

For General Release

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| REPORT TO: | CABINET 14 JULY 2014 |
| AGENDA ITEM NO: | 6 |
| SUBJECT: | AN OPEN AND TRANSPARENT COUNCIL FOR THE PEOPLE OF CROYDON |
| LEAD OFFICER | Julie Belvir Director of Democratic & Legal Services |
| CABINET MEMBER | Councillor Tony Newman Leader of the Council |
| WARDS | All |
| CORPORATE PRIORITY/POLICY CONTEXT | We will be an accountable, open and transparent Council. |
| FINANCIAL SUMMARY | The costs of implementing webcasting are expected to be £12k per annum. |
| KEY DECISION REFERENCE NO: | This is not a key decision. |

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below

RECOMMENDATIONS

That Cabinet:

- (1) Recommend to Full Council that it agrees a range of amendments to the Constitution (as set out in this report and in the report on the review of the constitution elsewhere on this agenda) so that the openness and transparency of the Council is improved;
- (2) Note the initiatives proposed to make the Council and its workings more accessible to the Community;
- (3) Consider whether the Local Government Transparency Code 2014 (“the Transparency Code”) requirements could be used as a measure of the Council’s Transparency Performance and as a driver to reduce departmental expenditure, by supporting the work of the Shape Croydon initiative;

(4) Note:

- i. The additional and amended publication requirements placed on the Council by the revised Transparency Code and the measures within this report which already support the aims of the Transparency Code;
- ii. That the Publication Scheme is being reviewed in light of the Transparency Code requirements to improve the dissemination of information to the Community;
- iii. That the options regarding the best use of the website for publication purposes are being investigated;
- iv. The ongoing obligation to ensure that the Data Protection Act 1998 and requirements of data protection are adhered to in complying with publication and the Transparency Code requirements.
- v. The need for consideration to be given to not only establishing but resourcing the monitoring and publication of information returns to ensure consistency, accuracy and compliance with the Council's obligations both under the Transparency Code and under the Data Protection Act 1998 which in turn will support the Council's openness and transparency agenda.

2. EXECUTIVE SUMMARY

- 2.1 The Council believes in openness and transparency and is determined to open up the Council for the people of Croydon. This new way of working is based on a series of principles and initiatives to be taken in accordance with these principles include:
- Opening up the Town Hall for communities;
 - Reintroducing web casting of Council and Cabinet meetings;
 - Increasing the amount of time available for public participation in meetings of the full Council
 - Increasing the amount of information in the public domain;
 - Reducing the amount of information previously withheld from the public;
 - Reducing the thresholds for the Petition Scheme so that debates can be triggered more easily by communities
- 2.2 This report also summarises the requirements of the DCLG's newly revised Local Government Transparency Code 2014 (the Code) and its implications for the Council. The Code can be viewed in full via the link below:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308185/Local_Government_Transparency_Code_2014_Final.pdf

3. DETAIL

- 3.1. The principles which this Council believes in include openness and transparency and so as a matter of principle it is the intention to publish our proposals *before* decisions

are taken. This will provide the opportunity to work with residents and community organisations more effectively to improve the services the Council delivers. The Council will be more open and so release both target and performance information for all to see. With that in mind, and as is clear from the report on the Constitution also being presented to this meeting, a review of the Constitution is being undertaken to facilitate openness within the Council processes which will include mechanisms to make cross party scrutiny of the Executive effective and ensuring that meetings are more accessible and meaningful to local people. It also includes measures for the Town Hall to be opened up as a community space for local organisations, making it the 'People's Town Hall'.

OPENING UP THE TOWN HALL

3.2. The Town Hall is part of the Civic Quarter which collectively has significant potential for further community engagement and rebranding.

3.3. The Civic Quarter comprises:

- Bernard Weatherill House, including the Community Space. An opportunity for rebranding that area and the need for prioritisation of community events has been identified. This is in active use by the Community;
- Cinema Auditorium (former David Lean Cinema) – recently reopened and in active use by the Community;
- Braithwaite Hall – recently reopened;
- Clocktower facilities – upgrading of workshops adjacent to the cinema auditorium planned over summer period.;
- Town Hall

3.4. In order to improve accessibility and transparency of the Town Hall, the following measures are proposed:

- (i) Removal of Town Hall entry barriers;
- (ii) Improved disabled access;
- (iii) Improved signage throughout, including for disabled users;
- (iv) Ongoing commitment for webcasting for Council meetings as detailed below.

3.5. To encourage even greater community engagement, it is proposed to facilitate visits to the Town Hall by groups of school children. The Mayor and Deputy Mayor traditionally facilitate such visits however one of the Deputy Cabinet Members has also indicated their commitment to facilitating visits by parties of school children.

REINTRODUCING WEB CASTING & OPENING UP THE COUNCIL MEETING

3.6. The Council is determined to reintroduce the webcasting of meetings of the full Council and Cabinet as it had previously introduced this innovation some years ago. This is designed to increase accessibility for Croydon's communities as it is understood that many people would prefer to watch on line at a convenient time and place for them rather than being limited by the times and venues of Council

meetings. The webcasts will also be available to download. Further details of these proposals are set out in the Constitution report which is also presented to this meeting.

- 3.7. In addition, the Council wishes to encourage social media reporting of meetings as part of the Council's increased focus on transparency and as such the current provisions within the Constitution are being reviewed and updated to permit such citizen reporting subject to the requirement that any such reporting should be undertaken in a manner which is not disruptive or distracting to the good order and conduct of the meeting.
- 3.8. To encourage participation in the Full Council meeting and the decision making of the Council the structure of Committees was overhauled at the Annual Council Meeting. This introduced: The General Purposes and Audit Committee, General Purposes and Audit Urgency Sub-Committee, Mayoralty and Honorary Freedom Selection Sub-Committee, reconfigured the Planning Committee and introduced a Planning Sub-Committee, made the Appointments Committee a stand-alone Committee rather than a sub-committee and made changes to the Pensions Committee.
- 3.9. In addition, as part of the full Council procedure, it is intended to expand the time available for public questions by removing the time available to Cabinet Members to respond to Ward Matters which will free up additional time within the meeting thereby promoting public participation. Further details of the proposals to facilitate involvement by residents in Council meetings are set out in the Constitution report which is also being presented at this meeting.
- 3.10. The Council is keen to develop further opportunities for the Community to address the Council. Proposals currently under discussion to improve the accessibility and usefulness of the Council meetings as a constitutional process, include having themed Council meetings where the predominant focus of the meeting is, for example Housing and related matters where all aspects of housing could be discussed in a holistic way (housing and health, housing and planning, housing and mental illness, housing and disability, housing and crime, housing and rogue landlords, etc). Relevant council officers or outside speakers could address the council on the subject by way of opening up the debate.
- 3.11. In order to facilitate opening up the Council meeting to the Community and beginning to implement the cultural change and imbed the transparency agenda, the running order of the next full Council meeting is to be altered by way of a procedural motion so that the running order is as follows:
 - ◆ Usual order of business up to and including public questions;
 - ◆ Leader & Cabinet business report;
 - ◆ Debates
 - ◆ Ward matters without the Cabinet Members responding as described above (they will voluntarily give up the right to respond. Pending a constitutional change).

ENGAGING WITH THE COMMUNITY

- 3.12. The Council needs to create new ways of involvement to listen to our community and ensure that information about what the Council is doing is available from the Council and not only media outlets. The use of “focus groups” engaging in meaningful budget consultation are opportunities to involve the community in Council decision making. Greater use of pre decision scrutiny, a council publication or regular pages in the local press as well as the use of greater use of electronic media to disseminate (Croydon Radio/webcasting)and receive information(e petitions, my App) will provide diverse routes for citizens to become involved. We need to work together to improve local services with service users so that the dialogue with local people is changed and improved.
- 3.13. The Council wants to create an adult to adult relationship with residents as citizens and as service users/consumers. An adult to adult relationship does not imply that everyone knows the same as everyone else but that we all know something of value. This means inviting the community into how the Council thinks and more importantly the advice given to the Council by “experts” and by “scientists”. There can be no assumption that advice from experts is to be kept from the community however in doing so the Council will continue to be mindful of and act in accordance with its legal obligations, particularly in relation to handling of personal data.

CABINET MEMBERS IN THE COMMUNITY

- 3.14. The Cabinet is to hold meetings in the community. There will be five meetings a year in different areas of the Borough selected for the issues which that community has raised. Up to three Cabinet Members at a time will take questions and engage with the community on issues affecting that particular local community, but might also engage with issues affecting the whole borough which impact on that community. On local issues, for example, the Cabinet Member for Transport and Environment might meet to engage with and if necessary make a decision on local traffic management issues based on results of consultation. The agenda for the new Traffic Management Advisory Committee could be more area focused. Further, the Cabinet Member with responsibility for the voluntary sector might for instance meet with the community and after detailed engagement might decide to delegate a discrete decision about a discrete local issue to Ward Members. The Cabinet Member with responsibility for Housing might meet with the Tenant scrutiny panel on an issue and decide to action those recommendations where all the information was available. This added ability to make decisions locally would re assure the community that the “Cabinet in the community” was a genuine attempt to localise decision making.

EXECUTIVE DELEGATIONS

- 3.15. The Leader of the Council will ensure that his Scheme of Delegations is published and that the matters upon which decisions are to be made by individual Cabinet Members under the Scheme are (where reasonably practicable) included with Cabinet agendas prior to the decisions being taken. The majority of the information contained within reports for decision will be published and available online. Only that information which is required or allowed by law to remain confidential will not be published.

REVIEWING THE KEY DECISION FRAMEWORKAND EXECUTIVE

PROCEDURE RULES

- 3.16. Members will be aware that the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (S.I. 2012/2089) (“The Access Regulations”) altered how and when access to information regarding executive decisions was to be made available to the public, Members rights of access and increased Scrutiny’s role in relation to challenging executive decisions, including requiring a report where Scrutiny was of the view that decisions either ought or ought not to have been classified as “key decisions”. The Access Regulations also removed the statutory requirement for a formal forward plan.
- 3.17. The Council is of the view that publication of a formal forward plan would assist residents being aware of and participating in key decisions due to be taken by the Executive. Therefore, the Council will re-introduce the formal forward plan and ensure that this is published online as part of the review of the key decision framework and updating of the Executive Procedure Rules. The further details of these proposals are set out in the Constitution report presented later in this meeting.
- 3.18. In addition, although it is currently set out as part of the Access to Information Regulations in the Constitution, the ability of Scrutiny to challenge the designation of executive decisions as key decisions will now be included specifically in the Scrutiny and Strategic Overview Procedure Rules as well which will serve to highlight this important role in holding the Executive to account. These changes will form part of the review of Scrutiny’s functions which are detailed more fully in the Constitution report.

CONTRACTUAL MATTERS

- 3.19. The Council is committed to ensuring transparency in relation to contractual matters. The Council is introducing a number of measures to ensure that such discussions are characterised by openness and debate. These measures include:
- ◆ All proposed contracts valued over £500k will, where reasonably practicable, be listed in a report to the Cabinet prior to award.
 - ◆ Where a contract award is then being proposed, prior to the nominated Cabinet Member making their decision, they will review a full officer’s report, which will be published and accessible to the public, with as little information as possible remaining confidential. Shadow Cabinet Members will be offered briefings on proposed contracts at these values
 - ◆ Contracts at or above a certain value (£5m), where reasonably practicable, will be presented to Cabinet for a decision. Key contracts may be debated in Full Council prior to decision by the Cabinet.
 - ◆ All contract awards (value to be determined) will be published on a dedicated website with as much detail as possible whilst remaining within the law and the Council’s contractual obligations. This will be up and running from the autumn and ties in with the increased Transparency Code requirements.

- 3.20. In addition, the Leader's scheme of authorisation, which is set out in an Appendix to the Constitution report, will include delegations to the Cabinet Members, in consultation with the Cabinet Member for Finance and Treasury to award contracts valued between £500k-£5m that fall within the responsibilities of their portfolios.

COMMISSIONING & PROCUREMENT STRATEGY

- 3.21. All commissioning and procurement strategies over £500k need to be agreed in draft with the relevant Cabinet Member. Commissioning and Procurement strategies over a level to be defined (considering £5M) - will go to Cabinet with key procurement strategies, having been subject to pre decision Scrutiny, being debated at full Council before an executive decision is made
- 3.22. There will be a forward plan of opportunities on the dedicated website and these will be implemented from the Autumn.

PETITIONS

- 3.23. The Council intends to improve transparency at meetings and in respect of on-line petitions (similar to <http://epetitions.direct.gov.uk>) - the same principles apply in that people can set them up and if a certain number sign then they will be considered by officers or trigger a debate at a meeting of the Full Council. The old requirements were 10,000 signatures for a debate at the Full Council and 5,000 for a senior officer to attend a public meeting of the Council's Scrutiny and Strategic Overview Committee (Scrutiny). These requirements clearly inhibited the use of the petitions process as very few were submitted. The Council is significantly reducing the number of signatures required to trigger a debate. The new threshold of 1,000 signatures is proposed to address this and the possibility of receipt of multiple petitions on the same matter and how they will be dealt with is to be addressed through a protocol on such matters.

SCRUTINY MEETINGS AND COUNCIL MEETINGS

- 3.24. The Council is committed to involving as many Members as possible in the formulation of policy and in influencing decisions. As such the Council sees it as a vital role for Scrutiny in respect of pre-decision scrutiny and it is expected that this role will increase over the next four years. It is also proposed to involve ward members in mini local calls for action to scrutinise intractable issues which normal Member involvement has failed to adequately resolve. Details of these proposals are set out more fully in the Constitution report. In addition the Scrutiny work programme is to be driven by a set of new principles in keeping with the transparency and accountability agenda. In summary, the principles are the following:

- ◆ emphasis on pre-decision Scrutiny;
- ◆ back bench councillor involvement in policy development with the Scrutiny process as a facilitator for this;
- ◆ Attendance at Scrutiny by each Cabinet Member and the Leader at least once and twice a year respectively;
- ◆ greater emphasis on Scrutiny of outside bodies;

- ◆ no presumption that Scrutiny activity may only take place in the evenings or in formal committees;
- ◆ Scrutiny should be supported by external people in the community and their knowledge and experience welcomed.

3.25. The Structure of the seven full Council meetings are as set out in the Constitution. One of the full Council meetings is designated as the Annual Council Meeting and a further meeting is dedicated to Budget setting. The Council wishes the structure of the Council meetings to be fit for purpose and tailored to meet the needs of residents. Accordingly a review of the current constitutional elements is being undertaken in order to ensure that full Council meetings have the emphasis of being informative and inclusive to the public rather than being bureaucratic. The details of these changes appear in the Constitution report.

ACCESSIBILITY OF COUNCIL PUBLICATIONS AND THE NEW TRANSPARENCY CODE

3.26. The Council wants to encourage wider engagement in the decision making process and in order to achieve this considers that all Council publications whether they be reports for decision, policy documents or strategies need to be written in Plain English. Reasons for decisions should be included clearly in reports to improve transparency.

3.27. The Council's Publication Scheme is undergoing a review to bring details up to date and also to incorporate the provisions of the new Transparency Code the tenants of which are aligned with the Council's promotion of openness and facilitating access to information for residents.

3.28. The Transparency Code is issued by the Secretary of State for Communities and Local Government in exercise of his statutory powers to issue a Code of Recommended Practice as to the publication of information (termed "public data") by local authorities about the discharge of their functions and other matters which he considers to be related. The Secretary of State has recently published a revised Transparency Code.

3.29. The Transparency Code is divided up into two parts, the first detailing an extensive set of information which the Council is required to publish (Part 2), and a further set of information which the government recommends for publication (Part 3). The Transparency Code can be viewed in full via the link:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308185/Local_Government_Transparency_Code_2014_Final.pdf

3.30. Compliance with the Transparency Code is not obligatory until regulations are published which is anticipated to occur in the autumn. However, the increase in the types of information which the Transparency Code requires to be published ties in with the Council's focus on open governance. A number of measures which are detailed within this report including the changes to publication of contract matters and procurement and strategy information illustrate that the Council is already working to promote the requirements which the Transparency Code will seek to impose on non-

compliant Councils.

SETTING THE BUDGET

- 3.31. As the budget setting meeting has previously been viewed an exercise in procedure rather than as a tool for information dissemination and debate there is a need to review its structure.
- 3.32. The revised procedures include that :
- ◆ The Cabinet will ensure that the Budget recommended for adoption to the full Council will have been presented to Scrutiny in good time for their comments which will be reported to the full Council.
 - ◆ The order of business of the Budget setting Council has been revised and in future will be adhered to in order to ensure full discussion of issues before the budget decision is taken.
 - ◆ The current practice of moving procedural motions to prevent debate will be actively discouraged by the Mayor.
 - ◆ The budget papers will be presented in a format and in an order which allows proper understanding of the matters under debate by residents and
 - ◆ The Chief Finance officer will be given the opportunity to advise the Council before decisions are taken.

FINANCE

- 3.33. In respect of the revenue and capital outturn expenditure draft final accounts, whilst it is no longer required that these be published prior to passing them to the Council's external auditors, it has been decided that in the interests of openness and transparency, the Council will nevertheless present these to the General Purposes and Audit Committee on an annual basis.

CONSULTATION

- 3.34. As a Council of the people of Croydon which is established to serve the people of Croydon, it is vital that meaningful consultation takes place on a wide range of issues which have the potential to affect the community. This Council will ensure that a new and effective approach is adopted to consultation by the Council across the whole range of its functions and services. This includes extending the consultation period to ensure that the minimum period for consultation is now six weeks. This will apply to all new consultations from the date of this decision.
- 3.35. In promoting these changes the Council will ensure that it:
- Consults when proposals are at the formative stage;
 - Gives reasons for the proposed changes and with full information;
 - Gives options, including the option to do nothing (though the Council may also chose to identify it's preferred option if it has one);
 - Gives sufficient time for consultation to take place.

POLICY FRAMEWORK

- 3.36. The Policy Framework of the Council is long overdue for a radical overhaul and the Cabinet will be leading on this for the Council. Partly due to the inconsistent use of language by central government, the Council has been required to prepare a number of “Plans, Policies and Strategies”, some of which do not qualify as strategies, in any sense of the word. This can be confusing for our community. The revised policy framework will clearly set out the hierarchy of these documents and how they should be used in decision making.

COMMUNICATIONS

- 3.37. The communications team will continue to announce and publish news of council decisions and activity in clear, jargon-free English, that can be understood by as wide an audience as possible.
- 3.38. Officers drafting reports or policy documents are encouraged to liaise closely with the communications team to ensure language in reports and policy documents is likewise used in a clear and concise manner.
- 3.39. The communications team will promote and advertise council webcasts on all communications channels, maximising use of social media where possible.

4. CONSULTATION

- 4.1 Officers have been in ongoing discussions with Members on realigning the Council’s priorities to better progress the Council’s transparency and Openness agenda and to improve public participation in and understanding of the Council processes.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 The costs of webcasting are £12k per annum. A 3 year contract is in place. The 14/15 contribution will be funded from the new administration priorities reserve. Future costs will be built into the 2015/16 budget process.

2 (approved by: Richard Simpson, Director of Finance and Assets)

6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

- 6.1 There are no direct legal implications beyond those set out within the body of the report.

7. HUMAN RESOURCES IMPACT

- 7.1 There are no other HR implications arising from the recommendations within the report other than those detailed within the report. No existing staff are impacted by the recommendations and so the recommendations have not been subject to prior consultation with the recognised trade unions.

(Approved by Heather Daley, Director of Human Resources)

8. EQUALITIES IMPACT

- 8.1 An initial Equality Analysis has been completed on the proposal to ensure the council is open, transparent and accessible to the community. The findings from this analysis indicate that the proposal is likely to have a positive impact on access and participation for all groups of people including those who share protected characteristics. The equality analysis has also highlighted the need to collect monitoring data on participation of groups of people that share a “protected characteristic”. A full equality analysis of the initiative will be completed at the end of the first year of the implementation. This will help the Council identify the positive impact of the initiative has had for groups that share a “protected characteristic” and also define mitigating actions to address any possible adverse impact. The equality analysis will enable the Council to ensure that it meets the statutory obligation in the exercise of its functions to address the Public Sector equality duty (PSED). This requires public bodies to ensure due regard to the need to advance equality of opportunity; foster good relations between people who share a “protected characteristic” and those who do not and take action to eliminate the potential of discrimination in the provision of services.

(Approved: Sharon Godman, Head of communities (local strategic partnership, community cohesion and integration, equality and inclusion, community rights and the voluntary sector)

9. ENVIRONMENTAL IMPACT

- 9.1 There are no direct environmental impacts envisaged due to the provisions of this report.

10. CRIME AND DISORDER REDUCTION IMPACT

10.1 There are no direct crime and disorder impacts envisaged due to the provisions of this report.

11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

11.1 As set out within the body of this report, the Council is committed to openness and transparency and is determined to open up the Council for the people of Croydon. This new way of working is based on a series of principles and initiatives to be taken in accordance with these principles include:

- Opening up the Town Hall for communities;
- Reintroducing web casting of Council and Cabinet meetings;
- Increasing the amount of time available for public participation in meetings of the full Council
- Increasing the amount of information in the public domain;
- Reducing the amount of information previously withheld from the public;
- Reducing the thresholds for the Petition Scheme so that debates can be triggered more easily by communities

11.2 The proposals set out within this report are in support of these principles and objectives and also include provisions, such as pertaining to arrangements for allowances, which are statutory obligations which the Council is required to implement.

12. OPTIONS CONSIDERED AND REJECTED

12.1 Consideration was given to keeping the Constitution as it is without implementing any changes bar those which are required by statute; however it was felt that this did not reflect the renewed focus and ethos which the Council wishes to adopt and promote going forward.

CONTACT OFFICER: Julie Belvir, Director of Democratic and Legal Services & Council Monitoring Officer Ext 61964

BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972

None