



Local Democracy Review: Scrutiny Submission

December 2018

Councillor Bill Brown, Chair of Overview and Scrutiny

The Democracy Review

- The aim of the Democracy Review is to find out how the Council can become even more democratic, open and transparent and let residents, community groups and businesses have a stronger say in local decision-making.
- It is important that the views of those involved in Scrutiny in Lewisham are fed into the review, both in terms of the operation of Overview and Scrutiny, a vital part of open democracy, and also on the wider question of improving democratic participation in the borough.
- Scrutiny Members have fed into this submission in a variety of ways. Two Scrutiny Roundtables were arranged for Members to discuss their experience, views and ideas on open and transparent decision-making; public participation in decision-making; and effective decision-making. Members also provided individual written submissions or met with the Chair of Overview and Scrutiny to outline their ideas.
- This submission presents the comments and ideas heard, starting with views on how Overview and Scrutiny can be even more effective, participative and open; and concluding with comments on the wider question of open and transparent democracy across the board. In most cases the comments have been arranged into two sections: *experiences*, covering current practice; and *ideas*, covering suggestions for the future.

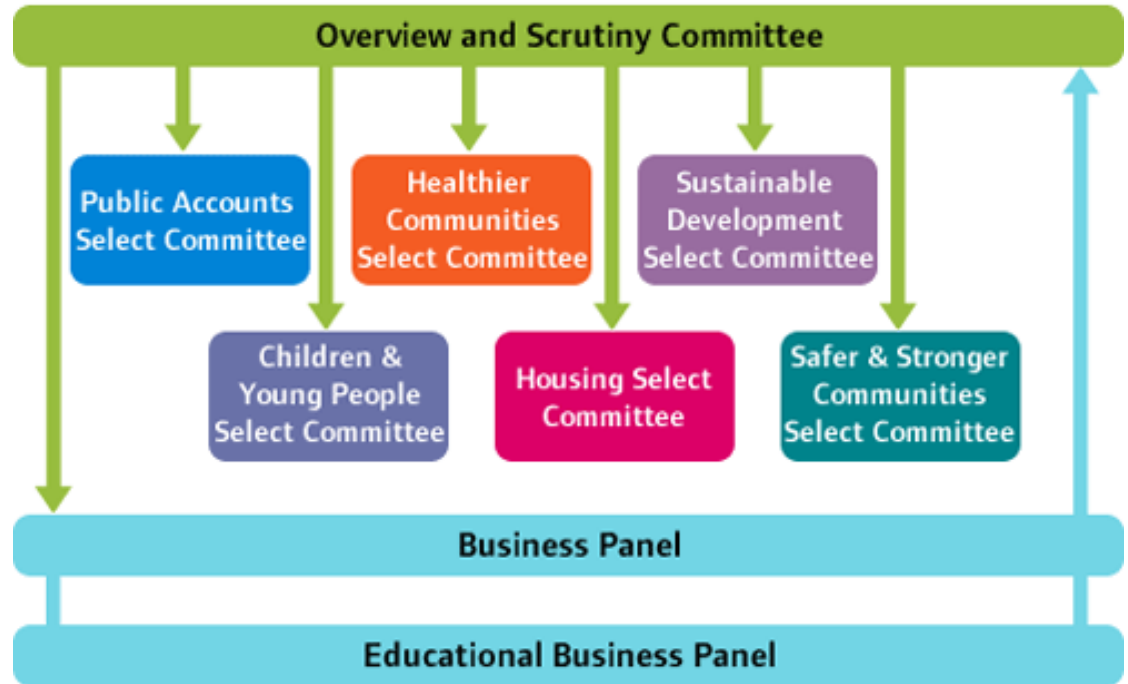
Experiences

Comprehensive coverage

The Council operates an extensive Scrutiny structure with Non-Executive Members engaged in scrutinising the full gamut of Council business as well as many aspects of the business of partner organisations, via meetings that are held in public. The comprehensive nature of the committee set-up provides an assurance that important issues do not 'fall between the gaps' and allows Members the opportunity, as community leaders, to make sure the local community's needs are reflected in the decisions made by the Council and its partners across the full range of local service provision.

Accountability

Having a specific panel to consider executive decisions (Business Panel) provides a clear point of accountability for executive power. This was felt to be particularly important when the Mayoral model was first established, when most decision-making power was concentrated in the hands of a single individual for the first time.



Overview and Scrutiny: Open and Transparent Decision-Making

Ideas

Questioning decision makers

- Some Scrutiny Members feel that they have too little involvement in the decision making process. Although the select committees do engage in pre-decision scrutiny and are involved in policy development, for some Members this is too far removed from the exercise of executive power. Cabinet Members are sometimes scrutinised and questioned but this does not happen consistently across the committees. It is more common for the Officers responsible for implementing executive decisions to be scrutinised. In addition, when Business Panel examines Cabinet Member decisions, it does so via Officers. This means that there is a political deficit as the Business Panel does not have the option of exploring further, with the Mayor or Cabinet Members, the reasoning for a particular executive decision. They are restricted to questioning the Officers responsible for advising on it and implementing it.
- The full Overview and Scrutiny Committee has instituted regular question and answer sessions with the Mayor and Cabinet to begin to remedy this deficit and ensure that decision makers are being transparently held to account. The scrutiny of Executive Members could be extended to Business Panel (post-decision scrutiny) and encouraged further at Select Committees (pre-decision scrutiny). Regular written updates from relevant Cabinet Members to each Select Committee on the matters they are progressing may also assist Scrutiny in effectively holding the Executive to account.
- It is, of course, recognised that Cabinet Members attend Scrutiny meetings at the invitation of the Scrutiny Committees and in the capacity of witnesses – to provide information and answer questions - and they should not, under any circumstances, get involved with committee deliberations, findings and recommendations. It is important to maintain the Executive and Scrutiny separation of powers and this is expected to be re-affirmed in statutory scrutiny guidance due to be published by the end of the year.

Ideas

Report Accessibility

The reports submitted to Scrutiny (and to other types of committee) can be very long and written in language which is not accessible to Councillors or to members of the public. Suggestions for making reports more accessible include:

- Ensuring the use of plain English and the minimisation of jargon (using glossaries where appropriate).
- Including a brief executive summary with each report encapsulating the purpose of the report and outlining the options available and the recommendation being made. The summary should be tightly written and informative and allow someone with no prior knowledge of the subject matter to understand the purpose of the report, the key points and what the committee is being asked to do.
- Ensuring that the recommendation(s) make clear exactly what input is required from Members. The executive summary/report must clearly spell out what the committee can influence in relation to the subject matter (the scope that the committee has to effect change) and what cannot be influenced and why.
- Ensuring that alternative options are more clearly spelt out, so members and the public are clear on what the alternatives to the Officer recommendation are.
- Making more use of appendices. It is accepted that a lot of information currently in committee reports is legally required, but this could be appended to the main report.



The right evidence

The data and evidence (including budgetary information) presented in Officer reports can be selective and Officers should be encouraged to provide full data sets to committees as background papers. (More broadly, as will be outlined in the final section, the Council should seek to publish all its data unless legally required not to, in line with open data principles). The Scrutiny Team could work more closely with Chairs and Committees to assess the evidence presented to Members, consider its accuracy, consider whether anything is missing and consider whether other evidence is needed to build a fuller picture.

Ideas



Communications

- The work carried out by Scrutiny could be more effectively communicated to the public. Scrutiny Members should be encouraged and supported to more pro-actively publicise their reviews and meetings through social media channels and request evidence from the public where appropriate.
- The Communications Team could provide more support in terms of using the Council's social media channels to highlight scrutiny work and calls for evidence; and issue press releases where appropriate. There should be greater parity in the communications support provided to the Executive and to Scrutiny.
- Scrutiny Members, working with the Communications Team, should develop and implement a Scrutiny Communications and Engagement Plan to promote the role of Scrutiny and help facilitate the engagement of local residents and community groups.
- There should be opportunities for the public to contribute to the development of scrutiny work programmes so they can influence what scrutiny investigates and not just have opinions on the matters councillors have decided to investigate.

Overview and Scrutiny: Open and Transparent Decision-Making

Ideas

Referrals

- The process for receiving an Executive response to a Scrutiny referral can be a long and drawn out process. The referral goes to the next available Mayor and Cabinet meeting, Mayor and Cabinet then request a response from Officers, Officers draft a response, the response goes to the next available Mayor and Cabinet meeting, Mayor and Cabinet consider and agree the response, and then the agreed response goes to the next available Scrutiny meeting. Although the response is expected to be received within two months, this rarely happens due to the timetable of scheduled meetings. A more streamlined process would be welcome.
- Scrutiny Members recognise the importance of ensuring that responses to referrals are scrutinised and followed up, with 6 month and 12 month updates on progress where this is appropriate, for example, in terms of executive responses to in-depth reviews. This does not consistently happen at present.
- When Members receive a response to a referral or to an in-depth review report from the Executive, a senior officer normally presents the response back to the Select Committee rather than the decision maker. A written submission from one of the co-opted Members on the Children and Young People Select Committee highlights the feeling amongst many Scrutiny Members that more engagement with Mayor and Cabinet in relation to in-depth review reports would be welcome: ***“There is then the way in which our reports are fed back to the Mayor and Cabinet – a great deal of time is spent on preparing Scrutiny reports and it would be good – if once in a while, we could meet with the Mayor and some of Cabinet Members – perhaps informally – to explain what we have done and to see how it is received – and perhaps [the report could be] passed to the full Council... a fair exchange of ideas is important”.***
- Referrals and scrutiny reports and recommendations arising from in-depth review go to Mayor and Cabinet meetings for a response. If in-depth review reports were also debated at Full Council this may improve the profile and transparency of scrutiny’s work.

Experiences

Visits

- Select committees currently engage in a wide range of visits – engaging directly with service users “on their own turf”. Most members of the public do not wish to come to formal meetings but want more informal interactions with their Councillors. This year, the Children and Young People Select Committee, for example, is carrying out a suite of visits to secondary schools to gather evidence for its exclusions review. Members of the Safer Stronger Communities Select Committee have been on patrol with the Police and will visit MOPAC and KiKIT, a charity based in Birmingham, to gather evidence for their Stop and Search / Prevent review. The Housing Select Committee has visited Hamilton Lodge Hostel to meet residents and service providers and the Healthier Communities Select Committee has visited the extended access and ambulatory care unit at University Hospital Lewisham and a Care Home.
- Some visits are service observations rather than more interactive visits, where this is more appropriate. This year, Members have observed primary and secondary Fair Access Panels, an exclusions independent review panel and service delivery at the housing options centre.



Consultation

- Where appropriate, Scrutiny engages in consultation, including the holding of focus groups. The Children and Young People Select Committee regularly hears from the Young Mayor and the Young Mayor Advisors; and is currently liaising with school governors with a view to securing their input into its exclusions review. The Committee is also planning to make a second visit to the Abbey Manor Pupil Referral Unit to set up focus groups with Abbey Manor students and parents to hear their experiences. A representative of the Safer Stronger Communities Select Committee has attended the Lewisham Safer Neighbourhood Board Stop and Search Forum to highlight the Committee’s review into Stop and Search / Prevent and arrange for information to be sent out via its email list inviting the submission of evidence. Representatives of the Committee are also attending the next Lewisham Youth Advising Police Group meeting to consult its Members.

Overview and Scrutiny: Public Participation In Decision-Making



Experiences

Meetings

- Members of the public are welcome to attend Scrutiny meetings and people who have spoken at recent Scrutiny meetings include a pub landlord; library users and representatives of: Voluntary Action Lewisham; The 'Save Lewisham Hospital Campaign'; Parent Engage; the 'Build the Lennox' group; CAMRA; the Fair Pint Campaign; the 'Save Lewisham Libraries Campaign'; Second Wave; the Lewisham Safer Neighbourhood Board; the Lewisham People's Parliament; various tenant Scrutiny panels; and the Lewisham Homelessness Forum.
- Members of the public can also suggest items for scrutiny with information on how to do this, provided on the Council website.
- Scrutiny meetings are sometimes held outside of the Town Hall, where resources allow and if an appropriate venue can be found. The Housing Select Committee will be holding a future meeting at the Heathside and Lethbridge Community Centre.



Overview and Scrutiny: Public Participation In Decision-Making

Ideas

Work outside of formal meetings

Formal Scrutiny meetings are not necessarily the right forum for public engagement as they can be intimidating, held at inconvenient times for certain sections of the public and are generally very time restricted. Most activity with the public should take place outside of formal meetings and be based around the principle of scrutiny coming to residents rather than the other way around. In other words, participation based on the public's terms. The outcomes of any engagement activity undertaken in this way can then be reported to a formal scrutiny meeting as evidence. Scrutiny should look to offer the public different ways to engage at every opportunity.

Rapporteurship

Members of the public often feel more comfortable engaging with an individual Councillor as opposed to a group of Councillors so rapporteurship can be a good way of Scrutiny engaging with the public. Individual Scrutiny Members can lead on defined topic areas, carrying out work and evidence gathering activity, including consulting service users, between meetings. The outcomes of this work and engagement can then be reported to a formal scrutiny meeting as evidence.

Co-option

Whilst this does not accord with the principle of Scrutiny coming to residents rather than the other way around, informal co-option could be considered where there are clearly defined voluntary groups/community organisations relevant to a committee's work. For example, a representative from HealthWatch is invited to every meeting of the Healthier Communities Select Committee and is treated as a committee Member. In considering this Scrutiny must, of course, be mindful not to prioritise those with the loudest voice. This can lead to the views of the silent majority being excluded.

Overview and Scrutiny: Public Participation In Decision-Making



Ideas



Communications

As outlined in the previous section on open and transparent decision-making, the role and work of Scrutiny must be more effectively communicated to the public if they are to be better involved. In particular, there should be opportunities for the public to contribute to the development of scrutiny work programmes so they can influence what scrutiny investigates and not just have opinions on the matters that councillors have decided to investigate.

Young Mayor and Advisors

The Young Mayor's and Advisors' engagement with Scrutiny has tended to be restricted to work undertaken by the Children and Young People Select Committee. However, there is scope for involving them more widely across the full spectrum of scrutiny work, as their ideas can add value to a more extensive range of topic areas.



The young mayor for 2018–19 is Adam Abdullah and the deputy young mayor is Nike Ajijola

Overview and Scrutiny: Public Participation In Decision-Making

Experiences

External witnesses

Scrutiny has a good track record in terms of engaging external and independent witnesses in scrutiny reviews. In the last administration (2014-18) the committees heard from over 230 external witnesses, which added evidence and weight to the recommendations made by scrutiny bodies.

Relationship building

Having six select committees with clear and distinct remits means that senior Officers in the Council and in partner organisations have clear point of contacts and can build constructive and close relationships with select committee chairs and committee Members. For example, local health organisations (the hospital, CCG, SLaM etc.), housing organisations (Lewisham Homes, RSLs etc.) and emergency services (the London Fire Brigade and Met Police) all have well established and fruitful relationships with the Healthier Communities, Housing and Safer Stronger Communities Select Committees. This improves the quality of scrutiny activity and leads to more effective and informed decision-making.



Overview and Scrutiny: Effective Decision-Making



Ideas

Focussed Scrutiny

The Centre for Public Scrutiny has suggested that Scrutiny should not aim for comprehensive coverage of all Council business but intervene “by exception” where its involvement can specifically make a difference. Scrutiny could focus on fewer issues that are more closely linked to Council priorities to ensure that decision making in key priority areas is scrutinised and more effective. This might be best achieved by changing the scrutiny structure and moving towards a task and finish approach. (See next page)

Confidence

Scrutiny Members, especially new Councillors, need to feel confident to ask simple/obvious questions and challenge jargon; and not be afraid to seek clarification on matters contained within reports. The Chair of the Committee has an important role in setting a welcoming environment and the right tone for the meeting and Senior Officers attending scrutiny meetings also have a role to play in explaining reports clearly and ensuring the meeting has a shared understanding of the topic under consideration.

Support

Scrutiny Officers could more pro-actively support Select Committee Members by helping draft suggested questions for external witnesses, horizon scanning, providing relevant background papers and research, meeting with individual committee members to go through meeting reports as required and helping Members challenge the assumptions and data in Officer reports.

Ideas

Structure

A different structure might enable Scrutiny to be more responsive and flexible and focus on fewer issues that are more closely linked to Council priorities. This could take the form of a single committee to co-ordinate reviews, deal with statutory scrutiny requirements (health, crime and disorder, flood prevention etc.) and deal with call in; with time-limited task and finish groups focussing on key priority areas, gathering evidence and making recommendations before disbanding as new task and finish groups are created. Membership of task and finish groups can be based on genuine Member interest in the topic under consideration. Any move to a new structure will need to be properly considered and thought out, including the implications for the Member allowances scheme and special responsibility allowances.

A clearer policy role for Scrutiny

Scrutiny is not systematically involved in policy development or involved at an early enough stage to influence policy development. All major Council policies should have a “green paper” stage – where the relevant select committee is engaged in contributing to policy proposals at an early enough stage as to be able to actively influence their development.

Training for Officers

Training relevant Officers across the Council on the role of Scrutiny and the support it requires could improve the quality of evidence presented to it. This could form part of the currently available training on *working in a political environment* and include training on the full decision making process at the Council, not just the role of Scrutiny. Such training could be mandatory for certain roles that require regular engagement with Councillors.

Overview and Scrutiny: Effective Decision-Making



Data

The Council should seek to publish all its data unless legally required not to, in line with open data principles. In a well-functioning local democracy, citizens should be able to easily find out what their local Council is doing and to be able to freely access its data and information where this is appropriate. Open data encourages participation. Residents often only engage with the Council sporadically, at election time or to make a complaint if their bins aren't collected. By opening up data via the website and proactively encouraging the public to access it and add to it, residents will be enabled to be much more directly informed and involved in decision-making. This will help ensure that residents don't just know what is happening in terms of decision-making, but are able to contribute to it. The [Lewisham Streets Commonplace map](#) is an excellent example of the Council sharing and growing local data through public participation.

Decisions

It might be appropriate for certain elements of some council decisions to be opened up to the public. Breaking up big, complex decisions into smaller more manageable, understandable and clear decisions, might help foster engagement; as it will allow responsibility for making certain decisions, within an agreed framework, to be handed over to the public.

How would you like to see streets improved in your area?

The Lewisham Streets Commonplace map is now closed for comments. The response to the consultation has been brilliant with over 11,000 contributions made to the map.

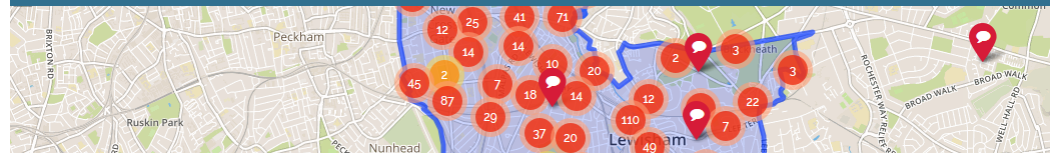
Our task now is to go through these comments and use them to develop the borough's new Transport Strategy and Project Plans. We promise to use the information to improve Lewisham's streets making them Safer, Heathier and more Usable for all.

Our draft Transport Strategy that your comments have helped to inform will be published as the Local Implementation Plan (LIP). We will provide an update via this Commonplace site when its available to view and comment on, so stay subscribed to the News section for further updates.

The Transport Policy Team at Lewisham Council would like to thank everyone who took an interest and who have contributed to the consultation.

[View map and comment](#)

[Learn more about the project](#)



Broader Ideas



Training

- Planning and Licensing committee meetings are important quasi-judicial meetings where the public expect to see procedures being followed fairly in an accountable and transparent way. These committees are very public windows into the Council's complex and sometimes controversial decision making processes. Membership of these committees and all the preparation and lead-in required for good decision making can be challenging. Training for these committees must be comprehensive and it might be helpful if new Members participated in a mock meeting prior to taking part in their first real meeting, where a controversial real-life application (that has already been decided) is considered.
 - Licensing and Planning applicants should be given a clear guide outlining the processes and procedures involved in meetings so they do not waste their time, or the committee's. Planning and Licensing reports should make it very clear to Members the issues that need to be considered that have meant that the application has not neatly fitted into an *approve* or *deny* category, requiring it to be considered at committee. This will enable Members to focus on the issues where they have discretion.
 - There should be mandatory training in chairing skills for all Committee Chairs before they take up their post.
- Where appropriate, joint Officer and Member training (or relevant Officers attending Member training) is helpful so that Members can 'put names to faces' and so shared understandings of key issues can develop. In some instances there is a lack of trust between Officers and Councillors and joint events might help foster more positive and constructive working relationships. It is important that Officers and Members work together as one team.
 - Mentoring should also be further explored by political parties. It might be helpful for new Councillors to have a mentor from outside their ward as they may feel more comfortable accessing support from someone with whom they don't have an immediate, close working relationship with.



Broader Ideas

New forms of public involvement

Increasingly, members of the public are engaging with public authority in new ways. Councils are used to dealing with recognised interest groups that engage with it in traditional ways in a polite and orderly fashion. Movements such as #MeToo and the anti-Brexit campaign represent a more challenging form of public participation that is not traditional or conventional and the Council needs to give careful thought to how to engage with this sort of activism in a positive way. If the Council does not respond to its citizens' desire for greater transparency, power and involvement in new and non-traditional ways, then its democratic legitimacy will be eroded. Increasingly people are losing trust in large institutions such as councils, believing them to be too unaccountable and distant from the people they are meant to serve, so it is imperative to build a more participative relationship with the public.



Green Spaces

Lewisham benefits from a large number of parks and open spaces which provide opportunities for communities to come together. However, green spaces are often undervalued as accessible arenas for active citizenship which empower residents, help create a sense of place and encourage democratic engagement. The council needs to consider its approach to green space and how it can engage the community in helping to protect and develop these important spaces.



Local Assemblies

Many local assemblies are very well-attended but further consideration should be given to who attends and how to extend the reach of local assemblies to harder to reach sections of the community. Local Assemblies could also consider doing more outreach work, going to the community rather than expecting the community to come to them.

Broader Ideas

Selection

- Councillor selection is key to ensuring an accountable, representative democratically elected body of Members. Political parties need to give further thought to candidate selection and how to encourage sections of the public who do not normally stand for office, to consider standing.
- Some Members feel that the process of selecting which Members serve on which committee needs to be re-considered to ensure that there is a better distribution and balance of skills across the select committees. Political parties may wish to conduct skills audits to help them have a clearer understanding of the balance of skills within their teams.
- Some Members feel that, within the majority party group, all Members should be involved in the selection of Cabinet Members. An informal way of ensuring that the views of all Members are taken into consideration could be developed, or selection by an open vote (one Member, one vote) could be considered.
- Role profiles covering the key roles that Members can undertake (Select Committee Chairs, Cabinet Members, Planning Committee Chairs etc.) could be developed so that expectations around Member roles are clearly set out and understood. The profiles could cover the key responsibilities, knowledge and skills required for each role. Support and training should be provided to help Members fill any gaps and keep up to date with changes in legislation and good practice.



Could I be a councillor?



What do councillors do?



How do I?



Your Council

Broader Ideas



Allowances

The allowances paid to Members should be reviewed, including the posts that attract Special Responsibility Allowances (SRAs) and the level of those allowances. SRAs should seek to accurately reflect the responsibilities attached to certain posts and the impact that fulfilling the associated duties has on the post holder (for example, if holding the post would result in a potential loss in earnings). In some cases it may be more appropriate for certain post holders to claim expenses rather than receive an SRA.

The number of meetings

Members are expected to attend a large volume of meetings, limiting the time available to get involved in their community. The number of committees and the number of times they meet each year should be comprehensively reviewed with the aim of reducing the amount of time Councillors spend in Council meetings. Imposing strict time limits on the duration of meetings should also be considered.

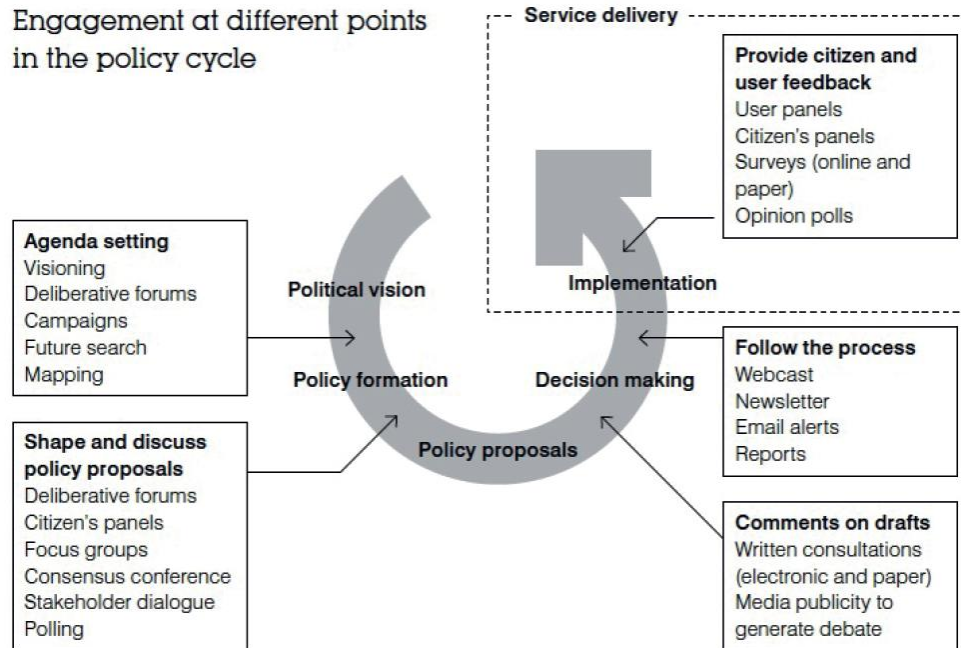
Full Council

Consideration could be given to changing the Chair of Council's title to "Speaker" as has been done in a number of other Mayoral authorities including the London boroughs of Hackney and Tower Hamlets.

Innovation in Democracy

Scrutiny would like to suggest that the Council applies to participate in the [innovation in democracy](#) programme. Our participation in the programme would help demonstrate our commitment making the Council even more democratic, open and transparent and enabling residents to have a stronger say in local decision-making. The programme involves opening up a Council policy decision to citizen deliberation through a Citizens' Assembly process, complemented by a digital strategy to extend the reach, transparency, and accountability of the process. Up to £60,000 is available to cover costs and other advisory support is available.

Engagement at different points
in the policy cycle



<https://tinyurl.com/ycsgou58>

Broader Ideas