

Local Democracy Review Working Group			
REPORT	Delivering The Local Democracy Review: Introductory Report		
KEY DECISION	No	Item No:	3
WARD	n/a		
CONTRIBUTORS	Executive Director For Resources & Regeneration		
CLASS	Part 1	Date:	26 th September 2018

1. Purpose

- 1.1. The purpose of this report is to provide the Local Democracy Review Working Group with sufficient background information and a proposed approach to carrying out the Local Democracy Review as agreed by Full Council. The report sets out the Council's current arrangements for being open and transparent, for public involvement and effective decision-making, and then outlines some suggested key areas of focus for the review, a proposed consultation and communication plan to inform the review and a proposed timeline to deliver the review.

2. Recommendations

- 2.1. The Local Democracy Review Working Group is recommended to:
- Agree the proposed timeline for the review
 - Note the current arrangements for being open and transparent
 - Note the current arrangements for public involvement
 - Note the current arrangements for effective decision-making
 - Agree the key themes for the review to focus on, in line with the Terms of Reference
 - Agree the consultation and communication plan for the review

3. Policy Context

- 3.1. The objectives of the review are consistent with the delivery of the Council's strategic priorities, in particular:
- *Community leadership and empowerment* – developing opportunities for the active participation and engagement of people in the life of the community
- 3.2. They are also in line with the strategic priorities outlined in Lewisham's Sustainable Community Strategy 2008-2020, specifically:
- *Empowered and responsible* – where people are actively involved in their local area and contribute to supportive communities
 - *Ambitious and achieving* – where people are inspired and supported to fulfil their potential

4. Background

- 4.1. During the 2018 Lewisham Mayoral election, the new Mayor Damien Egan made a pledge to 'launch a review [that will] make our Council even more democratic, open and transparent'.

- 4.2. On 18th July 2018, Full Council agreed to establish a Local Democracy Review Working Group (consisting of eight councillors) with the following Terms of Reference:
- *'To make recommendations to Council about how the Mayor and Council could:*
 - *Enhance their openness and transparency*
 - *Further develop public involvement in Council decisions*
 - *Promote effective decision-making'*
- 4.3. Full Council agreed the key elements of the Working Group's methodology (although members are not limited to these investigative methods):
- a) A review of the Council's current arrangements to involve residents
 - b) A review of the methods used by other authorities to involve residents
 - c) A review of methods used by other authorities to promote openness and transparency in Council decision-making
 - d) Consultation with Overview and Scrutiny members about how to develop councillor participation in the scrutiny process
 - e) Engagement with the Local Assemblies programme to explore best practice and the role of Assemblies in engaging with residents
 - f) Engage the public, especially members of the public who are less likely to be aware or able to participate in the review, and other stakeholders
 - g) Consult Mayor and Cabinet on any recommendations made and formulate recommendations for full Council, which incorporate advice on all relevant implications (including equalities, environmental, service, financial, legal and any other relevant matters)

5. Timeline

- 5.1. In setting up the Local Democracy Review Working Group, Full Council resolved that a report containing the recommendations of the Working Group (and the subsequent comments of the Constitution Working Party if appropriate) should be presented to the Council as early as possible in 2019 with a view to their implementation in the next municipal year or as soon as possible thereafter
- 5.2. In order for the review to conclude within the timescales agreed by Full Council, delivery of the review has been divided into three stages, which are outlined in the proposed timeline below:

STAGE	DURATION	KEY ACTIVITIES
Preliminary Work	July to September 2018	<ul style="list-style-type: none"> ▪ Preparatory research and analysis by officers ▪ First meeting of the Working Group to agree key areas of focus for the review and the subsequent plan for evidence-gathering ▪ Launch of review
Evidence Gathering	October to December 2018	<ul style="list-style-type: none"> ▪ Working Group to engage with a wide range of residents and other stakeholders to seek their views and gather evidence

Findings & Conclusion	January to March 2019	<ul style="list-style-type: none"> ▪ Working Group to review evidence and present final report & recommendations to Mayor and Cabinet, the Constitutional Working Party if appropriate and Full Council
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6. Context

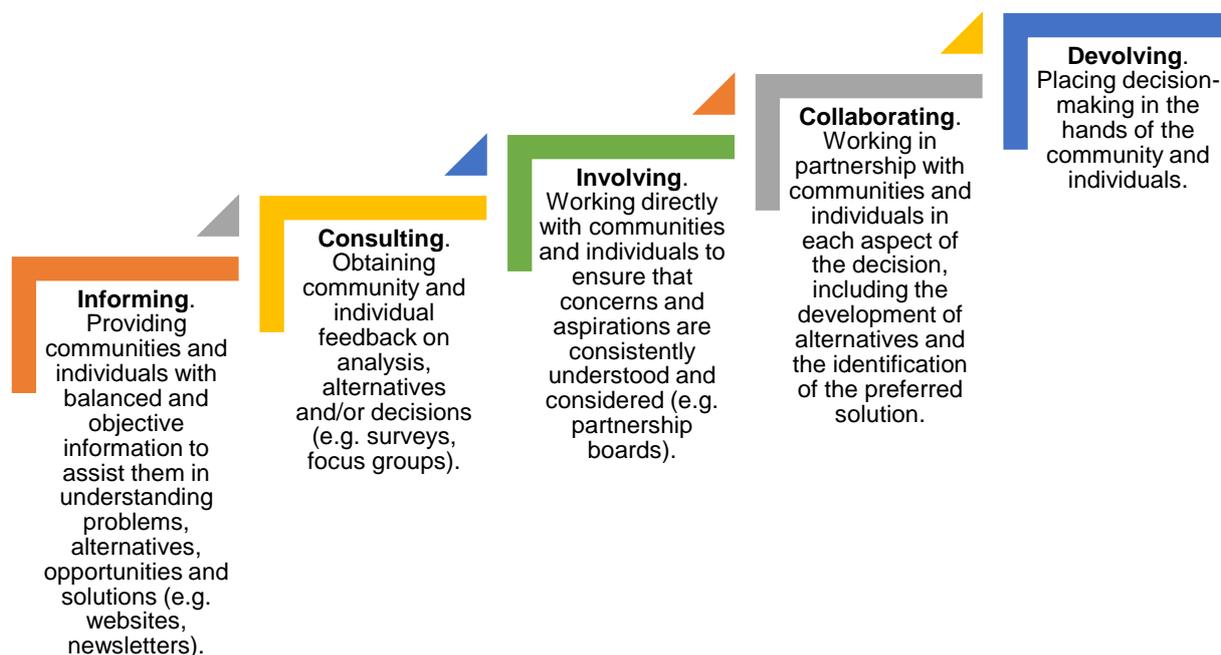
- 6.1. The Council's governance arrangements were put in place in 2002 when Lewisham was one of the first authorities in the country to elect a directly elected Mayor. Since then, though there have been changes made to reflect legislation, as well as the taking on of additional Local Government responsibilities, there has not been a holistic review of the way in which the Council operates since then. The Council has also reduced considerably in size following massive Government cuts of £165 million to Council budgets over the past 8 years.
- 6.2. In addition, throughout the last 16 years, the borough has changed. Lewisham's population has increased significantly from 250,000 people in 2001 to over 310,000 today; over the next 10 years the population is forecast to grow to nearly 350,000. Whilst the number of households across the borough have increased, so too have housing pressures, with homelessness a major crisis. The number of households living in temporary housing has increased from 1,200 in 2013 to almost 1,950 in 2018. Since 2001, the private rental sector has also doubled in size; it now consists of more than 30,000 homes and makes up more than 25% of households in the borough. The borough is also much more diverse today than in 2001 with approximately 46% of our residents coming from Black, Asian and minority ethnic households, rising to 76% for the school population. Such dynamic change affecting our borough drives us to look for ever more innovative ways to encourage people's engagement and influence on our democratic processes.

7. Current Arrangements

- 7.1. In line with the methodology agreed by Full Council, officers have gathered some initial information to provide an overview of the Council's current arrangements to inform and involve residents and make decisions. Consideration of the current position should enable discussion and agreement of the key themes which the review would like to consider.
- 7.2. The information on current arrangements is set out in three separate areas, in line with the Terms of Reference of the review:
- Openness and transparency
 - Public involvement in decision-making
 - Effective decision-making
- 7.3. The 'Ladder of Engagement' is a widely recognised model for understanding different types and levels of public involvement (based on the work of Sherry Arnstein and adapted by the NHS)¹. Although activity on every step of the ladder is valuable, participation becomes more meaningful (i.e. in terms of ability to influence decision-making) at the top of the ladder. However, the level of resources (both financial and

¹ <https://www.england.nhs.uk/participation/resources/ladder-of-engagement-2/>

operational e.g. staffing and logistics) required to support engagement also increases at each stage.



A) Openness & Transparency

7.4. *Council Business.* The Council's Constitution divides resident involvement into three areas – rights in relation to Council business, participation in decision-making and complaints. The Constitution sets out the rights of all members of the public to access information, agendas and papers relating to Council meetings and the decisions to be taken at them, attend Council meetings and see records of decisions taken.

7.4.1. There are strict legal requirements of the publication of information related to decision-making. Meeting papers are currently provided online and in hard copy in all libraries and on request. The Local Government Act 1972 provides that all formal Council decision-making meetings are open to the public to attend and observe, with the date and location of meetings published at least 5 working days in advance. Ordinarily the Council fixes its meetings calendar a year in advance at each AGM. Where meetings are open to the public, under the provisions of the Openness of Local Government Bodies Regulations 2014, they may be recorded and reported.

7.4.2. Members of the public are only excluded from meetings when there would likely be disclosure of exempt or confidential information. For this to happen, a resolution to exclude the public has to be passed and it has to identify the part of the proceedings to which it applies.

7.4.3. The Council's Key Decision Plan gives the public at least 28 days' notice of all decisions due to be taken by Mayor and Cabinet and the Council. Within 2 working days of an Executive decision being taken it is published at the Council's main offices and sent to all members of the Council. Decisions are also recorded in a central register which is available to all members of the Council and the public.

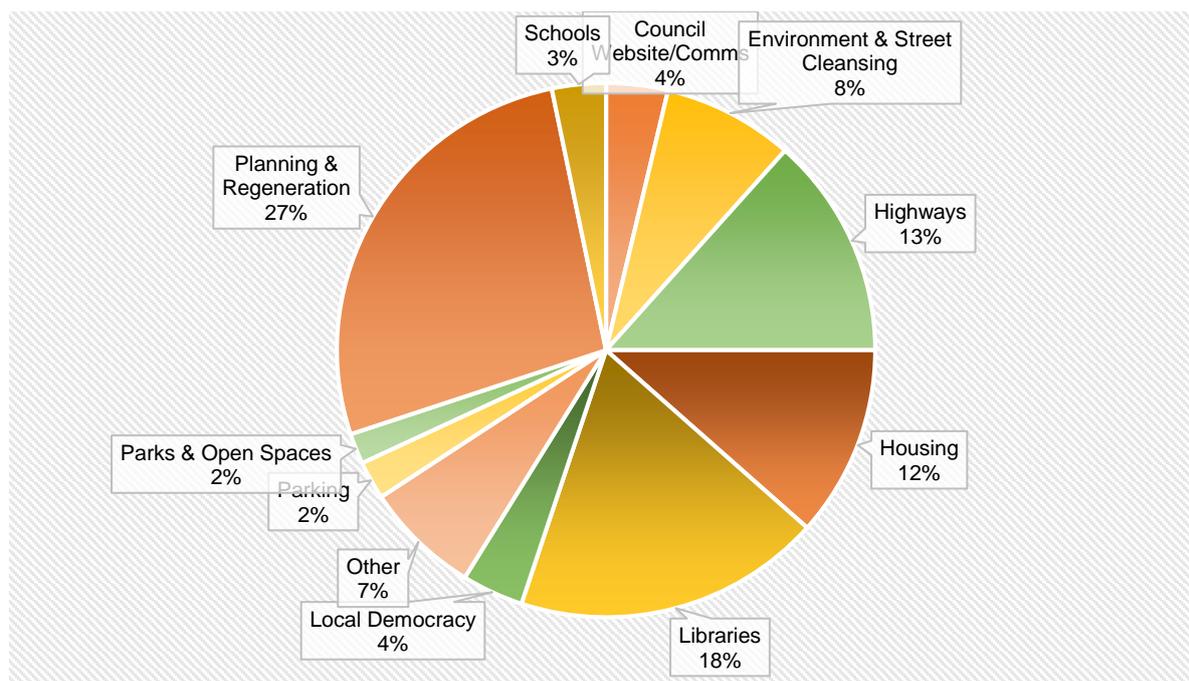
7.4.4. For six years after a meeting, the Council makes copies of the following available for public inspection:

- a) The minutes of the meeting, the record of decisions taken, together with reasons, any options considered and rejected and details of any declarations of conflict of interest and any dispensation granted in relation to that conflict, excluding any part of the minutes of proceedings when the meeting was not open to the public or which would disclose exempt or confidential information.
 - b) A summary of proceedings when the meeting was not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record.
- 7.5. *Financial Information.* There are a number of ways in which Lewisham ensures its finances are open and transparent. The Council budget is set annually (as part of the rolling five-year medium-term financial strategy) and formally agreed by Full Council, the Council's accounts are audited each year (and any resident can examine these) and all spending over £250 is published on the Council website. The Council also regularly publishes details on the value of its social housing assets. In addition, the annual statement of the Council's Pay Policy provides information about a range of issues relating to staff pay whilst annual salaries of all senior managers and Councillor allowances are publically available.
- 7.6. *Procurement.* All contracts over £50,000 and all grants over £10,000 are awarded by Mayor & Cabinet (and the former are also listed on the London Contracts Register). Payments to these organisations (including information about the type of service and the area to which it was charged) are published on the Council website.
- 7.7. *Freedom Of Information (FOI) Requests.* The Freedom of Information Act (FOIA) gives citizens the right to access recorded information held by public sector organisations (subject to certain exemptions). FOI requests can be made to the Council via online form, email, post or in person and should be responded to within 20 working days. All FOI requests are recorded on iCasework, the Council's dedicated casework management system.
- 7.8. *Subject Access Requests (SARs).* Under the General Data Protection Regulations (as well as the previous Data Protection Act), individuals have the right to know (subject to certain exemptions) whether the Council holds any information about them (i.e. personal or sensitive data) and, if so, be given access to that information within 30 days. All SARs are recorded on iCasework, the Council's dedicated casework management system.
- 7.9. *Access To Information.* The Council's website is constantly updated to provide information and advice about all of the services and support, and decision-making, of the Council. This includes ways to get involved, contact details for councillors, financial spending information and historic decision-making information. Lewisham Life is published quarterly providing a range of local news and information and information on how to contact local councillors.
- There were 287,467 visits (measured by unique page views i.e. by different devices) to the Council website between 29th August and 4th September 2018
 - The most frequently accessed webpages during this period (excluding jobs, Council contact details and online account logins) were Council Tax (making payments), Waste & Recycling (collection schedule), Planning (applications) and Housing Benefit
- 7.10. *Public Questions.* Any Lewisham resident can ask a 'public question' at ordinary Council meetings in order to make an enquiry or raise an issues about Council

services. Questions may be addressed to the Mayor, any member of the Executive or relevant committee/sub-committee chair.

- 72 individuals asked 244 public questions at Full Council between 20th July 2016 and 18th July 2018
- 29% of all questions were asked by five individuals
- 83% of all questions were responded to by five members based on cabinet member portfolios (the Mayor, Cllr Smith, Cllr Onikosi, Cllr (now Mayor) Egan and Cllr Best)

7.10.1. The graph below provides an approximate breakdown of all Public Questions by theme:



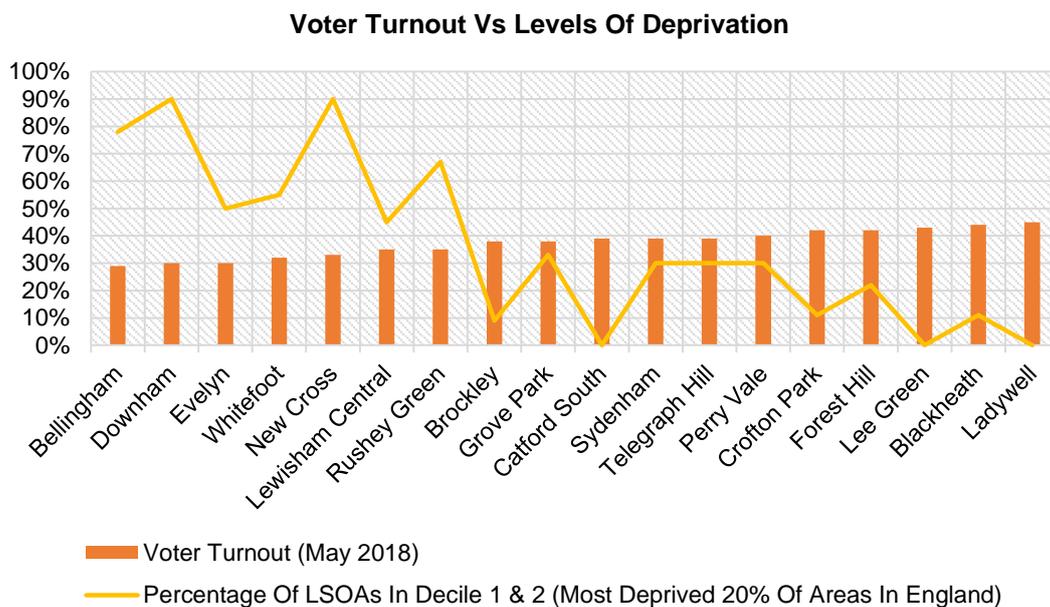
B) Public Involvement in Decision-Making

7.11. As well as being open and transparent in the ways outlined, the Council also ensures public involvement in a wide number of Council decision-making processes in a range of ways. Some are legal requirements and others are discretionary and recognised as good practice. These are outlined in this section. However, it should be noted that there is statutory provision which sets out how the Council must make decisions. Whilst the Council can take account of a range of relevant factors including the view of members of the public, by law the decisions must still be taken by the Council.

7.12. *Voting In Local Elections.* All British, Commonwealth, Irish or European Union citizens aged 18 or above living in Lewisham are entitled to vote in Mayor of Lewisham and Local Government elections (providing they are registered), which are held every four years.

- In the most recent Mayor of Lewisham and Local Government elections (May 2018), the average turnout was 37% – the graph below provides a breakdown of voter

turnout by ward, which is compared with data from the 2015 Index of Multiple Deprivation (IMD)²:



7.13. *Council Meetings.* All Executive and non-executive meetings are ‘meetings held in public’, not ‘public meetings’. However members of the public can address the meeting at the discretion of the Chair. Routine practice is for Chairs to permit such requests.

7.14. *Consultations.* The Council consults with residents and other stakeholders regularly in a number of ways. Individual services and directorate management teams lead on consultation with their service users but are supported by corporate guidance and oversight to ensure consistency and a coordinated approach. The corporate guidance sets out expectations of appropriate and timely consultation and engagement, and provides practical guidance for officers planning consultation. CitizenSpace is the Council’s online platform (replacing UEngage) which enables residents and other stakeholders to search for and respond to a wide range of statutory and non-statutory consultations about Council services, including budget savings proposals³. Paper-based surveys and other engagement methods are often used alongside online consultations as required.

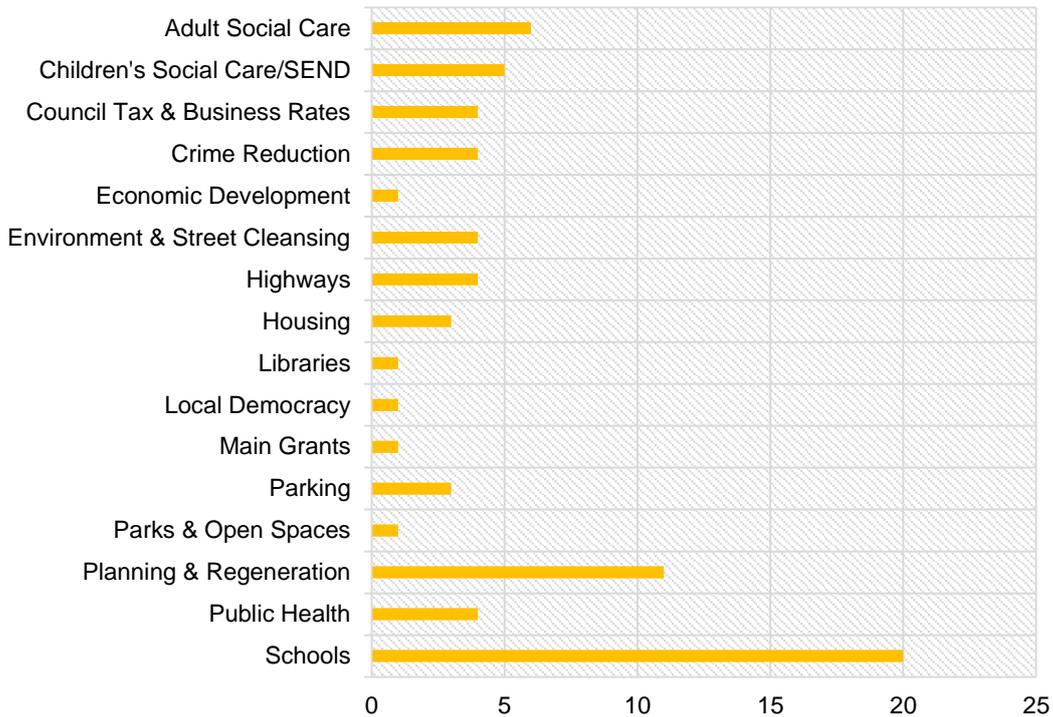
- There were 73 online consultations published between July 2016 and July 2018

7.14.1. The graph below provides a breakdown of all consultations by theme:

² The Index of Multiple Deprivation (IMD) has seven weighted domains of deprivation – income, employment, education, skills & training, health & disability, crime and barriers to housing & local services.

³ Consultations relating to individual applications or requests for services (e.g. Planning and Licensing) are managed separately.

Consultations By Theme



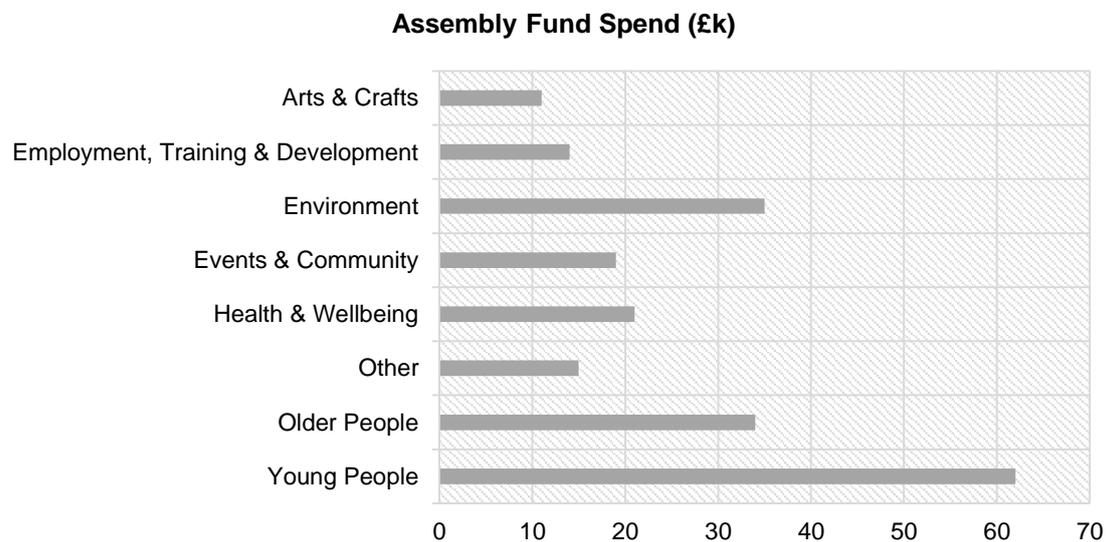
- 7.15. *Statutory Schools Consultations.* The statutory process for making prescribed alterations to schools (e.g. enlargement of premises, expansion onto an additional site or changes to a school's age range) has four stages – publication of a statutory proposal/notice, representation (formal consultation), decision and implementation. Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, Lewisham undertakes a preliminary (informal) consultation with interested parties at this stage in order to ensure proposals are fully developed prior to publication. These consultations are included in our online consultation platform.
- 7.16. *Statutory Planning Consultations.* Like all local planning authorities, Lewisham Council is required to undertake a formal period of public consultation prior to deciding a planning application. Anyone can respond to these consultations, including individuals who might be directly affected by an application, community groups and specific issue groups (local or national). If three or more objections or petitions are received (from different residents), if an objection is received from an amenity society (e.g. Blackheath Society, Telegraph Hill Society etc) or the Council's Head of Planning considers that the matter would be more appropriately dealt with by the relevant committee, then the application is automatically referred to the Council's Planning Committee.
- 7.16.1. The Council is also under a statutory duty to provide a framework of planning policies which can be used to plan positively for development and guide the determination of planning applications. This framework, which is called the Local Plan (formerly the Local Development Framework), informs the public about planning policy documents being prepared in Lewisham (including timescales). Identifying when key stages of consultation are planned allows residents to become involved in the production of these policies and associated supporting documents as they are developed. In addition, residents can now set out the vision and planning policies for how they want their local area to develop by producing a neighbourhood plan. Neighbourhood plans

are about local issues rather than strategic planning issues, but they must take account of existing national and local planning policies.

- 7.17. *Statutory Licensing Consultations.* Under the Licensing Act 2003, the Council is responsible for the licensing of all 'licensable activities' (including the sale and supply of alcohol, provision of late night refreshment and provision of regulated entertainment). When applicants want to apply for a new licence or vary their existing one (i.e. to put on additional activities or extend their hours), they must advertise the application by placing a notice at/on the premises and placing a notice in a local newspaper. Full application details can also be viewed in the Council's online licensing register. Representations (both for and against the application) can only be made by 'interested parties' for the premises concerned (e.g. a person living in the vicinity of the premises, a body (such as a residents' association) representing people that live in that vicinity, a person involved in a business in the vicinity of the premises or a body (such as a trade association) representing people involved in businesses in the vicinity of the premises). If the Council considers that the representations are relevant (i.e. are from an interested party and are not frivolous or vexatious), it holds a hearing to consider them, which is led by councillors from the Licensing Committee.
- 7.18. *Statutory Right To Ballot On Transfer Schemes.* The statutory guidance on tenant consultation as part of a proposed transfer of local authority housing stock to a different provider (e.g. housing association) covers requirements for the formal two-stage consultation process: the language and tone that should be used in Stage 1 (the Offer Document), the conduct and timing of Stage 2 (the Ballot), the local authority's post-ballot tasks and the rights of interested parties to make representations about the transfer proposal to the Secretary of State. A local authority must present an accurate picture to its tenants about the transfer proposal and the implications of staying with the Council but it should not seek to persuade tenants to vote one way or the other.
- 7.19. *Petitions & E-Petitions.* Anyone who lives, works or studies in Lewisham can sign or organise a petition (either paper-based or online) about matters and services for which the Council or other public bodies (e.g. the NHS and Transport for London) are responsible. If a petition is signed by more than 4,000 people, the organiser can ask a senior officer to give evidence at a public meeting of an Overview & Scrutiny committee. If it receives more than 8,000 signatures, then the organiser can request for it to be debated at a Council meeting.
- 25 petitions were presented to Full Council between 20th July 2016 and 18th July 2018
 - In total, there were 7,880 signatories, which equates to an average of 315 per petition
 - The most common reasons for petitions were Highways/Streetscene issues (7), Parking (5) and Planning (4)
- 7.20. *Service User Involvement.* In addition to formal consultation, some Council services also involve their users more widely in the planning, development and delivery of service activities. For example, the Service User Involvement Team (SUIT) is a self-organised group of service users and carers who have experience of accessing Lewisham's substance misuse and/or supported accommodation services – they act as ambassadors for current service users and work closely with Council staff to identify improvements and provide a better service.

7.21. *Local Assemblies*. Since 2008, every ward in Lewisham has had a local assembly (open to anyone who lives, works or learns in that area) which meets up to four times a year and is chaired by the three ward councillors. Each local assembly is allocated a fund of £15k per year to run projects which address agreed priorities for the area. Every Local Assembly can make one referral each year to a Mayor & Cabinet meeting, unless the Mayor agrees otherwise. They can also ask the overview and scrutiny committee to address issues of concern in their locality. Where they do so, the matter will be referred by the Business Panel to the appropriate select committee for response if the Business Panel considers that it is appropriate to do so.

- Average attendance at local assembly meetings in 2016/17 was 163 (this figure is high as many assemblies organise at least one social event per year which attracts a larger turnout – as of January 2018, the average attendance for the formal assembly meeting was 92)
- An analysis of over 600 evaluation forms from 2017/18 found that:
 - 29% of respondents were attending their first meeting
 - 85% of respondents would attend another meeting
 - 96% of respondents felt that local assemblies allowed them to learn more about local issues
 - 62% of respondents felt that local assemblies allowed them to influence decisions in their area
 - The typical attendee was most likely to be female (60% of respondents), aged between 45 and 64 (38% of respondents), from a white British background (61% of respondents) heterosexual (82% of respondents) and with no self-reported disability (85% of respondents)
- A total of 205 projects were funded in 2016/17 – the graph below provides a thematic breakdown of spending:



7.22. *Neighbourhood Community Development Partnerships (NCDPs)*. Four NCDPs were established in early 2017 (reflecting the geography of the four clusters of GP practices across the borough) and are led by Community Connections, working closely with Public Health & Local Assemblies. They receive funding of £100k from the Council in order to provide grants in all four neighbourhoods for community-led

activities that promote healthy eating, increase physical activity, mental wellbeing, sexual health and raise awareness about the risks of smoking & alcohol abuse.⁴

- 7.23. *Young Mayor.* Since 2004, Lewisham has had a Young Mayor and Deputy Young Mayor who are directly elected by pupils from schools and colleges across the borough. They serve a one-year term and are responsible for advising the Mayor on issues relating to young people. They also oversee a budget of £25k to fund specific projects – ideas are developed in consultation with different groups of young people and presented to Mayor & Cabinet for approval.
- 9,334 pupils voted in the October 2017 Young Mayor elections, which represents a turnout of 55%
- 7.24. *Young Advisers.* The Young Mayor and Deputy Young Mayor are supported by a group of approximately 25 Young Advisers (drawn from a range of young people's involvement initiatives), who act as an informal cabinet. They meet weekly to plan their programme of work and allow various groups (e.g. Council services, partners) to engage with them. These meetings also act as an open forum for young people from across the borough, having recently merged with the Young Citizens Panel (although this panel retains an online presence via social media).
- 7.25. *Positive Ageing Council.* This group is open to anyone aged 60 or over who lives, works, learns or volunteers in Lewisham. Members meet as an open forum (which is part of the Council structure) four times a year to discuss issues relating to later life and also organise a wide range of social events & activities. A steering group of 20 dedicated local volunteers is responsible for taking forward the issues and actions that are raised at Positive Ageing Council meetings. The steering group also acts as an older person's consultation group for Lewisham Council and local partners (for example, they have advised the Council on an older persons' road users guide, and advised representatives from Lewisham Police and Laban Trinity Dance School). The Positive Ageing Council can also make referrals to Mayor and Cabinet, provided that the referral has been approved by a general meeting of the Positive Ageing Council.
- 7.26. *School Governors.* Every school has a governing body to represent the public in the running of schools. School governors bring perspectives from ordinary life and work with the staff and Council to help secure the best possible education for the children in the school.
- 7.27. *Local Councillors.* Local councillors represent and support local residents in a number of ways. They engage with local people widely, informally through street surgeries, door knocking and campaigning and attending ward based activities. Councillors hold surgeries on a regular basis and provide an opportunity for any ward resident to meet their councillor & raise any local issues or concerns with them. This often takes the form of individual casework that the Councillor supports the member of the public with addressing with the Council, but also, collectively the feedback from local people that councillors receive informs the councillor's participation in Council meetings and decision-making both in relation to their particular ward and the borough as a whole. Some Councillors are also appointed to represent the Council on external bodies.
- 7.28. *Overview & Scrutiny.* Council committees regularly encourage contributions and participation from local people in the scrutiny process (particularly in-depth reviews which inform policy development) in order to ensure a balanced range of views is

⁴ Public Health are currently consulting on proposals to reduce this funding by £10k.

considered. During the previous administration (2014-18), 24 in-depth reviews were undertaken by Scrutiny Committees (covering a diverse range of issues, such as public spending in Lewisham, young people's mental health and new housing delivery) and more than 230 external guests/expert witnesses were involved (including representatives from a number of voluntary organisations e.g. Lewisham Disability Coalition, Citizens Advice Bureau, Age UK as well as community groups e.g. Brandram Road Community Centre, Honor Oak Community Association, Milton Court TRA).

7.28.1. The CYP Select Committee includes within its formal membership, with equal voting rights on all matters under consideration, three elected parent governor representatives and two faith representatives. Healthier Communities Select Committee has a partnership protocol in place that invites two Healthwatch representatives to participate fully in every meeting of the Committee on every 'open' agenda item.

7.29. *Civic Events.* The Council organises an extensive programme of civic events to encourage and support participation in civic society. Civic events enable direct interaction between the Mayor, Councillors and local MP's with a range of people across the borough and wider area. The events are often instigated by local community organisations contacting the Council and inviting the Mayor and members of the Council to join them in a significant event, as well as an annual programme of Council-organised events to bring communities together to mark significant dates and occasions. They are often a catalyst for further involvement and collaboration between the Council and local communities and organisations.

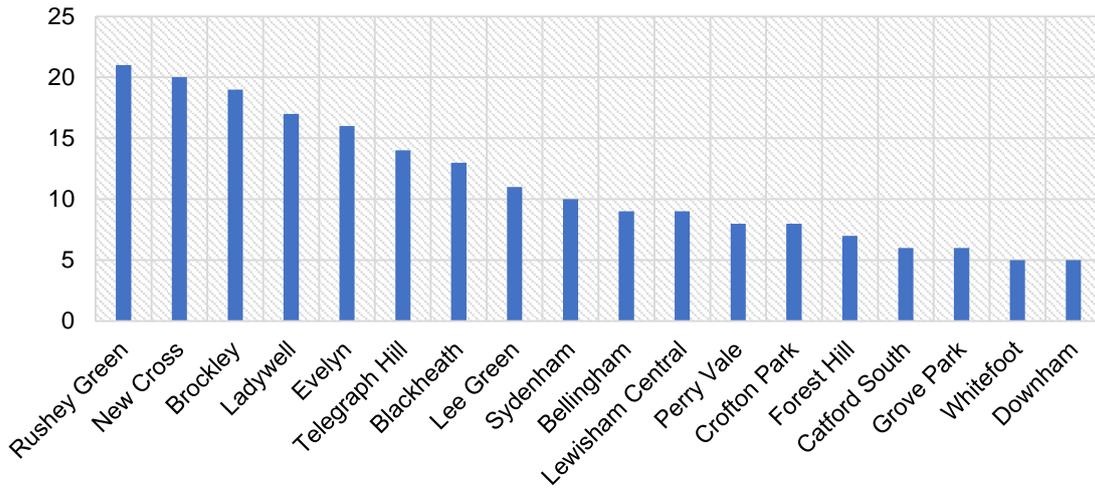
7.30. *Complaints.* Whilst not direct involvement in decision-making per se, the right to complain forms the third arm of resident rights of involvement in the constitution, alongside rights in relation to Council business and participation in decision-making. Public involvement in decision-making information considered alongside Complaints information could be a useful indicator of public satisfaction with both the Council and their ability to influence and participate in the decisions the Council takes that impact on their lives.

7.30.1. The Council's complaints procedure has three stages – investigation by the relevant service manager (1), review of the response by the relevant Head of Service or Executive Director (2) and review by the Independent Adjudicator (3). MP/Mayor/Councillor enquiries are dealt with directly by the relevant Head of Service or Executive Director. All complaints and enquiries are recorded on iCasework, the Council's dedicated casework management system.

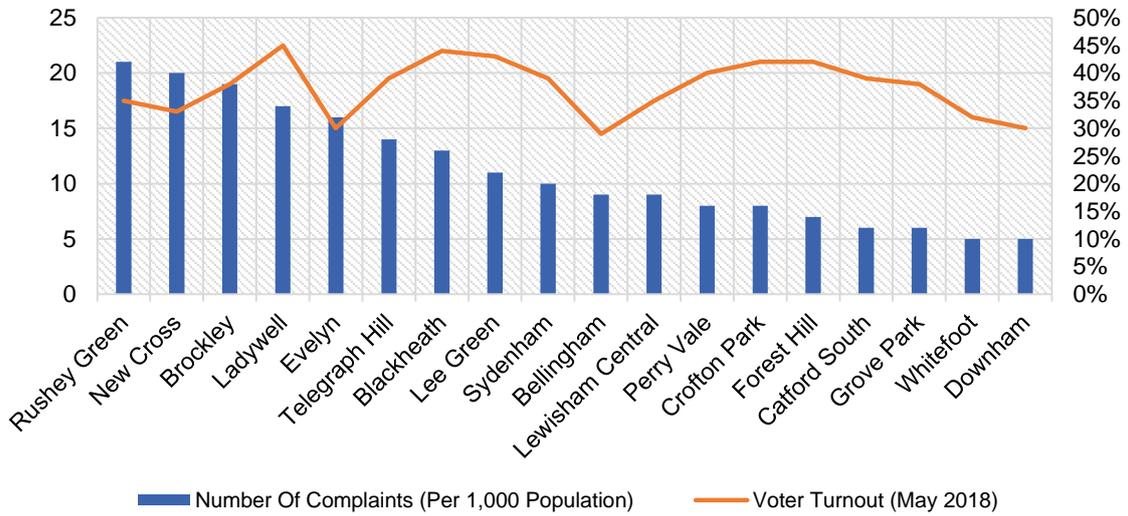
- Lewisham received 5,743 complaints in 2016/17 (an increase of 33% on the previous year)
- Compensation was awarded in 18 cases. The total amount of compensation paid was £13,699.80, of which £2,250 was for Lewisham Homes

7.30.2. The graph below shows the number of complaints (per 1,000 population) for each ward, which is compared with voter turnout (May 2018) and data from the 2015 Index of Multiple Deprivation (IMD):

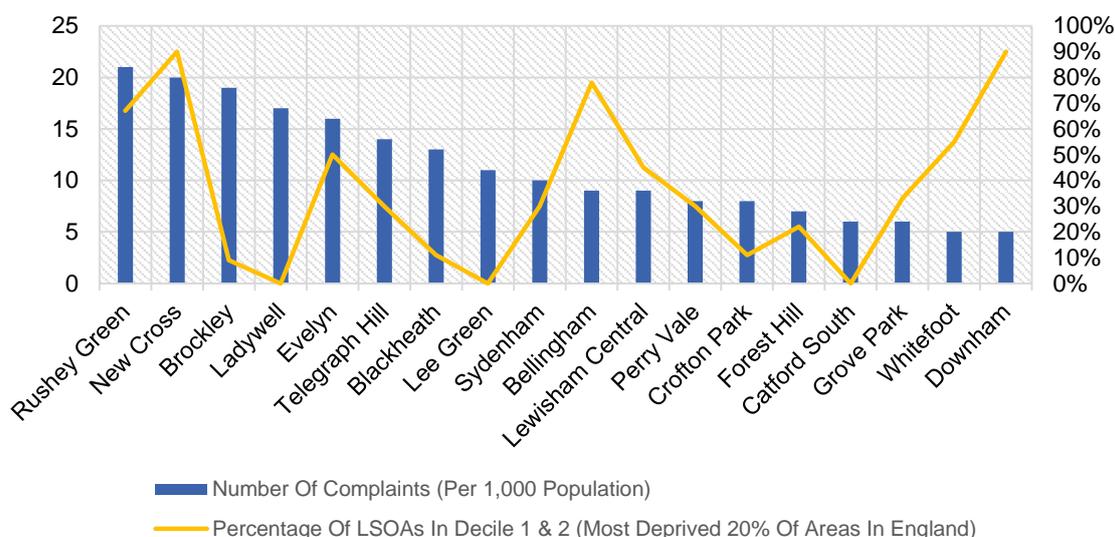
Number Of Complaints (Per 1,000 Population)



Number Of Complaints (Per 1,000 Population) Vs Voter Turnout



Number Of Complaints (Per 1,000 Population) Vs Levels Of Deprivation



- The top three reasons for complaints (across all wards) were Highways (including parking), Housing Needs and Environment (including waste services and cleansing)
- For the wards with the highest number of complaints, the specific reasons were:
 - Rushey Green – Highways (street works), Environment (refuse) and Housing Needs (advice & reviews)
 - New Cross – Lewisham Homes (tenancy team), Housing Needs (advice & reviews) and Environment (refuse)
 - Brockley – Environment (refuse), Housing Needs (advice & reviews) and Council Tax
- Lewisham also received 1,395 MP enquiries (an increase of 12%), 243 Mayor enquires (a decrease of 26%) and 675 Councillor enquires (a decrease of 4%)

C) Effective Decision-Making

7.31. To ensure *effective* decision-making there must in the first instance be a clear and consistent approach to decision-making. The Council's [Constitution](#) sets out the current structure and process for Council decision-making at length. Below is a summary of the key points.

7.31.1. *Statutory Requirements of Council Decision-Making.* Statutory provisions set out how the Council must make decisions. Under the Local Government Act 1972, it is clear that Council decisions may only be taken in accordance with its provisions, formally by the Council. Decisions can be delegated in accordance with that Act to Council committees, sub committees and officers. However, it does not allow Council decisions to be delegated elsewhere without specific statutory authority. This means that the Council cannot subjugate its decision making to that of another body. Whilst the Council can take account of a range of relevant factors, including the view of members of the public, the decisions must still be taken by the Council.

7.31.2. Unless there is express legal provision to the contrary (for example in relation to pooling of health and social care budgets) the Local Government Act 2000 states that decisions which can be taken by the Mayor may only be delegated to councillors and Council officers.

7.32. *Types of Decision.* There are three types of decision that can be made by the Council:

- 1) **Decisions Reserved To Full Council.** Full Council consists of the Mayor and all 54 Councillors and has responsibility for taking decisions over the constitution, the budget and policy framework, deciding the budget, as well as appointing the Overview & Scrutiny committee and other committees.
- 2) **Non-Executive Decisions.** These are set out in law and include licensing, planning, health & safety, standards and pension investment.
- 3) **Executive Decisions** (decisions within the scope of the Executive – whether retained as decisions for the Executive to take or delegated to officers). Unless reserved to Full Council or prohibited to the Executive by law: all other decisions of the Council are Executive decisions.

7.32.1. The type of decision to be made, alongside the scheme of delegation, dictates who is responsible for making the decision of the Council. A scheme of delegation is adopted by the Council each year, which sets out details of those decisions which the Council makes itself, and those which it delegates to committees of councillors, individual ward councillors, its employees and joint arrangements it has with other organisations.

7.33. *Decision-Making Structure.* The Mayor makes proposals to the Council about its main policies and budget and, once these are agreed, is responsible for putting them into effect. The Mayor is responsible for all decisions which are not the responsibility of the Council or any of its committees by law. The Mayor appoints between two and nine individual councillors to the position of cabinet member and together they form the Executive (otherwise known as Mayor & Cabinet). Cabinet members act as spokespersons for the Council in relation to the area of their portfolio and the Mayor has decided that all executive decisions will be taken by the Mayor and Cabinet collectively. The current Cabinet portfolios cover:

- Health and Adult Social Care
- Democracy, Refugees and Accountability
- School Performance and Children's Social Care
- Housing
- Safer Communities
- Community Sector
- Finance, Skills and Jobs
- Parks, Neighbourhoods and Transport

7.33.1. The Council's Overview and Scrutiny Committees help the Executive to develop policies by carrying out detailed thematic reviews to gather appropriate evidence, holds the Executive to account by scrutinising their decisions through the Overview and Scrutiny Business Panels, and asking questions of those from the Council, and wider partners, who make decisions and provide services. There is one overarching Overview & Scrutiny Committee which appoints sub-committees, known as select committees. Currently all non-executive members of the Council are members of the Overview and Scrutiny Committee. As of September 2018, there were six select committees, with 8 councillors on each committee.

7.34. *The Role of Local Councillors In Decision-Making.* All 54 councillors play a key role in Council decision-making either by sitting on the executive or on a large number of non-executive committees. As well as making decisions, councillors have a role to play in their wards in supporting people to access information about and influencing

Council decisions that will/may impact on them, by actively seeking their views and representing their views at the appropriate committees of the Council.

7.35. *Current Principles.* Regardless of who makes the decision on behalf of the Council, and whether it is an executive or non-executive decision: all Council decision-making is underpinned by a set of clear principles as outlined in the Constitution:

- a) the decision will be made following an evaluation of options.
- b) the decision maker will take professional advice (including financial and legal advice where the decision may have legal and/or financial consequences)
- c) the decision will be taken following a consideration of all relevant matters and disregarding irrelevancies
- d) reasons for the decision will be recorded as will details of options considered with reasons for their rejection
- e) action taken will be proportionate to the result to be achieved
- f) respect for human rights will be balanced with the Council's duty to the wider community
- g) a presumption in favour of openness, unless there are compelling lawful reasons preventing the consideration of matters in public
- h) consultation appropriate to the matter under consideration
- i) clarity of aims and desired outcomes
- j) the highest standards of ethical conduct, avoiding actual, potential and perceived conflicts of interest.

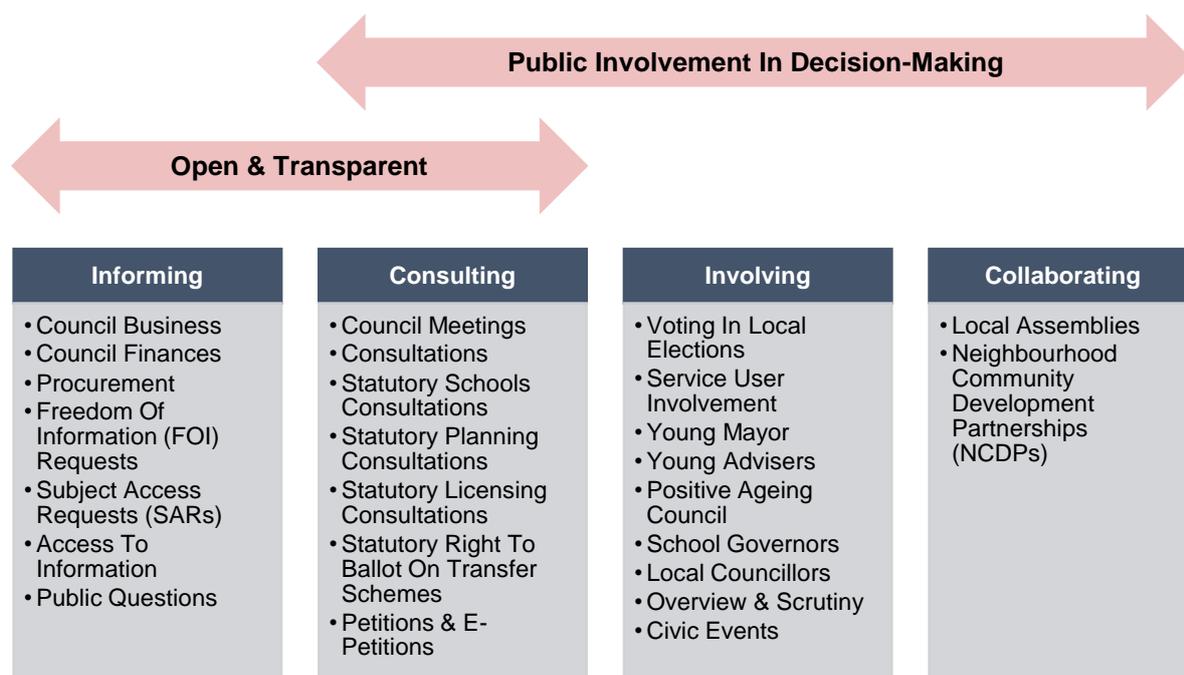
7.35.1. The role of the working group is to evaluate the effectiveness of the current decision-making processes of the Council and identify if there are any recommendations for improved effectiveness it might make, based on the evidence it gathers.

D) Review of Methods Used By Other Authorities to Promote Openness & Transparency and Involve Residents

7.36. The information contained in Appendix A sets out some initial recognised wider good practice regarding public engagement in effective decision-making from Lewisham and across the country.

8. Potential Key Areas Of Focus For The Review

8.1. As outlined in section 7, there are a number of ways in which the Council's current decision-making mechanisms are open & transparent and enable public involvement. These are summarised below under the relevant 'Ladder of Engagement' headings:



8.2. The purpose of the local democracy review is to identify if there are any opportunities to improve the Council's current approaches to:

- Open and transparent decision-making
- Public participation in decision-making
- Effective decision-making of the Council

8.3. Therefore, based on the information outlined in the previous section, some potential 'key areas of focus' for the review to address have been identified which, if addressed, would enable the working group to fulfil its purpose. They are listed below under each of the three areas of the Terms of Reference:

A) Openness & Transparency

- Are our current methods for sharing information about our decision-making clear, effective, accessible and cost efficient?
- Is openness and transparency embedded within the culture of all we do – do we seek to ensure we are open and transparent at every opportunity by default?
- Is there more we could do to enable people to better understand and access information about our decision-making processes?
- What could we do differently (e.g. opportunities for technological innovation)?

B) Public Involvement In Decision-Making

- Are our current mechanisms for public involvement in decision-making clear, effective, accessible and cost efficient?
- Is public involvement embedded within the culture of all we do – do we seek to involve the public at every opportunity by default?
- How well do our current mechanisms enable residents to engage with and understand the role of the Council?
- How well do our current mechanisms enable residents to influence decisions and effect genuine change?

- How could we share best practice and further enhance our involvement and collaboration approaches?
- What other opportunities are there for greater collaboration in decision-making (and should we introduce them)?

C) Effective Decision-Making

- What are the key features of effective decision-making?
- What barriers currently exist to effective decision-making?
- Is there more we could do to enhance effective decision-making?

8.4. Once the key areas of focus are agreed by the Working Group, a comprehensive public consultation survey will be drafted to support effective evidence gathering under each of the key areas of focus.

9. Communication & Consultation Plan

9.1. To gather the necessary evidence to enable the working group to make recommendations in each of the key areas, the group needs to agree its approach to gathering the appropriate evidence.

9.2. Robust and meaningful review of the effectiveness of current approaches requires actively seeking the views of a wide range of local stakeholders. The same is true of identifying opportunities to improve. Given the scale and focus of the review and some evidence of limited engagement with some of the current methods of public involvement in decision making; it is suggested that consultation would be most effective if members of the working group go out across the borough and seek to engage directly with as many residents and appropriate groups and organisations as possible in a time and place that suits those the working group wish to consult with.

9.3. A suggested communication and consultation plan is set out below, suggesting appropriate methods to encourage and enable stakeholders to engage with the review and share their views and experiences:

Communication & Consultation Plan – Three Related Elements:

<p>1) Standalone Website www.lewishamdemocracy.com</p>	<ul style="list-style-type: none"> ▪ Outlines why the review is taking place and what it aims to achieve ▪ Provides background information about Council decision-making ('democracy guide') ▪ Provides a "live" calendar of the working groups planned attendance at various events across the borough to enable wide participation ▪ Includes a link to the online consultation and an email address for further comments/information/requests that members of the working group receive ▪ Linked via the Council's online and offline channels including the Council website, social media and Lewisham Life.
<p>2) Online Consultation</p>	<ul style="list-style-type: none"> ▪ Structured feedback from residents and stakeholders responding to a set of questions that provide further evidence for the key areas of focus

3) Face-To-Face Engagement	<ul style="list-style-type: none"> ▪ Semi-structured feedback led by Working Group, based on the full set of online questions, but tailored for different audiences (see template for capturing information at Appendix B) – to include: <ul style="list-style-type: none"> ○ Public (particularly hard-to-reach) at community events ○ All Local Assembly meetings ○ Young people (via Young Mayor/Advisors) ○ Councillors (Executive and Overview & Scrutiny)
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9.4. A provisional, initial timetable for engagement is attached at Appendix C. The timetable also includes key opportunities to promote engagement with the review such as Local Democracy Week (15th to 21st October) and the Young Mayor’s election (17th October). It is suggested that once agreed, the timetable becomes a “live calendar” on the democracy review website and officers ensure it is regularly updated to reflect working group member attendance at various events.

10. Reporting The Findings Of The Review

10.1. An analysis of the consultation responses, alongside the information within this report and wider evidence to be gathered, will enable the working group to make recommendations for improvement to ensure ongoing open, transparent and engaging effective decision-making. In accordance with the guidance of Full Council and the timeline set out in section 5: it is suggested that the Working group meet again formally in the spring to consider its findings.

11. Financial Implications

11.1. An allocation of £10,000 has been earmarked from corporate resources to cover any necessary expenses associated with this review.

12. Legal & Equalities Implications

12.1. These are generally set out in the body of the report. The Council has the power to establish the Democracy Working Group as proposed, and it is a non-executive function to do so. The Working Group will not have formal decision-making powers save to make recommendations to Council. Any changes to the Council’s constitution which may be required as a result of the Council’s decision about the recommendations of the Working Group will be the subject of a further report to Council.

12.2. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

12.3. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not
- 12.4. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation, or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed in the paragraph above.
- 12.5. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 12.6. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11, which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

12.7. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

12.8. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties, and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

13. Crime & Disorder Implications

13.1. There are no specific crime and disorder implications arising from this report.

14. Environmental Implications

14.1. There are no specific environmental implications arising from this report.

If there are any queries about this report, please contact Salena Mulhere (SGM Inter-Agency Service Development & Integration) on x43380.

Appendices

Appendix A – Examples Of Best Practice

Appendix B – Template For Capturing Face-To-Face feedback

Appendix C - Draft Timetable