles include:

- Supporters of individuals (through casework)
- Supporters of groups and organisations at local level (charities, community action etc.)
- Challengers of the Council’s leadership on behalf of local people
- Challengers of the Council’s leadership from a political point of view
- Challengers of the Council’s leadership from the perspective of overview and scrutiny
- Decision-makers (locally, depending on area working arrangements)
- Decision-makers (Borough-wide)
- Representatives of the Council on outside bodies

This is, of course, not an exhaustive list. New councillors will require the support of longer-standing colleagues and their political groups (if they are aligned to a political party) to carry out this work properly.

Councillors have to find their own roles and be supported to carry them out. Their role will depend on the unique relationship they forge with their own constituents. This is particularly the case in multi-member wards (like RBKC’s). Multi-member wards allow for a degree in specialisation – some councillors (especially lead members) may become focused on strategic matters, some may focus on Borough-wide regulatory and quasi-judicial issues (like planning) and some may focus on their community representation role.

In RBKC, we have heard that some councillors see their role as bringing expertise to the Council, using this expertise either to hold the Council to account or to direct policy or decision-making. This has served to muddy the mutual roles of officers and members, which we will discuss below. The role of councillors is not bringing professional expertise to the authority; it is bringing their unique perspective to bear on decision-making through their connection to local people, which derives from their credibility and legitimacy as elected representatives.

It is important that the member induction plans for the 2018 intake of new councillors engage creatively with councillors to help them explore how their roles will evolve and develop over time.

### **Take action to ensure that officer responses to councillor requests are consistently timely, positive and informative**

We have heard that councillors have sometimes experienced difficulties in getting answers to questions or securing action from the Council on important local issues.

This is a challenge shared in other councils. Councillors do have enhanced rights of access over information held by the Council. Councillors sitting on scrutiny committees hold particular enhanced rights. The issue here is not that councillors are denied access to information but that information may arrive incomplete (or presented in a way that is otherwise unhelpful) and/or late.

Some of the other changes we have talked about in this appendix will work to address this, particularly some of the actions around policy development and consistency in the preparation of evidence bases for decisions.

But action is still necessary to address individual requests for information.

As a first step, part of the culture change and organisational development work for the Council needs to engage with officers’ awareness of members’ roles and expectations. We have discussed this above in the specific context of

decision-making, but the understanding we talk about here goes much wider.

Understanding councillors' motivations, respecting those motivations and using that understanding to ensure that those expectations are met will help.

Officers need to be empowered, by senior managers, to be more proactive and responsive

in their communication with members. This, again, reflects the issues we talk about later regarding the culture of deference to councillors. A more productive and professional relationship between members and officers will help dialogue and understanding.

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## Lead members and decision-making

### Recommendations

#### **Clarify the different roles of officers and members in the decision-making process**

Good governance in decision-making is about more than just making sure that rules are adhered to. But having rules is important. Part of a rules-based approach to decision-making is that people working within the system have to understand what their roles are.

Under the Leader and Cabinet system, two groups of people can be involved in formally making decisions. These groups are elected councillors, and council officers employed by the Council.

Councils have rules that set out who is responsible for making decisions on what issues, and when. Like other councils, RBKC has a Scheme of Delegation, which sets out where members and officers are responsible for decision-making with the required level of detail. However, looking at this alongside the Forward Plan, there are points of inconsistency – elements of certain decisions that might lend themselves more to member than officer decision-making, or vice versa. We have not found any egregious examples of misassignment, but enough that there is evidence of a certain woolliness, which probably expresses itself rather differently from department to department. It is something that the Council should seek to address.

This probably reflects two issues.

The first is the silo working that leads to such inconsistency. We go into more detail about this both in our main report and later in this

appendix, and suggest some approaches that could resolve the problem. “Silo working” means that, historically, departments and lead members have often made decisions on their own, without bearing in mind the implications on the work of others.

The second is the nature of the member–officer relationship at RBKC. Elsewhere, we have noted that the decision-making process can be messy and confusing to local people – it has been described to us as a “black box”. This is particularly the case when one tries to understand the roles that members and officers play, separately and together, in formal decision-making.

It is especially difficult to point to specific evidence (particularly documentary evidence) of the way a relationship works practically on the ground. Much is informal and unsaid. But our interviews (and some recent documentary information derived from the schedule of key decisions, scrutiny reports and Cabinet/Leadership Team paperwork) suggest that officers are given more latitude than they ought to have in directing the development and making of some decisions; here, more effective lead member oversight is needed. Equally, there are some decisions – operational in nature, and delegated to officers in a formal sense – where the level of member involvement is greater than would be expected. The challenge here is not, therefore, as simple as saying that RBKC's decision-making is “officer-led” or “member-led”.

This all contributes to a woolliness around roles. As in other areas, the member–officer protocols in the constitution do not assist here, despite setting out expectations in general terms. The issue is one of behaviour – in particular, behaviour in which the personal interests of individual lead members dominate how much, or how little, they are involved in the decision-making process. This brings a “hobbyist” flavour to members’ engagement and involvement – and hence, their accountability.

We have not seen documentary evidence of this happening, but evidence from multiple internal sources suggests it is the case. It is also not consistent; it almost certainly applied differently to different lead members (now, and Cabinet members in the past) and different departments. But the fact is that the space exists within the Council’s decision-making systems that allows this practice to continue.

A lot of this appears to be focused on the work of policy boards. These informal spaces for council officers and lead members to discuss and deliberate exist in many councils. RBKC needs to consider how the culture of the Council contributes to the confusion that exists around mutual roles.

This is not to say that boards should not meet or that all policy development must happen in public and according to a rigid formula. But there is something about the informality of systems and processes that does need to be addressed. There is a tendency for members’ active involvement in decision-making not to be directed towards those areas where they should be directing and overseeing work. As we have already noted, in our main report and this appendix, lead members’ roles should be directed towards strategy, setting the Council’s direction and identifying broad political priorities. Officers should plan and deliver the way those priorities are acted on and their impact on the ground.

This is heightened by the lack of mutual challenge between members and officers. While it is right that members set a strategic direction for officers to follow, in RBKC there is a (well-recognised) culture of officer deference (in terms of behaviour) to members, which the Council knows it needs to address.

Other councils have protocols and systems to govern member and officer relations around decision-making that are comparable to RBKC’s, but – as in other areas – the practice looks quite different. Different spaces exist for member and officer liaison. For example, councils may convene joint meetings of their Cabinet and senior officer team to work on broad priorities; selected lead members and senior officers may meet on a time-limited basis to think of ways to tackle specific issues or deliver particular outcomes; officer conferences (such as meetings for large teams of middle managers) may happen, which are informed by the priorities and vision of the relevant lead member (or members), who attend to both set the scene and take an active part in discussion.

Whatever happens, it is important that care is taken to ensure that members are involved in decision-making in the right way, and at the right time.

Importantly, these approaches, while they are set out in writing in the constitution, are in many councils backed up by years of practical working, leading to an innate understanding of mutual roles that forms part of the culture of the authority. This is not easy to replicate.

As such, for RBKC, putting new systems in place will not be enough. Looking at this issue alongside the rules around “key decisions” (explained below) will help to recast how members, officers and others play an understandable, transparent and consistent role in how decisions are formally made.

### **Redesign the “key decision” process**

Legally, key decisions are defined as those that result in significant expenditure or a significant effect on local people across two or more wards covered by the Council in question. In its constitution, RBKC defines “significant expenditure” as £100,000, which is at the low end of the spectrum compared to other authorities. In other respects, the definition the Council provides conforms to government statutory guidance published on this subject in 2000 (guidance that, as far as we are aware, is still active).

Prior to 2012, councils had to publish their forthcoming key decisions in a Forward Plan: a document that was updated monthly and contained all the key decisions expected to be made in the next three-month period. The law changed in 2012. Now, councils are no longer required to produce a Forward Plan; instead, they must though give 28 days' notice of any key decision. Councils still produce what tends now to be called a "Schedule of Key Decisions", which some (including RBKC) still refer to as a Forward Plan.

The idea of the Forward Plan (and of the key decision process) is to highlight to the public and to non-executive councils where major decisions, expected to be of public interest, are likely to be made.

At RBKC, a system exists to highlight particularly important key decisions. Key decisions are graded on a scale between one and three diamonds, as described in the Council's constitution. This system was developed and designed by scrutiny chairs, who wanted to make sure scrutiny committees could play an active role in reviewing the most important decisions. The descriptions are:

- ◆◆◆ **High impact and high public interest:** A key decision that is likely to have a major impact on service users, residents or businesses and where there is prospect of significant public interest. This decision would be expected to feature planned consultation with the Scrutiny Committee and the public.
- ◆◆ **High impact or high public interest:** A key decision that would meet all the above criteria on impact or could be expected to be of particularly public interest. This decision would be expected to feature planned consultation with the Scrutiny Committee and the public.
- ◆ **Routine, low public interest:** A key decision that is of a relatively routine nature where the Scrutiny Committee would not wish to get involved.

Although this system focuses on the need for accountability, it does not seem to meaningfully influence the way that scrutiny engages with these decisions. Neither does it influence how the Council's executive deals with particular

key decisions. "High-impact" decisions are not placed on the Forward Plan earlier than others, and do not benefit from additional documentation to back them up. Neither do they seem to benefit from enhanced consultation arrangements (or attempts to evaluate their cross-cutting impact).

Moreover, it is difficult to ascertain how and why a judgement might be made as to whether a decision is a "key decision" or not. We have noted above that the constitution makes reference to the definition of "significance" insofar as it is applied to key decisions, but this is open to subjective interpretation. We have looked at this issue alongside the connected issue of decision-making delegation, on which we comment further below.

We think the "diamond rating" system is interesting and innovative. It could help to manage decision-making well if it were used more consistently and thought of as about more than just overview and scrutiny. In particular, we think it should be linked to the options we highlighted in the last section about variable community involvement in decision-making. If managed better, it could also be used to define the level and detail of information published to support decisions. It could also perform its expected purpose of helping the scrutiny function to oversee the decision-making process better.

A reviewed and revised key decision system – more predictable and backed up with more consistent information and background papers (see below) – also needs to be public and transparent.

At the moment, the rating and ranking of key decisions according to this system is "owned" by scrutiny. Because this sits independently of the Council's leadership, it provides important assurance – despite the shortcomings we have identified above – and should continue.

Local people (individuals and groups) have told us they want more ways of understanding when decisions that affect them will be moving to the formal decision stage.

One straightforward way of ensuring an element of transparency would be to integrate into the Council's committee and decision-management

systems a facility to provide email alerts to people who have signed up to express an interest in following specific decisions, or specific classes of decision. Such a system does exist, but the opportunity could be taken to review and enhance it. This is likely to be of particular value to local charities and voluntary organisations, but we anticipate it would also be of use to residents' associations and amenity groups.

### **Review the governance of the bi-borough and partnership arrangements to ensure they are compatible with the twelve principles**

Where councils (and others) have entered into partnerships (formal and informal) with others, it has proven very difficult to get the governance right. Tri-borough was one of the first of these arrangements. Since it was developed, other councils have had the opportunity to trial and test it. Broad lessons emerging from those experiences can be summarised as:

- Clarity of purpose is important.
- Clarity of outcome (what outcome is sought, and how we will know that this outcome has been delivered) is also important.
- As far as possible, local people need to be in the driving seat in asserting what the purpose and outcome are to be. Some councils have managed this through public exercises to feed into the specification of large commissioning and partnership arrangements.
- Ongoing oversight and accountability are critical. Novel and different delivery vehicles demand their own governance systems. Sometimes these will be unfamiliar to those working in local government – and they may be difficult for the public to understand. There can be a temptation to design governance to be “light touch”, but this tends to suit the interests of decision-makers more than anyone else and is unlikely to be sustainable in the long term.

These partnership-working arrangements take many forms. In tri-Borough, RBKC has some experience of this mode of working, but in other

respects its models of service delivery and relationships with others are quite traditional.

The existing tri-borough arrangements will shortly be changing. Hammersmith and Fulham has terminated the tri-borough cooperation arrangements for children's, adult and public health services. New arrangements are being put in place for these services. A shared service arrangement is being entered for these services with Westminster Council, and a small number of services will continue to be shared with both Westminster, and Hammersmith and Fulham.

With detailed constitutional and governance plans for the establishment and operation of these services not yet in the public domain, making comment is difficult.

However – and only on the papers – lessons can be learned from the way that new joint working arrangements are presented both to the public and to the Council.

The former tri-borough arrangements seem to have been loose, informal and subject to too little scrutiny, in RBKC at least. “Tri-borough” seems to have been seen as an issue requiring scrutiny as a structural concept rather than in the context of the services and outcomes those tri-borough arrangements were meant to deliver.

In respect of other kinds of partnership, it is likely that the strategic challenges the Council faces will lead to it looking again at its relationships with others. It may begin to follow its neighbours in London and elsewhere and accelerate its use of strategic commissioning (where the Council enters a partnership with another organisation for the long term to tackle a broad issue) and trading companies, and joint working with bodies like the local NHS. The speed and nature of these future developments – and whether RBKC chooses to use them – goes beyond the scope of our work. If the Council does, however, it will need to reappraise the approach it takes towards governance, openness and transparency in light of these changes. Over time, RBKC will need to see the challenges it faces on governance less from a council perspective and more as a challenge around legitimacy, transparency and accountability that it shares with its partners.

In respect of slightly more traditional contract

monitoring, where the Council lets out a detailed contract which specifies a lot of operational detail, we have not looked into the detail of the governance applying to those contracts.

We anticipate that elements of the way the Council and its partners procure and monitor services will be investigated in more detail by the public inquiry as it looks into the refurbishment of Grenfell Tower.

More broadly, many councils have had to grapple with the accountability and governance implications of contracting out, and other more novel forms of delivery that might involve other organisations. This has usually been led by an understanding that, while delivery itself might be outsourced, accountability always remains with the Council. Politically and practically, this ends with lead members, who therefore have to satisfy themselves on key issues of performance and fitness for purpose of the services being delivered.

On contract monitoring, councils have in place systems of monitoring and escalation that give members (both executive and scrutiny) the confidence to intervene at the right time, and in the right way. Importantly, for these systems to work well, monitoring must be defined by outcome measures. Increasingly, rather than traditional contracting, councils are moving to commissioning and partnership arrangements – providing more flexibility for those arrangements to adapt to local need and more accountability for what is eventually delivered.

Other councils tend to struggle to open up these arrangements (including contract monitoring) to public scrutiny. Regulations provide for additional information rights for councillors on some of these issues, but it is less usual to see a more open and frank attitude towards contracting in local government in England. There are, therefore, opportunities for RBKC to innovate and lead in this area – within the legal framework that defines local authority contracting and adopting a tight definition of what might constitute “commercial confidentiality”. This form of confidentiality applies to information provided by an outside party which might be sensitive to their business, or information generally which might affect the way that the council negotiates and comes to

agreements with other bodies when it pays for services.

We comment on this in more detail in the section below on overview and scrutiny. The Council needs to think about the way that residents and councillors oversee the management and delivery of contracts. We are not necessarily suggesting the Council supports an independent oversight mechanism like Lambeth People’s Audit – although this could be an option if there is a public appetite for it. But the design of such monitoring arrangements (when contracting is underway) will need to take account of public interest and member interest, and ensure that such outside interest is built into the way contracting is done, rather than an afterthought – or worse, an exercise in duplication.

### **Publish an accessible general guide to how decisions are made**

In this part of our appendix, we make a number of recommendations about changing the way that decision-making works – making it more consistent and clearer how decisions are made. This is in response to the comment from many that policy development can be a “black box”, and that decision-making can happen in a way that appears to onlookers to be unpredictable and complicated.

Part of putting new systems in place is being able to explain those systems simply and straightforwardly. At the moment, information can be found in the Council’s constitution, but this is hardly accessible. A plain-English guide to the Council’s decision-making and oversight systems would be a way to draw local people into the process. It could also help to draw people into the debate, mentioned elsewhere, about how those systems might be improved.

Historically, the Council’s adult social services function has engaged with a group of elderly residents to ensure material the Council publishes is accessible and understandable to this audience. This stopped some time ago, although we understand the practice is now being resurrected.

While we would not necessarily suggest that subject-specific “reference groups”



be established for all council material and publications, we do think some way to independently check important council documentation for readability and accessibility is an important part of the Council connecting better to local people. This is not just about vocabulary and grammar; it is about how information is presented more generally and ensuring it is produced in a way that local people will find helpful.

This has implications for the evidence and background papers we suggest be published as part of the new approach to decision-making, which we cover in more detail above.

### **Publish in a consistent way the reasons and evidence behind individual decisions**

Many councils produce a wide range of background material relating to decision-making. Sometimes this is made public, but often it remains private. Evidence underpinning decisions includes:

- Meta-information (summaries and digests of where information is held and what it contains and explanations of the Council's policy development, whether for an internal audience or public consumption)
- The views of the public, however expressed (complaints data might be one source)
- Business cases
- Options appraisals
- Risk registers
- Performance and finance information
- Similar information to the above from partners

There is also something to be said for the publication of the datasets and other raw information that form the basis of some of the documents covered above. A more robust approach to open data, whereby the Council opens up the methods and products of its research, will be vital as it seeks to have a conversation with local people about what that data says about how local services are delivered. Many councils are consciously aiming to be

more “data-driven” organisations, and the LGA provides technical advice and guidance on these points.

There are challenges in bringing this data out into the open, especially for an authority that has been used to working in private as it develops policy. But part of a cultural change must be about opening up decision-making (as we have already covered). This opening up, whatever form it takes, has to be accompanied by the support that local people (and councillors) need to be able to make the best use of the information.

We suspect that the reason why such information has not been published is that, for many decisions, it may not exist (that is, formalised documentation in which the information is set out has not been prepared). This should be a catalyst to make sure that there is, in future, more consistency in the data and evidence used and published to underpin decision-making. We recognise and expect that all of the information and evidence we highlight above will not be published immediately, and that the Council will have to work on its systems to give it the confidence to produce this information on a consistent basis. But this much more open approach is something to which the Council should aspire – in due course, it will be crucial to the Council's ability to bring local people into the policymaking process.

### **Introduce “back to the floor” sessions for Leadership Team and senior officers**

Part of a change in culture requires that senior decision-makers understand how more junior staff work.

We were told by some about a hierarchical culture of working at RBKC. This aligns with other things we have been told about the Council's traditional nature as a workplace. Because of the siloed way the Council works, this part of the Council's culture may not be reflected in the same way across all teams and departments.

Connecting senior officers and members to the work their council does in communities across the Borough will be a vital part of reconnecting the Council to the people it serves. Many

councils have “back to the floor”-type sessions, in which Cabinet members in particular work on the frontline in areas covered by their own portfolios. We would suggest going a stage further: breaking down silos and barriers by encouraging lead members to experience frontline services across the gamut of areas in which the Council holds responsibility.

The better that councillors (and senior officers) understand how services are delivered on the ground – and the more they understand the opinions of the staff who deliver them, and those who experience them on the doorstep – the easier it will be to apply this understanding to their strategic role. As we have said before, this is about thinking creatively about the issues and outcomes that local people experience, and how the Council’s services – as well as the services of partners and contractors – can help to tackle those issues.

We should stress that we do not want this to be seen as encouraging members or senior officers to start directing the operational delivery of services. It is about increasing insight and challenging assumptions.

Formally reporting back, reflecting and learning from these experiences should be a key element of the Council’s broader approach to organisational development.

### **Review the way that different voices are balanced when decisions are made**

We have not seen evidence that councillors are consciously biased when they make decisions. There are some residents who feel that they are – that councillors often act in bad faith. What could lead to this conclusion is the fact that all people are subject to unconscious biases in the way they act and behave – mindsets that might make us listen to certain voices over others, and weigh evidence and information in a different way to our peers.

Councillors need to understand how their subjective worldview comes across to others, and what they can do to address their biases. This is not so much about “eliminating bias” – this is impossible – but about recognising bias where it appears, challenging and reflecting on their own worldviews and thinking about how a

different perspective could draw them towards a different conclusion on a different subject.

Local people, too, have their own biases, preconceptions and worldviews, which influence how they express themselves. Bias does not invalidate or lessen the value of people’s opinions. But again, councillors will need to be able to understand what this bias means for their ability to balance viewpoints as decisions are made.

The balancing of different views means councillors will increasingly have to make hard choices. Decision-making is difficult. We commented above on councillors’ representative role; even where decisions are difficult, it is right that councillors need to formally make those decisions, and it is right that there will inevitably be some people who are unhappy with them. The measures we have identified elsewhere in our report and appendices on transparency and opening up policy development are about confronting this reality and giving everyone the confidence that, even when a decision is made with which they do not personally agree, they understand the evidence underpinning that decision and the rationale for it having been made.

In the first instance, more and more effective dialogue should help this to happen. But the Council may find that its lead members and senior officers need professional advice to grapple with these issues.

There may be some issues and decisions where residents would expect to be in the driving seat – for example, matters covered by the kind of “area working” arrangements we have described above. Other matters could be addressed through joint decision-making between local people and the Council, recognising that the “formal”, legal decision will often need to be made by the Council alone. The detailed form of these joint approaches would be for local people and the Council to decide. For certain issues, the Council might take the lead. There are also other stakeholders and partners (neighbouring councils, other public bodies, charities) who could play an active role.

Once the general sweep of resident expectations is understood, some of the detail can start to be worked out. The challenge will be deciding

what kinds of decision-making (and resident involvement) is appropriate for different kinds of decision. It goes without saying that the needs and views of the public must drive how this is decided, within the confines of the law. Once in place, provisions setting out how local people will be empowered to lead on decision-making, where they will be involved jointly with the Council and where the Council will lead, depending on the circumstances, must be set out in a way that is clear and unambiguous. This will influence how rules around “key decisions” (see above) are amended.

A debate on this is important because it would be impossible to have a “one size fits all” rule that applies irrespective of a decision’s importance (although we recognise that “importance” is a subjective point, and we will come back to this later).

### **Direct more policy questions to scrutiny – particularly where answers are unclear**

In the section below, we make suggestions about redefining scrutiny’s function and role. There is a particular relationship between decision-making and scrutiny in relation to the role of policy development.

There is a history of the Council’s executive directing certain issues to scrutiny for discussion. Some recent task-and-finish groups provide evidence of this. In our view, this is a positive development that should be made more systematic. Along with the changes we recommend to the policy development and key decision system overall, we think there are particular opportunities, in relation to particular decisions, for scrutiny to be tasked with building consensus – among politicians and with the broader community – on issues of particular local contention.

Earlier in this appendix we highlighted the opportunity of policy commissions, which could involve councillors and local people looking into major issues, gathering evidence and making recommendations. Policy questions directed to scrutiny could well result in the establishment of such commissions. Importantly, though, they would be “owned” by scrutiny rather than leadership.

### **Leadership Team, mirrored by the Council’s most senior officers, should create additional opportunities to discuss key policy issues as a group**

We have heard that RBKC takes a siloed approach to the way it does its work. The Grenfell Recovery Taskforce recognised this silo working in their report in October 2017.

To an extent, all councils suffer from this form of working. Any large organisation has to work hard to break down the boundaries that exist between and within teams and departments.

It’s been suggested to us (and our desktop research backs this up) that the Council finds it difficult to identify and act on issues that are genuinely cross-cutting. By this, we mean issues that affect more than one department or portfolio area. Cross-cutting issues and opportunities are increasingly the norm rather than the exception; the silo-based approach historically taken by the Council makes these difficult to recognise. We do note that the Council has recently taken steps to address this, including a restructure of the senior officer team.

Our research into decision-making has highlighted a particularly weak corporate core at RBKC. This means that, until recently, there has been nothing and nobody at the Council to “knit together” decision-making at top level. Opportunities to identify links between different services the Council provides have therefore been difficult to identify and act on. Again, the Council’s restructure of its senior team is aimed at addressing this issue.

Until recently, issues were only discussed by the Leadership Team as a whole if they cut across more than one lead member’s area of responsibility. Again, until recently, the most senior group of council managers met only once a month. It seems to us that most detailed discussion and decision-making has historically happened at policy board meetings, chaired by the lead member and involving relevant senior officers. Focusing work at this level makes it less transparent than it should be, as well as making it less clear to those at the top level of the organisation exactly what is happening, and why.

Importantly, cross-cutting issues are not always immediately apparent. In this context, relying on individual officers to identify where they arise and to take the initiative to contact their colleagues to develop a collective response is dangerous. We note that recently it has become the case that most executive decisions are made by the Leadership Team meeting together, highlighting the opportunities for this cross-cutting work.

The adoption of a new strategic vision will help here. It is worth noting that significant steps to act on cross-cutting matters have already been taken. The Council's culture change programme holds the promise that these changes will accelerate and spread across the whole organisation. However, developing a culture of collaboration within the Council will take time and effort.

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## Scrutiny

### Recommendations

#### **Review and agree scrutiny's role and purpose, and ensure that this role and purpose are well understood**

Scrutiny's overall role in RBKC is to hold the executive to account and to carry out policy development work. We have already noted its role in reviewing key decisions prior to their being made. This role does not seem to have been articulated particularly effectively by the scrutiny function (including by scrutiny members). A vagueness around roles has contributed to the challenges that the function experiences around prioritisation.

Scrutiny's role needs to be better articulated. This will be particularly necessary if the Council chooses to change its formal governance arrangements (adopting the committee system, for example). Again, this has proven challenging in those councils that have grappled with these issues.

Since 2014/15, we have supported somewhere in the region of 50 to 60 councils to manage their changing role within a dramatically changing environment, ranging from ad-hoc advice to more detailed evaluations and review of the scrutiny process and how it sits within corporate governance more broadly. The lessons we can draw from this support are:

- Scrutiny needs to be more flexible and responsive.
- Scrutiny needs to focus relentlessly on adding value – on making a direct difference to the lives of local people – by bringing a

different and unique perspective to bear on local decisions and doing a specific job that doesn't duplicate the work of others.

- Scrutiny's role needs to be well articulated and, critically, understood by scrutiny members, senior officers and Cabinet members.
- While increased resourcing will always help, the reality is that the prospects of this for most councils are remote – although we should note that the lack of any internal resource for scrutiny of health services might need to be reviewed. As such, focus should be on prioritisation.

Looking at scrutiny's role in the light of the Council's new strategic direction and cultural approach will be an important task, but will not be able to happen immediately. Because of this, we have suggested below that the Council takes the time to experiment with different approaches to scrutiny – different areas of focus and attention, driven by data and the needs of local people – in order to make the decision on roles easier.

This experimentation will be necessary because there are a range of changes, with which we engage throughout our report, which are likely to make a real difference to the way that scrutiny operates in the future. These changes are likely to include:

- **Changes to the governance arrangements of the Council:** If the Council and local people choose to adopt the committee

system of governance, “scrutiny” in this form would not be carried out, although scrutiny activity (people being held to account for performance, policy development) of course would.

- **Changes to area working arrangements:** Some area working arrangements might, for example, see some “scrutiny” happening at a more local level, and would require coordination with Borough-wide scrutiny.
- **Changes to expectations around public involvement in decision-making:** Including the public being directly involved in the making of decisions, in some cases. This would affect how these decisions are held to account, and also how scrutiny can build on and complement this holding to account, which local people may want to do as part of this work.

### **Prioritise scrutiny work better, informed by scrutiny’s role and better use of information by scrutiny members**

Scrutiny, like the rest of the Council, can be seen as siloed. Individual committees carry out their work in a way that by and large fails to take account of opportunities for cross-cutting work. Moreover – and again reflecting the Council’s overall culture – reports submitted to scrutiny and subsequent discussions focus on reviewing issues from a service (and therefore council) point of view. Switching the focus to the community point of view – looking at outcomes as they are directly experienced by local people – would be more instructive and would mean scrutiny committees do not end up just reviewing information produced by the Council.

In our experience of other councils, councillors can be unwilling to take action to more effectively prioritise their work. There is often a sense that doing so will mean that things “fall between the cracks”. The fear of missing something critically important, which scrutiny should somehow have identified, often weighs heavily on the minds of members. It has particular resonance given RBKC’s current situation. However, it is impossible to look at everything from every angle, and where prioritisation is seen as a way to manage

more intelligently what will always be limited resources, it has to be seen as a benefit.

Underpinning prioritisation is members’ effective access to and use of information. This critical issue and wider points about information governance are covered in more detail elsewhere.

There is an inconsistent alignment of work programmes between committees. Where there is any discussion of joint work, it is generally tactical – about which committees should tackle which topic, and information sharing – rather than driven by a common sense of prioritisation and focus.

Many agendas are extremely long. Large numbers of items on committee agendas – many of them highly operational – make the committees look and feel more like decision-making committees working through large amounts of formal business than scrutiny committees. This gives councillors the sense that they are busy, and that they are looking at important issues, but the impact they have on those issues will tend to be minimal.

We would suggest that looking at the model of business adopted by Parliamentary select committees might be useful here. Not everything about the way that select committees operate could or should be transposed to a local government context – their work and responsibilities are very different. They benefit from generous resources. But they are able to quickly direct and focus their time on the things that matter. Meetings that focus on single issues (hearing oral evidence from multiple witnesses; we know that RBKC has done this in the past but we would anticipate it becoming far more frequent) and a willingness to speak out on contentious issues are all features of select committees that RBKC could look at further.

The engagement with operational issues is a real challenge for any scrutiny function. There is clearly a “way in” for local people to bring issues to scrutiny – there is evidence that issues of public concern have led to scrutiny looking at certain issues in more detail. But formal material that scrutiny publishes makes it clear that it “does not deal with individual complaints”. It may be that a more nuanced approach is necessary. Scrutiny can and should take people’s

individual experiences and identify whether they mean that a more widespread problem exists. Connection to the work of ward councillors, and to the Council's corporate complaints system, will be an important way of making sure this can happen.

### **Put in place a single work programme for scrutiny that allows scrutiny councillors to focus on the most important issues for the Council and residents**

A high-quality work programme is critical to success. Each of RBKC's scrutiny committees currently has its own work programme. There should be a single work programme for the whole scrutiny function, managed by the Executive and Corporate Services Scrutiny Committee and supported by the scrutiny manager. That committee's terms of reference and membership should be altered to reflect that it will, in future, provide a coordinating function for other scrutiny committees. This will help scrutiny to manage cross-cutting issues and to keep a close handle on the resources it uses. It will also help scrutiny to experiment more effectively with different approaches to its work, as we suggest above.

A good work programme is about impact and outcomes. Work programming is about highlighting and proceeding with those matters where scrutiny can make most difference to the lives of local people.

This relies on three things. First, having the information at hand to be able to make informed choices (we commented on this in detail in the section above on members' access to information). Second, understanding what "impact" looks like so that scrutiny can plan for it. Third, being prepared to experiment and do things differently – particularly as improvements and changes happen at RBKC.

Despite the challenges identified above, scrutiny does make an impact, in the context of how the culture of scrutiny operates in RBKC. As in many councils, impact tends to lie with the work of task-and-finish groups.

We have reviewed a selection of task-and-finish reports. We have not dug into the detail of those reports – looking at evidence submitted,

interviewing participants in detail about their role and so on. Recent reports, however, do appear to engage in important issues in a productive way. They tend towards being technical and complex, but they do go into forensic detail on some complex issues, bringing members' unique perspectives to bear on issues and areas where members clearly feel they can add value.

Committee meetings, on the other hand, are rather more variable. Our study has involved us looking through reports and minutes since around 2014. Minutes tend to be idiosyncratic, and do not follow standard sector practice (we note that members wish minutes to be detailed, but as things stand, their status as semi-verbatim transcripts makes it difficult to find the flow of the argument and clarity on what was agreed). Discussion at meetings seems to often be quite exploratory – more about information gathering than anything else. There is inconsistency in the quality of officer reports (members have highlighted this as a concern on the record, but it does not appear to have been addressed). Often, reports do not ask members to "do" anything other than to note them; many reports have clearly been drafted to meet the needs of other forums (Cabinet, presumably), and have just been given different headings to send separately to scrutiny. There are issues here in how and when reports are sent to scrutiny, quite apart from the volume of reports; we commented on this in more detail in the section above on member access to information.

Finally, to secure its impact, scrutiny should look at the need to monitor and evaluate its own performance and reflect more generally on the way scrutiny works and the impact it has.

Recommendation monitoring is an important part of this reflection; it is a good way for scrutiny to hold both the executive and itself to account on impact. But scrutiny also needs to think of ways to evaluate the different approaches and methods it applies to its own work, as part of the various recommendations we make here. In the first instance, there has to be a way for members to manage this experimentation – to have a way to evaluate what works and what doesn't. This is part of the reason we have suggested, above, an enhanced coordination role for the Executive and

Corporate Services Scrutiny Committee. When and where scrutiny tries out new approaches to its work, members should be able to reflect on this – what works, and what doesn't. Others involved in scrutiny (especially the public) should also be invited to provide their views on this.

All of these measures require commitment from senior officers and the Council's leadership. Scrutiny councillors, and the officers who support them, cannot make scrutiny effective and enhance its impact on their own. Part of the Council's culture change will need to relate to a receptiveness to challenge. Scrutiny forms a critical part of this challenge. Commitment in this context means more than words – it is about demonstrating, through action, that scrutiny is valued and valuable.

### **Clarify the role and responsibilities of lead members in respect of scrutiny to ensure a clear process of holding to account**

We have seen (and heard, in interviews) that the roles of lead members and officers at Scrutiny Committee meetings can be perceived to be confused. In committee observations, members of the Leadership Team often sit among committee members, which can be confusing for those watching. There is also confusion about when it is appropriate to hold lead members to account, and when officer accountability should be sought.

In our view, this reflects the member–officer role issues that we highlighted above. As those issues come to be resolved, scrutiny should reflect on the circumstances in which members and officers are asked to account for themselves at scrutiny meetings.

### **Extend the use of co-option to give local people, and local experts, more of a stake in the scrutiny process**

As things stand, scrutiny has a track record of involving and engaging expert professionals in its work. Scrutiny's direct involvement of local people is less consistent – although this reflects the situation in many other authorities, where the connection between scrutiny and

local people can be tenuous. There have been instances where scrutiny has drawn in views from the public, and where public interest in a topic has driven the placement of individual items on the work programme. However, this is sporadic, and follow-up is limited.

We have looked briefly at co-option onto scrutiny committees and task-and-finish groups. The approach RBKC takes to co-option (in the constitution and in practice) is fairly standard.

RBKC scrutiny does perform well in drawing in external expertise. Particularly to support working groups, but also in support of other work, there is a focused approach to identifying people who can provide such (usually professional) expertise. Officer expertise from service departments is also deployed to support task-and-finish work in a focused way.

Scrutiny should review and revise its approach towards co-option, both of expert professionals (who may also be local people) and local people who, while not professionals, may still have expertise in specific issues. This could be done along with thinking more generally about scrutiny's ability to draw in and involve local people more. However, this will need to be considered as part of the wider package of work around local people's involvement in decision-making overall. We cover this in the sections above, and local people's role in scrutiny will likely be defined by those matters.

Co-option to committees and working groups may need to work differently. In both instances, clarity of co-optees' roles will be important. Being clear on what is expected of a co-optee – and what co-optees can expect of scrutiny – is necessary to make sure they can play an active and valued role.

Co-option to committees can be a challenge. The Council legally has to have a "co-option scheme", to which it has to work. As part of this scheme, the Council has to decide whether the person, or people, co-opted to certain committees will have voting rights. If they do, it will affect the political balance of that committee. For the purposes of political balance, voting co-optees are usually, as a matter of law, treated as opposition councillors (to maintain the majority the leading party holds on the committee). This means that, in councils

with large majorities like RBKC, adding voting co-optees can make committees quite big. The infrequency of recorded votes at Scrutiny Committee meetings may therefore suggest that non-voting co-option is the best option.

It is worth noting that co-optees considering matters relating to education – so-called “statutory education co-optees” – have to be voting co-optees as a matter of law.

Another challenge with co-option onto committees is ensuring that people’s skills and expertise are relevant. Co-optees might have experience of some of the committee’s areas of responsibility, but not all. They might require support to be able to exercise their role effectively. It may be that the committee can use their expertise, where it does exist, to support the technical scrutiny of given issues – by tasking a co-optee to lead questioning or discussion on a certain point.

A final issue to consider on co-option is the term of office of co-optees. This is another feature that needs to be laid down in a co-option scheme. There is no hard-and-fast rule here, but councils providing for co-option do so with term limits that are usually two or three years. Occasionally, councils will assign co-optees to committees using timescales aligned to the Council’s electoral cycle (so, appointment for a four-year term). But this is a significant commitment to expect a co-optee to make – especially when they receive no allowance.

Co-option to working groups is more straightforward. A subject expert, or experts, can be identified and brought in on a time-limited basis. The informality of working groups means this is not subject to any particular restrictions.

Appointment to the role of co-optee can be quite informal. Some councils adopt no formal process; officers carry out research about local people who hold particular skills and contact them directly to invite them to participate. We anticipate that, for RBKC, a more consistent and open process is necessary. The Council should look at its existing arrangements for co-option and see how opportunities could be created for people with different skillsets and backgrounds to take part – and how an open and fair process can be carried out to appoint them.

One possible factor when thinking about co-option is the risk of bias. Co-optees are likely to have professional and personal opinions. They are not required to constrain or limit the way they engage in debate, or to behave like officers. But the appointment process will have to take into account councillors’, and co-optees’, mutual expectations of their roles in this context.

### **Redesign the governance support function**

Throughout this appendix, we make a range of recommendations on changed practices around governance, oversight, scrutiny, transparency and accountability. We recommend a number of measures that could, together, involve the Council expending more resource on its governance function than it does at the moment. The scale of the challenge the Council faces, and the nature of the response it needs to make, means that this is inevitable.

Other areas have grappled with governance as the size and stature of councils’ central support functions decrease. There is concern in the sector that a reduction in the size of the corporate core (which has been a theme in councils looking to make efficiency savings) leads to a reduction in the capacity of the Council to make strategic decisions and prepare for the future. Some councils are having to draw in external expertise – including from consultants – to deliver these core areas of work. RBKC can learn from, and seek to avoid, these experiences.

In some councils, temporary interim staff have been drawn in to assist with the delivery of projects to make governance, and the corporate core more generally, more sustainable. This can work, but only where the terms of engagement of those staff are clear at the outset and they are working to a time-limited plan. Sustainability needs to be the watchword here. A recognition that good governance is the only way to help the Council achieve its strategic objectives is an important part of the way that RBKC needs to improve.

RBKC needs to invest in governance. This is not just about maintaining the numbers of staff involved in administration and support of formal



committees. It is about recognising that the number of staff involved in providing support to governance, in some form, is significant. People writing reports, council lawyers, officers producing responses to councillors (in person or in writing) – all of this is support to governance. The work of these people, usually in service departments but sometimes working in partner organisations, needs to be better aligned with the work of the core governance support team. This will provide some flexibility.

It is clear that many of our recommendations will result in a shifting burden of work on governance staff over the course of the next eighteen months to two years. Patterns of work and the nature of that work will become less predictable and will require staff to think, act and respond creatively to unforeseen events – central to the experimental approach we have discussed elsewhere.

The Council's existing complement of governance staff can meet this challenge, with the right support from within and outside the Council. Restructures and reorganisations are not needed at this stage. But the nature of the additional resource required will only become apparent once detailed work has gone into developing our recommendations and other proposals into concrete plans.

Two things will limit the resource burden on RBKC.

First, the Council needs to recognise the resource it has in the people who live in Kensington and Chelsea, and what they can do to lead the governance process. Taking on new staff will service bureaucratic need, but that "need" has to be expressed in terms of driving power down to local people, in the ways we describe throughout this appendix and our main report.

Second, many of the measures we suggest (options for area governance, improvements to the work of scrutiny, improvements to the way formal decision-making is undertaken) have to be looked at in a spirit of experimentation. The Council cannot move immediately to some notional archetype of ideal performance. It, and the community, has to work through what approaches will work best for the Borough

together. In due course, a settled approach will emerge – informed by the views of the Council but directed by what makes most sense for local people.

This experimentation is part of the cultural change RBKC needs to undertake – moving from rigidity and an inflexible focus on bureaucracy to a mentality around governance that is driven by a willingness to solve problems and try new things.

This will require a different approach to resourcing – a flexibility in how governance is managed and administered, and a management mentality that supports these objectives. It will also involve a mentality that sees residents as partners in governance.

In due course, settled systems and approaches for governance will emerge; but experimentation will need to continue as new challenges emerge and new techniques to deal with those challenge are developed – by local people as well as professionals.

# Council meetings

## **Co-design with residents a petitions system to easily allow residents to raise issues for debate at council meetings**

We have suggested in this appendix a number of practical changes the Council could make to its formal decision-making systems to open them up to local people.

In concert with the “listening committee” we suggested in the first section, the Council could address its petition arrangements.

We have heard concern and frustration with the current petition system – that it is difficult to understand, and that it does not result in action. On paper, RBKC’s petition system looks similar to most other councils. But the challenges the Council now faces require an overhaul of the system to better meet local demand.

Clarity of local expectations around petitioning – what it can and cannot achieve – will help. As the Council reviews and revises its approach around governance more generally, the role petitions can play – and the role local people might expect them to play – will become clearer.

## **Review the expectations of local people, in terms of their experience of playing an active part at council meetings**

Providing an opportunity for local people to take an active part in formal council meetings has proven a real challenge in RBKC since the Grenfell fire. Prior to the fire, the opportunities for local people to contribute at formal meetings was very limited – although we saw some interesting examples of public contribution to the work of scrutiny.

Since the fire, the Council has tried (with varying levels of success) to provide space for local people to actively contribute at a range of formal meetings.

There seems to be a number of reasons why members of the public want to make their voice heard in formal meetings. They want to give testimony about their experiences, express anger about the Council’s actions and hold the

Council to account.

We have observed a number of meetings in public as part of the evidence-gathering for our work. It is easy to make generalisations about the kinds of contributions that members of the public have made. But overall, we think that public contributions have been of a high quality – thoughtful, articulate, focused, forensic – even where they are also accompanied by significant anger. The insights that the public brings must play a part in public meetings.

For many members of the public, attempts to contribute to these meetings in particular clearly cause immense frustration – and, in many cases, distress. Those attending council meetings see their formal structure – the bureaucracy and jargon that surrounds how meetings are carried out – as working against meaningful public contributions. Observing some of these meetings, we have felt the inevitable tension between members of the public (who want to be heard) and chairs and members of committees (who feel the committee has a “job to do” and try to work through a traditional agenda).

Accessibility of council meetings is a real issue – not just physical accessibility (with most being held in the Town Hall, which can be difficult to access for those in the north of the Borough) but also accessibility in terms of understanding proceedings and feeling that your presence is relevant and valued.

We realise that part of this challenge centres on the Council’s operational response to Grenfell, but it would be a disservice to the local community to suggest that these difficulties only emerged in June 2017. Members of the public feel that they have a real contribution to make at formal meetings, but that they do not have that opportunity. This is part of the wider sense that they are sidelined and ignored by a council that does not understand them.

Part of the challenge is likely to be that local people feel there are no other opportunities to influence the Council, and hold it to account, other than these formal meetings.

Council meetings are “meetings in public” – but

they are not “public meetings”. This difference is important. It is difficult to “bend” these kinds of meetings into a shape where local people will be satisfied with the (limited) opportunities they are given to contribute. But from the Council’s point of view, these committees are formal spaces with work to carry out, which will sometimes come into conflict with what local people want and expect.

We suggest a way that Full Council could be reconfigured to meet some of these needs. Some of our suggestions on scrutiny and area working may also satisfy some of the need for a clear and direct public role. Our recommendation on a “listening committee” is intended to act as a first step – a stopgap until more permanent systems can be developed, together with local people. But by and large, providing the community with opportunities to hold council officers and councillors to account on their own terms, in ways that make sense to them, is likely to be best done away from these kinds of formal, traditional council meetings.

Elsewhere in this appendix, we suggest some ways in which this might happen. Area working, and the possibility of mechanisms for local people to influence and be involved in decision-making, will form part of this.

In other councils, opportunities for local people to contribute at formal meetings are similarly limited. The way that these meetings operate is a matter of law, and their formality (a Chair controlling proceedings, a committee or other group of elected councillors considering reports, often culminating in decisions being made) makes drawing in the voice of the public – at this point – difficult.

We think that these difficulties will begin to be resolved as the citizens’ assembly process draws together a sense of Borough-wide and area governance. Spaces and forums will be created as a result of that work, which will provide local people with the space they need. As things stand, no quick and easy solution exists to this challenge.

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## Longer-term aspirations

### **Map where community and amenity groups exist, to make it easier for individuals and groups to self-organise and support each other**

The Council needs to understand the local community better, and local people need to understand how and where their neighbours are working together to try to make change happen.

In certain parts of the Borough (especially in the South), there are umbrella organisations or groups drawing together community bodies, but this is not the case everywhere. Where groups exist – whether to agitate on specific issues for a set period of time, or to take forward local people’s concerns in the longer term – they need to know that they can be supported by their peers, and that they have a direct line in to the Council.

This is not the same as suggesting that there be a council “register” of these groups – implying that registration confers some kind of advantage, and/or reduces the independence of

these bodies. A mapping exercise instead puts the onus back on the Council to do its own research; to understand where and how people want to engage on their own terms.

Such a map would not be owned by the Council, but by everyone. It would give local people, and councillors, the tools and knowledge to come together where necessary on issues of common concern.

### **Employ political assistants for party groups**

At the moment, RBKC is unusual in not funding “political assistants” for party groups. Political assistants are council officers who are employed to provide support to party groups – to assist in dealing with ward matters and local people’s needs and concerns, and to ensure that party groups are able to work cohesively and effectively. It is in the interests of the authority, and local democracy, that party groups

(especially opposition groups) are able to play their part in the governance of the Council.

For political assistants to carry out their roles effectively, political groups themselves must be cohesive. In employing assistants, the leaders of Groups will need to think about the kind of support they can provide – helping with ward work, assisting with research within and outside the Council, and so on.

If independent councillors are elected in May, the Council will need to think of an appropriate way of making sure they also receive an appropriate level of support.

We think the Council should, in due course, employ such assistants – initially on a trial basis, in the spirit of experimentation we suggest elsewhere, but with a view to such arrangements become permanent once an opportunity has been taken to evaluate their effectiveness. The appropriate level of provision will be for the Council to determine in discussion with its councillors (cross-party); a level of support that is relatively proportionate to the size of the political group would probably be appropriate.

The Council will not be able to come to a judgement about the appointment of assistants until some of the broader questions about member roles, highlighted in earlier sections, have been resolved.

### **Put in place a policy green paper or working paper system**

We have thought about additional ways in which councillors, officers and local people can give each other the confidence that decisions are being developed in a way that reflects the needs and concerns of local people.

Above, we highlighted the possibility of decision-making that is led by local people, and where the Council and local people make decisions together. Central to the Council's approach to this – and more traditional approaches to decision-making – could be a practice of producing working papers to inform the public debate necessary to underpin this work.

This would go together with the more consistent

publication of evidence underpinning policy decisions, but the content would be different. These working papers (or “green papers”) would be more like discussion documents, setting out the challenges the Council identifies on different issues and laying out a variety of different approaches for meeting those challenges. They would invite challenge, and contribute to the kind of civic dialogue we talked about in earlier sections.

It is difficult to find examples of councils that have practised this form of open policymaking for a sustained period. Some authorities have experimented with similar approaches (some councils have consulted on their budget options in recent years, which is one example of how to provoke a local debate about priorities), but what we are suggesting is different – and probably more ambitious. We think it presents an option for a way of working that the Council could move towards, when more work has been done to tackle the distrust that we have already mentioned. It is an approach to policymaking that could demonstrate that the Council wants to take part in local debate from a position of genuine inquiry, rather than seeking to confirm already-made decisions.

### **Review the frequency of council meetings and the committee structure – only after other recommendations about role, purpose and so on have been resolved**

Like decisions on committee structures and governance options, questions on the frequency of meetings are not a matter for the short term. Addressing culture, the involvement and empowerment of local people and associated issues (which we have already discussed) will help the Council to reach an informed decision about meeting frequency.

Meeting frequency will need to be looked at alongside other opportunities for public and councillor input into decision-making. Decreasing the frequency of meetings (below their pre-September 2017 level) will not be seen as acceptable if this is perceived as reducing the Council's accountability.

We recognise that the frequency of some meetings has increased since late 2017. The

Council will need to decide on a case-by-case basis whether its own business needs, and the needs of the community, require that the intensity of this schedule continue in the short term. It is likely that Full Council will need to meet monthly to ensure all members and the public have oversight of the Council's varied and substantial improvement activity. This will need to be managed alongside the existing arrangements for the public to have a space to address councillors – although our suggestion below suggests how this might be expanded, and made more systematic, in the longer term.

Now is not the time, more generally, for changes to the number or frequency of scrutiny meetings. These are judgements that might be made in due course – when broader cultural concerns are being addressed, and when it becomes clearer how structural reform might fit into that broader vision.

The structure of scrutiny committees is another thing that can only be addressed once many of the other developments highlighted in our report and this appendix have been put in place. The structure of scrutiny committees varies significantly around the country. There is an increasing number of councils with single scrutiny committees that commission task-and-finish work. Some councils have two committees. This model might involve one focusing on policy and one on performance; or a model which divides council services into “people” and “places” and structures its committees accordingly. Others, like RBKC, have multiple committees, which often map to the portfolios of Cabinet members. This variability suggests there is no one right structure for committees.

In due course, once clarity has emerged over the mutual roles of lead members, officers, scrutiny and the public – and, not least, once a confirmed decision has been made on RBKC's overall and area governance arrangements – thoughts can turn to the structure and frequency of formal meetings. To have (and try to conclude) that debate now would be a distraction from the many other tasks the Council faces. But this is not an excuse for inaction – we have highlighted the need to

experiment, and plenty of new approaches and new ways of working are possible within existing structures.

### **Full Council to continue to provide space for the public to address councillors, which places contributions from the public at the centre**

Full Council meetings have changed since the Grenfell fire. Since September 2017, the public now has had the option of addressing the Council on a number of occasions; this has been a prominent feature of council meetings.

The question of whether this should continue is a challenging one. As new methods for engagement, conversation and empowerment emerge and are used, the need to use Full Council for this purpose is likely to recede. But it may be that, in the longer term (for example, once the short-term need for the aforementioned “listening committee” has receded), Full Council could be rethought as a space where all councillors, and members of the public, have an opportunity to hold lead members to account on critical issues affecting the whole Borough. In this sense, it could act as a space for reasoned debate on the matters most important to local people. It may be that, as other measures in our report and this appendix are put into place, it will be seen as less necessary that Full Council takes this form. But it could act as an important commitment by the Council to the principle of public debate in what can, in other councils, be a space where the public are only spectators.

The Council will need to consider how to balance this against more traditional subject matter and business which might traditionally happen at a Full Council meeting. But considered against the statutory duties of Full Council (which are not substantial in terms of time) and the frequency of council meetings, we feel there is ample opportunity to experiment with this approach in due course.



77 Mansell Street London E1 8AN  
telephone **020 3866 5100** email **info@cfps.org.uk** twitter **@cfpscrutiny**

**[www.cfps.org.uk](http://www.cfps.org.uk)**

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