

REPORT TO:	Council 12 October 2020
SUBJECT:	Governance Review Implementation progress update - changes to the Constitution, committee structures and decision making processes
LEAD OFFICER:	Jacqueline Harris Baker Executive Director of Resources and Council Monitoring Officer
WARDS:	All
POLICY CONTEXT/AMBITIOUS FOR CROYDON:	
<p>The Labour Administration in its 2018 manifesto made a commitment to hold an independent review of the Council's governance structure bringing together best practice across the country and beyond to develop a model tailored to the needs and aspirations of Croydon residents. The main goal of the review was to assess if change to governance arrangements could enhance Councillor involvement, local democracy and community engagement. This is embodied in the Council's Corporate Plan for Croydon 2018-2022. The Council's capacity to work effectively and to deliver all aspects of its strategic framework is conditioned by its ability to take informed decisions with openness and inclusivity.</p>	
FINANCIAL IMPACT:	
<p>The proposals detailed within this report are planned to be delivered on a cost neutral basis, with growth offset by a reduction in the number and frequency of existing decision making meetings. The reduction in existing meetings has been partially identified and will need to be identified and implemented in full in order to achieve cost neutrality.</p>	
RECOMMENDATIONS:	
<p>Council is recommended to:</p> <ul style="list-style-type: none"> i) Agree to establish Cabinet Member Advisory Committees within the Constitution as detailed in appendix 1 and to note the approach to the implementation of CMAC meetings as detailed in paragraphs 5.1 - 5.17; iii) Approve the amended definition of Key Decisions as detailed in appendix 1 and paragraphs 5.18 - 5.25; iv) Approve the Forward Plan protocol attached in appendix 5 and introduce a new forward planning process for managing and publicising forthcoming decisions as detailed in paragraphs 5.26 - 5.33; v) Approve the changes to the procedure rules for Council meetings as detailed in appendix 1 and paragraphs 5.34-5.40; and vi) Note the updated overarching approach to the delivery of the governance review recommendations, including changes to, and impact of, the budgetary context, as detailed in the report. 	

1. SUMMARY OF REPORT:

- 1.1 This report updates all Councillors on progress relating to the implementation of the Governance Review recommendations, agreed by the Council on the 2nd of March 2020. It sets out an updated delivery approach and details the proposals relating to a number of specific changes to the committee structure and decision-making processes to improve the culture of decision making.
- 1.2 As the Governance Review highlighted improving the culture of decision making as the area of primacy for the Council, the Implementation Working Group has focused on the recommendations that most support an improved culture and seeks the Council's approval to proceed with implementation of the following priority recommendations:
- Establishment of four Cabinet Member Advisory Committees
 - Lowering of the financial threshold within the council's Key Decision definition from £1m to £500k, and £100-500k if more than 25% of the service budget is affected
 - Introduction of a new forward planning process, including a Forward Plan protocol that goes beyond statutory requirements for publication of information about key decisions
 - Changes to the Council meeting agenda
- 1.3 Alongside the above substantial changes to the way the Council operates, the main enablers for change and the associated adjustments to structures and processes are also detailed. Those describe how the introduction of the above will be managed and what the milestones for embedding the changes are.

2. BACKGROUND

- 2.1 In March 2020, Council agreed to deliver the recommendations of the Governance Review Panel and subsequently established a cross-party Implementation Working Group (IWG) to oversee progress.
- 2.2 The Council approved the terms of reference for the IWG and set the parameters for delivery, including high-level timescales and budget. The IWG was firstly tasked with translating the Panel's recommendations into a measurable programme of improvement, beginning with the priority recommendations that were designed to increase transparency and participation in decision making. This included establishing the Cabinet Member Advisory Committees (CMACs) within the Council's Constitution, developing a new six month forward plan, redesigning the Council meeting and reviewing the Council's local interpretation of key decisions.
- 2.3 Due to the Council's focus on the response to Covid-19, and associated constraints on its capacity to undertake business as usual since March 2020, the IWG reconsidered previously established parameters and refocused its activities.

- 2.4 Subsequently, in this report the Council is asked to note the proposed updated approach to implementing the Governance Review recommendations (section 4) and to approve the implementation of the first set of recommendations required to introduce and operate CMACs (sections 5 and 6).
- 2.5 The Review urged the Council to focus on opening up the culture of decision making. The recommendations set out in this report were prioritised and designed to exemplify, support and embed this cultural change.

3. OVERVIEW OF THE IMPLEMENTATION WORKING GROUP'S ACTIVITIES

- 3.1 The IWG appointed an independent chair and has met regularly since April 2020. In its first meetings, the Group discussed the impact of Covid-19 on the delivery timescales and agreed to focus solely on recommendations that would establish and support the introduction of CMACs. The Panel chose to focus on these recommendations as they had the greatest impact on cultural change, enabling all Members to have an improved opportunity to consider and influence as broad a range of decisions as possible before they are taken.
- 3.2 Consideration of the remaining recommendations, and the development of an overarching three-year implementation programme, were paused to enable resources to be focused on the delivery of CMACs and those measures that are required to support CMACs.
- 3.3 The main activities undertaken by the IWG have included:
- i) Discussion and agreement relating to details of CMAC operations required to establish the committees within the Constitution, including drafting the new CMAC Protocol and Terms of Reference;
 - ii) Consideration of the impact of CMACs on the wider committee structure and development of proposals to accommodate CMACs within the Council's calendar;
 - iii) Development of a new six month Forward Plan protocol, a crucial enabler to planning CMAC agendas and earlier transparency of decision making;
 - iv) Consideration of changes required to Croydon's definition of Key Decisions and development of Key Decision guidance to support consistent application of the revised definition;
 - v) Consideration of changes required to introduce an amended Council meeting agenda, including 'Backbench Matters', a new agenda item to increase the recognition of Backbench Members' work and opportunity for participation at the meetings;
 - vi) Discussion and agreement on the approach to embedding the changes, including milestones to successfully introduce CMACs and the new Forward Plan across the organisation;

vii) Discussion and development of proposals for overall approach to delivery of the recommendations within the current context,;

viii) Communication of proposals with political groups.

3.4 Significant work was undertaken by the IWG on the above to ensure the Council maintains the momentum and focus on its commitments to deliver the recommendations agreed in March. The IWG believes that the specific changes detailed in this report provide a foundation for the necessary changes to the decision making culture, structure and processes in line with the Governance Review findings.

4. UPDATED APPROACH TO GOVERNANCE REVIEW IMPLEMENTATION

4.1 This section summarises the IWG's proposals relating to how the Council can deliver the Governance Review recommendations within the changed context.

4.2 The need to respond to Covid-19 has delayed the ability of the IWG to progress some of the planned activities. As a result of significantly increased financial pressures and constraints on officer support available, the previously planned timescales and budget for delivery of all recommendations are no longer viable.

4.3 Having reconsidered its work and focused on specific recommendations that were seen as priority for supporting a cultural change in decision making and could be developed within the limited resources available, section 5 of this report details IWG proposals relating to the implementation of the following Governance Review recommendations:

Recommendation 3: *Provide Members and residents with increased opportunities at an early stage in the process to influence decision making by producing and proactively communicating a forward plan detailing forthcoming decisions, including annually recurring decisions and key strategies and policies, at the earliest possible date and no later than 6 months in advance of the decision being taken.*

Recommendation 4a: *Make decision making more open and transparent for Members and residents, by:*

Reviewing Croydon's interpretation of the statutory definition of a key decision and if necessary amending the Constitution to ensure sufficient emphasis on community impact and producing guidance to ensure consistent interpretation and clarity of practical application, including types of decisions that the Council always deems to be key decisions

Recommendation 9: *Ensure the decision making structure fully supports participation by creating more purposeful opportunities for non-Cabinet Members and residents to consider and influence planned decisions before they are taken. Specifically, the Council should enhance the existing Leader and Cabinet model by strengthening the collective Cabinet, establishing the*

hybrid arrangements which introduce Cabinet Member Advisory Committees, appropriately revising the scheme of delegation and ensuring the necessary changes are reflected within the Constitution.

Recommendation 10: *Improve effectiveness of Council meetings by reaching a cross-party agreement on desired changes, underpinned by consideration of the principles and proposals that are set out in the Governance Review report.*

4.4 At the same time, the Council is asked to note the updated overarching timetable for the delivery of all recommendations, set out below.

Proposed, updated delivery timescales

2nd March 2020 Council meeting	<ul style="list-style-type: none"> The Council approved recommendations and established the Implementation Working Group, IWG (completed)
April - September 2020	<ul style="list-style-type: none"> IWG worked on options scoping and action planning that detailed how the Panel's recommendations were proposed to be implemented, including necessary Constitutional amendments (completed)
12th October 2020 Council meeting	<ul style="list-style-type: none"> The Council formally establishes the new Cabinet Member Advisory Committees and appointments are made to their Memberships The Council also approves the Forward Plan and Key Decision definition changes
October – December 2020	<ul style="list-style-type: none"> Internal and external communication and engagement about agreed changes and preparation for implementation
January 2021 – May 2021	<ul style="list-style-type: none"> Transitional activities are undertaken to embed CMACs, Forward Plan and Key Decision changes First meetings of CMACs are delivered, and subsequent learnings considered Activities on the delivery of other recommendations are considered
April 2021 onwards	<ul style="list-style-type: none"> IWG oversees implementation and reports on progress Paused recommendations requiring proposal scoping and one-off improvement have been considered, and where appropriate translated into measurable activities and are underway
Q2/3 2021 Council meeting	<ul style="list-style-type: none"> Progress report to Council includes information about the approach to delivery of other recommendations; Update on learnings and performance of Forward Plan, Key Decision changes and CMACs within the wider structures
June 2023	<ul style="list-style-type: none"> The Council to receive a report that reviews the outcomes of implementation including performance relating to improvements delivered

Implementation of Remaining Governance Review Panel Recommendations

- 4.5 The IWG, supported by the Law and Governance division, translated recommendations 3, 4a, 9 and 10 into actionable implementation plans and similar work will need to be undertaken on the remaining recommendations to agree a realistic timetable for their implementation. The implementation of the other recommendations will remain paused in this financial year and it is anticipated that the next stage of prioritisation and timetabling work will be led by the IWG from spring 2021, subject to future budget allocations.
- 4.6 Where possible, the IWG will seek to align the delivery of those outstanding recommendations with existing Council plans and workstreams to minimise costs and to ensure the improvement activities are sustainable and embedded within the Council's wider operations.
- 4.7 It is anticipated however that certain proposals with previously assigned cost/budget might not be attainable within the current financial circumstances. For example, the introduction of a new dedicated member support function may not be feasible.
- 4.8 The IWG will however work with responsible senior officers to produce proposals that can achieve the outcomes described by the Governance Review report or, as a minimum, a set of proposals that could bring the Council closer to achieving those in the long term.
- 4.9 This also means that some recommendations might not be able to be achieved, or might only be partially achieved, within the previously anticipated timescales.
- 4.10 The IWG will focus on quality and sustainability of proposed improvements as well as ongoing monitoring and possibility of enabling more incremental, long term changes.
- 4.11 In considering the four recommendations detailed in this report, the IWG has been mindful of both the existing burden on Members and the need to deliver value for money in the Council's decision making system. To that end, the IWG has sought to make the implementation of the recommendations detailed in the report cost neutral by offsetting new requirements by reducing or merging some existing bodies.
- 4.12 The IWG will continue to be guided by value for money when undertaking activities to consider the remaining recommendations.
- 4.13 Assuming that there are no further significant changes to the context within which the IWG currently operates, it is anticipated that the full detail of how the remaining recommendations have been considered and translated into measurable activities will be subject to a progress report to Council in 2021. This will be presented alongside an update on activities that are underway and have been completed.

5. DETAIL OF PROPOSED CHANGES FOR COUNCIL APPROVAL

Cabinet Member Advisory Committees and the Committee structure

5.1 Council is asked to approve the constitutional amendments that establish the Cabinet Member Advisory Committees as set out in appendix 1 and summarised below.

5.2 Constitutional changes include amendments to:

- i) 04 Part 2 - Articles of the Constitution
- ii) 08 Part 4B – Access to Information Procedure Rules
- iii) 10 Part 4D – Executive Procedure Rules
- iv) 12 Part 4F – Non-Executive Committee Procedure Rules

5.3 New 'Terms of Reference and Procedures for Cabinet Member Advisory Committees' (Part 4P) were also drafted and attached in full in appendix 1.

5.4 The four CMACs will advise the relevant Cabinet Members in relation to the following Cabinet Portfolios:

Health, Social Care and Community Cabinet Member Advisory Committee (HSCC CMAC)

- Families, Health and Social Care
- Safer Croydon and Communities

Regeneration, Housing and Environment Cabinet Member Advisory Committee (RHE CMAC)

- Homes and Gateway Services
- Clean Green Croydon
- Environment, Transport and Regeneration

(Excluding any functions allocated to Traffic Management Advisory Committee for which there are separate arrangements)

Resources and Economy Cabinet Member Advisory Committee (RE CMAC)

- Finance and Resources
- Economy and Jobs

Young People Services and Leisure Cabinet Member Advisory Committee (YPSL CMAC)

- Children Young People and Learning
- Culture Leisure and Sport

5.5 CMACs, as per recommendation 9 of the Governance Review report, aim to increase backbench Members' ability to debate and influence forthcoming decisions before they are taken by the Cabinet.

5.6 In line with a cross-party agreement, and assuming the Council agrees Part 4P of the Constitution, the power to establish and appoint to CMACs is reserved to

Council, and Council is also asked to appoint CMAC Chairs, Vice Chairs and Deputy Chairs.

- 5.7 Membership is subject to proportionality principles, with RHE CMAC having 11 Members and the other three CMACs comprising of 9 Members each. There will also be a maximum of 3 reserve Members from each party. The Chair and Deputy Chair will be from the Majority group and a Vice Chair from the Minority group. It is anticipated that a list of proposed appointments to CMACs will be submitted to the November 2020 Council meeting for agreement.
- 5.8 As stated above, the four CMACs are established by the Council and can only be amended by Council. They will work collaboratively with Cabinet Members and Scrutiny as described in the Constitutional amendments detailed in this report and the CMAC agenda setting protocol (attached in appendix 2 and to be appended to the Constitution). The new Forward Plan (detailed in paragraphs 5.26 – 5.33) will be used to help shape the agendas for each CMAC meeting.
- 5.9 It is anticipated that up to one meeting of each CMAC will take place between January and May 2021 depending on capacity. Learning from those meetings will be incorporated into improving their operation and ensuring they are fully embedded for the 2021/22 municipal year.
- 5.10 The appointed CMAC Chairs will be tasked with holding an initial agenda setting meeting in order to decide the order of the first CMAC meetings and their agendas while the new forward plan is being implemented, though at this stage it is anticipated that the initial focus of CMACs will be to support the delivery of the Croydon Renewal Plan.
- 5.11 CMACs are hybrid committees with functions and purpose unique to Croydon. As such it is anticipated that during the transitional period further detail of how they can operate most effectively will evolve and be incorporated into their running. CMAC interactions with other committees will be further assessed and adjustments might be required, with agreement of the Council, to ensure purposefulness and streamlined decision making that eliminates duplication and allows for meaningful engagement.
- 5.12 Throughout the process of introducing and testing CMACs, the IWG will be seeking other Members' and officers' input and ideas relating to their operation. The IWG will also work with the existing committees to ensure they have up to date terms of reference and purposefully fit within the Council's overarching decision making structure.
- 5.13 To ensure that capacity exists to accommodate up to 16 meetings of CMAC within the Council calendar and to manage an increased number of Key Decisions as well as the new Forward Plan, the IWG has agreed that the number of other existing committee meetings needs to be reduced. It is proposed that, following implementation, the ongoing cost of operating the committee meetings and decision making processes is cost neutral to ensure that the changes are sustainable in light of the existing financial pressures.

5.14 As such, the IWG is undertaking an exercise to identify what existing committee meetings can be reduced. To date the IWG developed the following proposals:

- i) Merge General Purposes and Audit Committee (GPAC) and Ethics. Both are relatively short and have a similar set up with co-optees that require a similar skillset. There is precedent in other local authorities that operate merged GPAC and Ethics meetings. This would result in a reduction of 3 meetings.
- ii) Conflate the work of the Adult Social Services Review Panel into the remit of the HSCC CMAC resulting in a reduction of 4 meetings.
- iii) Merge Public Transport Liaison Panel and Cycle Forum. Both are well attended and serve important purposes. They are seen as tackling similar topics and hence would benefit from joining of effort to create a co-ordinated sustainable transport forum. This would result in a reduction of 4 meetings.

5.15 The Transport Management Advisory Committee (TMAC) will remain separate to CMACs as the IWG believes it plays an important role in allowing residents and Ward Members to comment on traffic management decisions before they are taken by the Cabinet Member. It is however proposed that any policy changes relating to traffic management would be debated at RHE CMAC. As such TMAC will solely deal with advising the Cabinet Member on traffic management schemes.

5.16 The IWG is working on further proposals as the Council currently operates around 200 Councillor meetings a year and the above reduction in meetings is not sufficient to absorb the growth in operational costs associated with running CMACs. It is anticipated that a further reduction of 10 to 15 meetings is required. The detail of all necessary committee changes to accommodate CMACs will be put forward to the IWG for consideration, and where Constitutional changes are required, they will also be presented to Council.

5.17 As such it is anticipated that a supplementary report to detail further (smaller) structural changes and associated constitutional amendments would be presented for Council's approval later this financial year. The IWG's goal is to implement the necessary changes and improvements relating to the committee structure by the end of March 2021. This is to ensure that the 2021/22 Council diary fully accommodates CMACs, and that proposals set out in this report are running at neutral cost to the Council through an appropriate and equivalent reduction in the number of Committee meetings operated by the Council

Key Decision definition and guidance

5.18 In accordance with recommendation 4a of the Governance Review report, the IWG was tasked with reviewing the Council's local definition of Key Decisions alongside developing improvements to ensure a consistent application of what is and what isn't a key decision.

- 5.19 The IWG undertook research into other London Boroughs' (LBs) definitions and the volume of key decisions they make. The IWG concluded that Croydon made a relatively small number of key decisions due to its overreliance on a £1m financial threshold which was considerably higher than a vast majority of LBs. Details of the research can be found in appendix 3.
- 5.20 As such the IWG recommends that Council changes the definition to align more closely with good practice from other LBs and to subsequently increase the number of decisions that are treated as key decisions.
- 5.21 The followings change to the Constitution is proposed for the definition to read:
- A Key Decision is an executive decision which is likely to:*
- (i) result in the Council incurring expenditure, or making savings, of (a) more than £500,000 or (b) between £100,000 and £500,000 AND is more than 25% of the Council's budget for the service or function to which the decision relates; or*
 - (ii) significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough.*
- 5.22 It is proposed that the amended definition will take effect from 1st January 2021, to allow sufficient time for officer engagement and training to support the organisational adjustment to the new requirements.
- 5.23 The Council will also ensure that within the same timescale any references within the Constitution to the old Key Decision definition are amended accordingly.
- 5.24 Beyond the previously restrictive definition, another issue was a perceived inconsistency when considering if a decision should be deemed key and a perceived variation of the levels of knowledge amongst officers in terms of the criteria that should be followed. As such, the IWG has commissioned the Corporate Legal Team to develop guidance that underpins the new definition and provides further examples of decisions that should be deemed key. The guidance document is attached in appendix 4 and will be appended to the Constitution.
- 5.25 The guidance further clarifies that when considering the community threshold of two or more wards, the impact on protected characteristics should be assessed as well as whether the change that affects one ward geographically also affects communities living in neighbouring wards.

Forward Plan

- 5.26 The need to develop and operate a more inclusive Forward Plan was identified by the Governance Review as one of the key enablers to ensuring more transparent and participatory decision making (as detailed in Recommendation 3).

- 5.27 At present, the Council is only statutorily required to give 28 days' notice of key decisions in advance of them being taken. The recommendations are to implement a new Forward Plan that gives 6 months' notice of all significant decisions that can be practicably foreseen.
- 5.28 The IWG worked on a protocol attached in appendix 6 that sets out the definition, purpose, principles and scope of the new Forward Plan. The Council is asked to approve the protocol - to be appended to the Constitution. This is to solidify the introduction of the Plan and the Council's commitment to its ongoing operation.
- 5.29 The operation of the proposed new Forward Plan as set out in the protocol is a significant departure from how the Council currently operates and within the current context it will take some time to fully implement and embed. It is an ambitious undertaking that will require a cultural shift across the Council, but will ultimately give more Members and residents a significantly improved opportunity to influence and consider decisions while they are at a formative stage.
- 5.30 It is proposed that the first version of the Plan is published in January 2021. The work to prepare for the publication will start following the Council approval, appreciating that it will take up to 6 months to make the Plan fully operational, to include all decisions within its scope. Conversations with Cabinet Members and directors have started and expectations have been set to produce, publish and embed the Plan within the decision making process.
- 5.31 Alongside populating the new Forward Plan for the first time, a new process for the ongoing operation of the Plan is being rolled out. This encompasses an introduction of a submission form that allows directors (and/or responsible officers) to add items to the Plan and Cabinet Members to approve those prior to publication.
- 5.32 This is the first step in streamlining the management of decisions. The ambition is to utilise the existing software system operated by Democratic Services to manage the decision journey from submission of items for the Forward Plan, to development of reports, sign off and publication of decision notices, in a single place with a clear audit trail. Paragraphs 6.16-6.30 provide further detail about the implementation of the new process and how existing technology will be better utilised.
- 5.33 The Forward Plan will be published at least once a month or more frequently if major changes are required. Smaller changes and updates to existing items will be made to the Plan on a rolling basis, ensuring the published list of items is kept up to date on the Council's website. The Key Decision notices will continue to meet the statutory requirements and their publication will be embedded within the new forward planning process.

Council agenda

- 5.34 Alongside the above significant proposals, the IWG agreed the detail of changes to the Council meeting agenda as proposed in the Governance Review report.
- 5.35 The IWG discussed the new agenda with both political groups and a cross-party agreement was reached to proceed with implementation of changes.
- 5.36 In line with the IWG instruction, the Corporate Legal team has been tasked with ensuring appropriate amendments to Part 4A – Council Procedure Rules of the Constitution, attached in appendix 1. The Democratic Services team has been tasked with implementing the necessary operational changes, once approved.
- 5.37 A new agenda item called ‘Backbench Matters’ will be introduced allowing for up to 3 backbench Members to make speeches at each ordinary meeting of the Council. This is to improve the visibility of backbench Members’ work and increase their ability to actively participate in the meeting.
- 5.38 It is anticipated that the first meeting of Council with the new agenda will take place in January 2021.
- 5.39 The Governance Review Panel recommendations agreed by Council in March also allowed for the transfer of some features of the Council meeting to CMACs following their introduction. This included the transfer of petitions presented by Members to CMACs and a gradual reduction in public question time at Council to reflect the significant increase in opportunities for public questions at CMACs. The IWG concurs with the view that it is preferable for public participation at formal meetings to happen when there is greatest opportunity for residents to influence decisions before they are taken.
- 5.40 Neither of these changes will be implemented until CMACs are fully operational to ensure no loss of opportunities for residents to participate during the transition period. Engagement and communication will take place with Members and residents to clearly state the dates from which the Member Petitions and Public Question Time will move to CMACs.

6. TRANSITIONAL PERIOD AND ENABLERS FOR CHANGE

- 6.1 As detailed in section 5, the proposals in this report mark a significant change to the way the Council’s decision making operates. They are an ambitious and major ask of any local authority.
- 6.2 As such, the implementation of those changes need to be carefully managed and monitored to ensure they are fully embedded and that the Council collectively embraces the enhanced decision making processes.
- 6.3 The Council needs the right culture, processes, technology and performance measures in place. Those critical success factors are described below.

CULTURE

- 6.4 The success of implementing the proposals lays largely within the culture that supports the transition. The individual and collective ability to build the right relationships, communicate openly and trial different ways of working is crucial.
- 6.5 In its final report, the Governance Review Panel was clear that changes to the decision making structure would not meet the objectives of the review on their own. Rather, a cultural shift was needed and that structural changes should be designed to support that cultural shift. This was encapsulated in recommendation six:

Recommendation 6: *Ensure the Council maintains a culture that enables effective governance by periodically reviewing and monitoring how Members and officers work with each other, and considering where improvements might be made*

- 6.6 While the recommendations to Council detailed in this report are predominantly structural in nature, they are designed by the IWG to support the change in culture described by the Governance Review.
- 6.7 To ensure the new decision making processes become well embedded within the culture of the Council, Cabinet Members will need to work closely with officers. This is to ensure that information around planned decision making activities is shared early in order to allow backbench Members to influence proposals and plans at a formative stage.
- 6.8 To fully embed the changes across the organisation, the Council's leadership will need to lead by example and support the whole organisation in understanding, contributing to and embedding the new requirements and processes in the council's corporate culture.
- 6.9 Cabinet Members and Directors play a crucial role in developing the first version of the Forward Plan and subsequently taking responsibility for ensuring the Plan is kept up to date.
- 6.10 Political and officer leadership meetings need to be utilised to ensure the accuracy of the Plan prior to publication.
- 6.11 CMAC and Scrutiny leads need to work collaboratively with Cabinet Members to agree which decisions should be discussed in their draft form at Scrutiny or CMACs.
- 6.12 The Law and Governance Division will lead training and communications about the changes and support the organisation in adapting to the new way of working. They will be responsible for ensuring accurate information is published and officers are engaged to fully understand the decision making processes and systems used to publish and track decisions.

6.13 The above require commitment and willingness to work positively to support the cultural change. As identified in the Governance Review, without Members and officers working together the improved opportunities for all Members cannot be fully realised.

PROCESSES AND TECHNOLOGY

6.14 The Council aims to introduce new processes and utilise existing technology to support the proposals set out in this report and deliver those by the end of March 2021.

6.15 CMACs will be established and publicised on the Council's website in line with the existing process for publicising committee agenda details.

6.16 The influx of work likely required to publish an increased number of Key Decision notices and a more inclusive Forward Plan will however require a new process to be introduced. One that streamlines the current, largely manual, approach and widens the responsibility relating to identifying and publicising decisions.

6.17 To avoid requiring growth to deliver the new Forward Plan, the Democratic Services (DS) team has previously identified an opportunity to introduce new functionality within the Council's existing Committee management software that will allow the responsible officers, including report authors, to add and manage future decisions to be included on the Forward Plan.

6.18 It is proposed that this work is expedited in light of likely increased workload resulting from implementation of the proposals set out in this report.

6.19 Currently the Council only publishes key decisions with 28 days' notice. Democratic Services are responsible for manually imputing information into the Key Decision Notices and publishing decisions, including associated reports. This process is not aligned to the Council's leadership meetings resulting in limited forward planning and visibility of forthcoming decisions.

6.20 The Council can however use the system to efficiently manage decisions and the introduction of new functionality within the existing committee management software will allow for end to end management of decisions.

6.21 As such the introduction of a Forward Plan and subsequent Decision Management system is proposed to be implemented in line with the below key milestones:

- i) Phase 1 – Decisions [\[link\]](#) and Forward Plan [\[link\]](#) functionality operational on the Council website – completed in September 2020
- ii) Phase 2 –preparation for the publication of the new Forward Plan
 - Development of functionality for submission of Forward Plan items via intranet mod.gov page (CLT collectively accountable for populating forthcoming decisions)

- Democratic Services to communicate the new Forward Plan requirements and work with teams across the council to prepare for populating and publishing the Plan– by late December 2020
- iii) Phase 3 – Publication of the first version of the new Forward Plan – January 2021
 - iv) Phase 4 –report writing module pilot with one/two committees; HR, Finance, Legal and Equality leads trained on sign off process via the system; preparation for roll out – Jan 2021-May 2021
 - v) Phase 5 –end to end decision management system roll and gradual move to business as usual with the embedded new process for each committee (Democratic Services responsible for offering ongoing training and support, including reminders to populate Forward Plan / use the system) – from June 2021.

6.22 The new Forward Plan will be a live, amendable document and will provide the latest published information about forthcoming decisions. A summary report listing all existing Forward Plan items will be produced by Democratic Services periodically.

6.23 The Corporate Leadership Team and Cabinet will review the information on the Forward Plan and provide assurance of accuracy. DS will be informed of any changes to items on the forward plan and add more detailed information when available.

6.24 Report authors will be able to upload and work on their reports within the system. Report drafting and sign offs required from finance, legal, HR, equalities directors and Cabinet Members will be undertaken within the system with a clear audit trail. End to end decision process will be managed efficiently with the ability to produce performance and statistical reports relating to the number and nature of decisions.

6.25 This will release some capacity within Democratic Services to manage an increased volume of decisions and provide training and support.

6.26 Officers and councillors will be fully trained on using the system to plan and manage decisions. DS will then provide ongoing guidance / training for new starters and offer a support function to report authors and approvers.

6.27 This will allow for publishing forthcoming as well as previously taken decisions automatically, enabling residents to easily find and filter the information. The Council will be able to meet its objective to be more transparent and ensure the information is easily accessible.

6.28 It is anticipated that introduction of the forward plan submission form and the subsequent roll out of the report writing module will come at a modest cost of circa £2k to build the templates and modify the standard process to suit Croydon's requirements, which will be met from existing budgets.

6.29 The benefits of investing in the system are that there will be no additional ongoing cost and that it will allow resources in Democratic Services to be refocused on supporting the new CMACs and increased volume of Key Decisions.

6.30 The implementation of the above will contribute to delivery of the governance review recommendation relating to the use of technology to proactively share information.

Recommendation 5: *Provide Members and residents with more opportunity to scrutinise and challenge decision making by fully endorsing the open data approach to information provision and giving regular progress updates on how the Council is improving its use of digital means to make information available and easily accessible.*

PERFORMANCE MEASURES

6.31 The Council needs to introduce a set of measures to track progress and ensure the delivery of the proposals. The proposed measures are set out below.

6.32 CMACs

- Number of CMAC meetings scheduled and delivered
- % of Members satisfied with CMAC overall operation
- % of Members satisfied with CMAC business and quality of debate
- Level of resident participation and satisfaction with ability to contribute at CMAC
- Attendance of Cabinet Members at CMACs
- Attendance of Backbench Councillors at CMACs
- Assessment of CMACs costs and alignment with wider structures following transitional activities, including impacts of reductions in number to meetings

6.33 Key Decisions

- Trends in number and type of key decisions made (measured quarterly, broken down by department and reason for key – financial / community impact)
- % of forthcoming key decisions discussed at CMAC / Scrutiny

6.34 Forward Plan

- % of forthcoming decisions submitted by relevant directorate using the submission form
- % of forthcoming decisions published on the forward plan with 6-months' notice (broken down by department)
- % of forthcoming decisions published on the forward plan with less than 6-months' notice (broken down by department and reason for lateness)
- Number of officers trained on mod.gov, assigned login and utilising the system to draft and submit decision making reports (broken down by department)

6.35 Council meeting

- Member / resident feedback on the operation of the new agenda
- Uptake of Backbench Matters by Members

6.36 The above performance information will be captured as minimum to track progress of implementation. Additional measures to assess the merits and effectiveness of the new committee structures and decision-making processes may be developed following the transitional period.

7 OVERVIEW OF ANTICIPATED OUTCOMES

7.1 If approved by Council, the changes detailed in section 5 aim to support the Council in changing its decision making culture to be more transparent and inclusive, earlier in its decision making processes. The proposals also provide a solid foundation on which to build further improvements relating to other Governance Review recommendations.

7.2 The Council will be able to plan ahead more effectively and engage wider stakeholders in the development of important decisions. It will benefit from earlier input and wider consideration of proposals. All councillors will have an increased ability to participate in the council's decisions and test the robustness of those decisions on behalf of residents.

7.3 Residents will have more opportunity to question Cabinet Members, contribute their views and understand the process by which Council makes decisions.

7.4 The Forward Plan will provide advanced notice of decisions and clearly link to committees that will consider forthcoming decisions ahead of approval. A searchable list of decisions will provide information about number and type of decisions made as well as how the council arrived at each decision.

7.5 Crucially, the organisational understanding and ownership of decision making across the council will increase, creating a more collaborative culture of Members and officers working effectively together to deliver the best outcomes for residents.

8 CONSULTATION

8.1 The recommendations detailed in this report flow from the final report of the Governance Review Panel, which itself was based upon extensive consultation with Members, residents and other key stakeholders. In finessing and translating those recommendations into a deliverable set of improvements, the IWG has sought feedback from relevant officers and consulted with both political groups represented on the Council.

9 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

9.1 The 2020/21 Council Budget included an additional allocation of £250k to fund the activity of the Implementation Working Group and the phased delivery of

the Governance Review Panel's Recommendations.

- 9.2 The proposals detailed within this report have been designed to be delivered on a cost neutral basis by refocusing existing resources onto the growth areas detailed in the recommendations.
- 9.3 The reductions in existing meetings and frequencies have been partially identified in paragraph 5.15 above. The further reductions required to make the recommendations cost neutral will need to be identified and implemented before the recommendations detailed in the report can be implemented without requiring budget growth.
- 9.4 Given the Council's current financial challenges, the budget available to the implementation of the Governance Review Panel Recommendations has been reduced by £156k in the 2020/21 financial year. This reduction consists of a saving of £26k by making the recommendations detailed in this report cost neutral and a further saving of £130k by pausing the implementation of the remaining recommendations contained in the Governance Review.
- 9.5 The implementation of the outstanding recommendations made by the Governance Review will be subject to funding decisions that will be contained in the 2021/22 Council budget.

Approved by Lisa Taylor, Director of Finance, Investment and Risk (s.151 Officer)

10 LEGAL CONSIDERATIONS

- 10.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that there are a number of key pieces of legislation which influence governance arrangements which may be operated by the Council.
- 10.2 The Local Government Act 2000 ('the 2000 Act') introduced a separation of powers into local government for all but the smallest local authorities with the aim of making council decision-making efficient, transparent and accountable. The 2000 Act required most local authorities to change governance arrangements from the committee system to an executive-cabinet model. The Council adopted the leader and cabinet model in May 2001.
- 10.3 In 2007 The Local Government and Public Involvement in Health Act ('the 2007 Act') restricted the governance options available to local authorities. The 2007 Act required the Council to introduce a choice of two models: a directly elected mayor or a new style 'strong' council leader model. The Council resolved to introduce the strong leader and cabinet model following the local election in May 2010.
- 10.4 The Localism Act 2011 ('the 2011 Act') increased the governance options for local authorities to include Executive arrangements (leader and cabinet or

directly elected mayor and cabinet), a committee system or 'prescribed arrangements' which require approval of the Secretary of State.

10.5 Whilst the recommendations of the Governance Review Panel did not propose a formal 'legal' change to the Council's governance model the recommendations did propose a re-positioning of the current model by the creation of Cabinet Member Advisory Committees and other measures to improve opportunities for participation by both the public and Members. These proposals have required a review and update to the Council's Constitution which form part of this report.

Approved by: Sandra Herbert Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer

11 HUMAN RESOURCES IMPACT

11.1 There are no direct implications for LBC workforce, as a result of this report.

Approved by Sue Moorman, Director of Human Resources

12 EQUALITIES IMPACT

12.1 The recommendations detailed in this report all relate to creating and extending opportunities within the Council's decision making process, there are no equality impacts arising from the report.

12.2 Where pre-existing issues relating to residents who are unable to access new documentation online, existing Council mitigations will also apply, such as the production of documents in paper format, other formats such as braille and/or other languages being made available.

Approved by Yvonne Okiyo, Equalities Manager

13 DATA PROTECTION IMPLICATIONS

WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

13.1 There is no processing of personal data as a direct consequence of this report.

HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

13.2 As there is no processing of personal data as a direct consequence of this report, completion of DPIA was not required.

Approved by: Sandra Herbert Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer

CONTACT OFFICER: *Stephen Rowan, Head of Democratic Services and Scrutiny*

APPENDICES TO THIS REPORT

- Appendix 1 – Constitutional changes and amendments relating to establishment of CMACs, Key Decision definition and Council meeting agenda
- Appendix 2 – CMAC agenda setting protocol (to be appended to Constitution)
- Appendix 3 – Key Decision research
- Appendix 4 – Key Decisions supplementary guidance
- Appendix 5 – Forward Plan Protocol (to be appended to Constitution)