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DEPUTY PRIME MINISTER**

Strengthening Local Democracy

Making the Most of the Constitution

July 2003

Steve Leach (De Montfort University, Leicester), Chris Skelcher (INLOGOV, University of Birmingham), Claer Lloyd-Jones (Association of Council Secretaries and Solicitors), Colin Copus, Eileen Dunstan, Declan Hall, Frances Taylor (INLOGOV)

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Office of the Deputy Prime Minister
Eland House
Bressenden Place
London SW1E 5DU
Telephone 020 7944 4400
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EXECUTIVE SUMMARY

Putting new constitutions into practice

Part II of the Local Government Act 2000 provides a set of principles for good decision-making and requirements as to how these principles should be put into operation. There is considerable scope for local authorities to interpret the legislative and regulatory framework in a way that is appropriate to their local circumstances. As a result, there is diversity in how these new constitutions work in practice.

This report examines how councils with executive and alternative arrangement constitutions are using a diversity of approaches to shape their constitutions and strengthen local democracy. It builds on an earlier report by the INLOGOV/De Montfort team that drew lessons from overview and scrutiny¹.

The present report illustrates how councils can:

- improve the individual elements of the constitution;
- enhance the role and capacity of members;
- provide linkages with other aspects of the modernisation agenda; and
- use the new constitutions as a vehicle for local democratic renewal.

Practical examples and checklists are used throughout this report to aid councils in reviewing and planning the development of their constitution.

Developing the parts – good practice in the elements of the constitution

MODERNISING FULL COUNCIL

The modernisation of the full council has received scant attention compared to that given to the executive, overview and scrutiny, and area committees. Ideas generated early on in the modernisation process illustrated how the full council could develop as a more effective forum for debate on issues affecting the community, deliberation about the policy framework and for holding the executive to account. Current developments include:

¹ S. Snape, S. Leach *et al* 'The Development of Overview and Scrutiny in Local Government' ODPM, London, September 2002.

- public question time;
- a 'state of the borough, district or county' debate;
- single issue council meetings and the 'council in committee' to enable deliberative debates of a policy problem or proposal; and
- regular sessions for members to question portfolio holders.

Other ways to develop the potential of the full council include individual members having the power to initiate a council debate on a particular subject, parliamentary procedure involving first, second and third readings for reports or proposals, opposition days (where debates take place on a subject chosen by the opposition(s)) and time set aside for ward or divisional issues.

There is potential for further innovation and good practice to emerge, however, to ensure that full council becomes a key arena for local democracy. Greater attention should be given to how meetings can be less controlled by standing orders and more inclusive and deliberative. Likewise consideration should be given to exploring how full council can play a part in supporting the community leadership role of the authority. The full council meeting deserves greater attention from councils wishing to strengthen local democracy.

DEVELOPING THE EXECUTIVE

The executive is at the heart of the council and its engagement with the community. It is easy for councils to devote their attention to other parts of the constitution, assuming that the executive is working effectively. However there is plenty of scope for councils to develop approaches more in tune with local democratic renewal.

Increased speed of decision-making is most apparent in authorities with delegation to individual portfolio holders. However speed should be balanced by the proper consideration of each decision. This can be done by:

- opening up membership of the executive, including bi-partisan cabinet membership;
- greater planning in the use of call-in; and
- all-party policy advisory groups working closely with executive members.

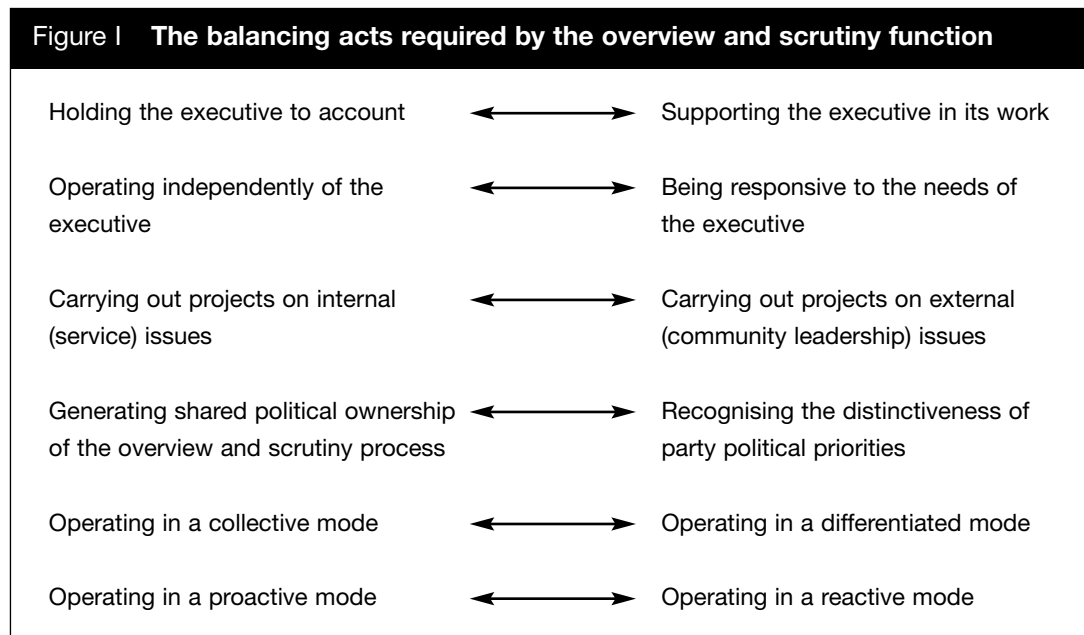
The 'good practice' challenge for executives within the new system is to achieve an acceptable balance between the different objectives underlying the introduction of the new political management structures, namely:

1. Accountability – are there clearly identified decision-makers and are they held to account?
2. Speed – does decision-making take place within the minimum time appropriate?
3. Efficiency – is there a well-organised evaluation of alternative courses of action?

4. Transparency – are there clear responsibilities for decision-making?
5. Openness and inclusiveness – does decision-making involve real public debate?

OVERVIEW AND SCRUTINY

Overview and scrutiny has to balance a number of competing pressures (figure I). That balance will vary depending on the political circumstances of the council and the exact roles being undertaken by overview and scrutiny.



Greater use could be made of the call-in mechanism, but it works to best effect when it is undertaken in a planned way. For example, some councils co-ordinate the identification of items for call-in with the publication of the forward plan. This supports effective pre-decision scrutiny. Whatever the political circumstances, there are three important conditions for the effective operation of call-in:

- A request to call-in needs to be justified;
- Call-in should not be capable of veto by a majority party or coalition; and
- There should be adequate time for evidence to be collected that will enable an effective challenge to be made.

However, it is unrealistic to expect members who are not on the executive (whether of opposition or controlling parties) to forget their party principles and priorities when they enter a scrutiny meeting. The important issue is how they express those principles and priorities. The legitimate language of overview and scrutiny is the language of reasoned debate. Thus the challenge for a member is to channel their ‘opposition’ by providing an

evidence-based critique of executive policy or decision-making or an evidence-based argument for the adoption or modification of a policy.

THE AREA DIMENSION TO COUNCIL CONSTITUTIONS

The introduction of new constitutions has led councils to give renewed emphasis to area forums and committees. More than half of the local authorities in the country have some type of area-based arrangements. Sometimes these are consultative area forums, while in other cases they are decision-making area committees which can:

1. Approve the area business plan dealing with the performance of council services;
2. Consult on, or produce, the local community plan;
3. Consult on a wide range of other policies and plans which have local dimensions;
4. Undertake local performance monitoring;
5. Encourage liaison with partner agencies and the community; and
6. Nominate members to area-based LSP forums.

Councils have developed a number of ways of managing area meetings. For example, one council organises an initial 'drop-in' session to allow residents to discuss issues directly with officers working in the area, including those from partner organisations. This ensures the business of the second part of the meeting is undertaken more efficiently. A number of councils are using area arrangements to involve young people in the democratic process.

Some councils are also establishing strong working relationships between area arrangements and overview and scrutiny committees, with area forums providing their locality's views to inform the overview and scrutiny committee's recommendations. Area arrangements are also linking councils with other partners working in that patch.

Developing democratic activity and decision-making at the area level requires effective support. This can include:

- officer support to administer meetings, build links with partners and the community, deal with issues raised and keep local members informed;
- having a budget to enable the area committee to respond quickly to local issues and needs;
- publicity, including posters, local radio and community networks; and
- enabling partners and the community to shape the agenda.

TRANSPARENT AND ACCOUNTABLE DECISION-MAKING

The new council constitutions are specifically intended to increase the transparency and accountability of decision-making. Councils have a legislative responsibility to provide information on key decisions within their forward plan and to publish it in a particular way. However, there is considerable variety in how this is done in order to support local democratic activity including:

- statements of principles for decision-making;
- developing the ‘community impact’ criterion for key decisions;
- using e-mail circulations to update forward plans on a monthly basis; and
- making forward plans available on the web site with a ‘comments’ e-mail link.

The role of the forward plan and its interconnections to the overview and scrutiny process needs careful thought. This effort can produce benefits for the more orderly operation of council business and greater opportunities for accountability of the executive to non-executive councillors. In some councils the forward plan is clearly linked to the scrutiny process through a meeting between the executive and scrutiny chairs which plans call-in during the next roll-forward of the plan.

A number of councils are experimenting with ICT, and particularly webcast facilities, as a means of enhancing the accessibility of meetings and the transparency of the council’s business. Video-conferencing has also been used as part of an overview and scrutiny investigation.

A number of alternative arrangements councils have enhanced their transparency and accountability in ways other than through overview and scrutiny, including:

- formal reporting by the leader on the council’s performance at council meeting;
- production of ‘agenda plans’, the equivalent of the forward plan, and publishing decisions within two days of them having been taken;
- making the full council meeting the main focus of decision-making; and
- enabling public question time at full council meetings.

GOOD PRACTICE LESSONS

- New council constitutions are an important tool to help deliver democratic renewal, and are not an end in themselves.
- There are important opportunities for councils to develop the role and process of full council.
- Developments in ICT provide new ways of enhancing transparency and accountability.

- Area committees and forums offer important ways of reaching local communities and involving them in decision-making.
- Councils should develop clarity about the way in which they are seeking to balance the different demands on overview and scrutiny.

Developing and supporting members

Democratic renewal is about more than structural change. It is also intended to introduce new working practices, relationships and styles – in short, to change not just the shape of the council, but also the behaviour, attitudes and outlook of councillors.

EXECUTIVE AND NON-EXECUTIVE COUNCILLORS: MAKING THE CONNECTION

A number of councils have developed arrangements that help increase the connections between executive and non-executive councillors. Many of these developments have taken place in the context of enhancing the scrutiny function vis-à-vis policy and decision-making. They include:

- backbench members being appointed as ‘executive assistants’ to work with portfolio holders;
- annual appointment of a ‘cabinet secretary’ – a non-executive councillor to co-ordinate executive business and link the executive and the overview and scrutiny committees;
- executive members establishing policy panels to advise them; and
- ‘champion’ councillors who are responsible for advancing the interests of specific sectors of the community in the council.

Another approach adopted by councils is to give non-executive councillors the ability to develop an expertise on a service area.

SUPPORT FOR NEW ROLES: THE IMPACT OF MEMBER ALLOWANCES

There are a number of ways in which the allowances system can be utilised to support local democratic activity. One example found in some authorities is the weighting of allowances towards non-executive councillors in recognition and support of their role. This allows non-executive councillors to invest time in developing their roles more fully.

THE EMERGENCE OF ROLE PROFILES

One unintended but beneficial outcome of the members’ allowances process in some councils has been the definition of role profiles or job descriptions for councillors. These

have given councillors a greater understanding of the authority's expectation of their role in the new constitutions. They have enabled councils to prioritise certain roles and activities in line with their approach to local democratic renewal and to define the training needs of councillors in this context.

RESOURCES FOR COUNCILLORS

Operating in the context of new council constitutions requires effective support for members. There is more to this than the traditional provision of administrative support and a members' room. A number of authorities are now providing their councillors with IT provision (including a laptop), an e-mail address, posting documents on public folders for easy access, member development and training programmes, and support for their constituency and ward related work. In the leading-edge councils this amounts to a comprehensive range of information and advice services. Sometimes, budgets are provided for members to bid for in order to support their professional development.

COUNCILLOR DEVELOPMENT

Local authorities around the country are building member capacity to operate effectively in the new constitutional arrangements through enhanced member training and development. These vary from short information giving seminars, to training on skills to more formal programmes. Some councils are taking particular advantage of the Leadership programme sponsored by IDeA to build a core of members who can take a lead in the new constitutions. Others are using courses accredited by universities. Councils are also training members in research skills and working with them to gather community-based data for local community strategies.

GOOD PRACTICE LESSONS

- Councils should promote a whole-council understanding of issues, priorities and choices.
- Succession planning becomes a significant issue for councils with executive constitutions.
- Councils can develop roles for non-executive councillors in supporting their executive colleagues.
- Councils can use shadowing and best value reviews to enhance members' understanding of specific areas of service.
- Member role profiles enable authorities to clarify expectations of councillors.
- ICT provides a powerful resource for councillors in undertaking their various roles.

Making the linkages – integrating constitutions with the wider modernisation agenda

The full report includes six case studies that demonstrate how councils are using executive and alternative arrangement constitutions to address major issues at the heart of democratic renewal and service improvement. The case studies illustrate how constitutions fit into the broader modernisation agenda. The key lessons for developing good practice are:

- The importance of partnership working – councils need to address the ways in which their political and managerial structures and processes link to the LSP and community strategy;
- Alignment of cabinet roles or policy committees (in alternative arrangements councils) and overview and scrutiny committee remits with community plan priorities provides a visible demonstration of this integration;
- The value of local democracy places a premium on community engagement in decision-making;
- Councils should think creatively about ways in which community consultation can be related to the decision-making and review process;
- Community engagement and partnership working can also be supported through the effective design of area arrangements; and
- Shared ownership of the broader goals of democratic engagement and renewal can provide an important context for effective cross-party working.

Sustaining constitutional effectiveness

REVIEWING THE CONSTITUTION

Constitutions provide the framework for the democratic process in councils. But like any framework it is important to review its effectiveness and adapt it to meet the council's objectives. A number of councils have recently undertaken reviews of their constitutions, using a variety of methods. Some have employed member working groups linked to wide consultation with councillors and external stakeholders. Others have given the standards committee a key role, utilising the independent expertise of the appointed representatives on that committee. Whatever the mechanisms, however, councils gain from having a route through which the constitution can be reviewed and issues resolved in the context of the wider democratic renewal agenda.

STRATEGIC CHOICES FOR COUNCIL CONSTITUTIONS

There are three levels of choice for councils in designing constitutions to fit their requirements:

- strategic choices about the priority given to the different principles of good decision-making (figure II);
- operational choices which reflect the above priorities, applied to the specific opportunities available in the development of constitutions; and
- strategic choices which explicitly link the above elements within a coherent philosophy of 'democratic renewal'.

Figure II Defining principles of decision-making

Speed – the time between identifying and taking a decision.
Efficiency – the thoroughness with which the alternatives are evaluated
Openness – the level of accessibility of the decision-making process
Transparency – the ability to identify who is responsible for a decision
Accountability – the extent to which decision-makers have to justify their choice
Member Inclusiveness – the extent to which members have satisfying roles
Public Inclusiveness – the extent to which there is public involvement
Partner Inclusiveness – the extent to which there is partner involvement

The full report sets out different constitutional choices depending on whether the council's main commitment is to:

- community leadership;
- service quality;
- strong accountability of executive;
- public involvement; or
- member inclusiveness.

The basis of sustainable constitutional design, however, must be a coherent philosophy of democratic renewal specific to the nature of the authority concerned and the community in which it is located. This is at the heart of effective local government. In order to achieve this, a number of good practice lessons emerge:

- Recognise that the goal is local democratic renewal – constitutions are a means to an end.

- There is significant flexibility in the way many aspects of the new constitutions can be applied – these provide opportunities for councils to exploit.
- Councils now have the experience to refine their processes, culture and structure in line with local conditions and priorities.
- Constitutional review can be undertaken in various ways – but its key purpose is to facilitate the way the council operates in order to strengthen local democracy.
- The focus on local democratic gains means that the public and partners need to be an integral part of any review process.
- Constitutions are closely linked to other aspects of the modernisation agenda – and so changes and developments should have a positive effect overall.

CHAPTER 1

Putting constitutions into practice

1.1 Choice and Diversity

The new council constitutions introduced in the Local Government Act 2000 are not a blueprint for change. They provide a framework of principles for good decision-making and certain requirements as to how those principles should be put into operation. There is considerable scope for local authorities to interpret the Act in a way which is appropriate to their particular circumstances. The evidence so far, including the findings of this report, show that a number of councils are taking advantage of their scope for interpretation. The result is considerable diversity in how new constitutions work in practice. This is evident in both alternative arrangement and executive constitutions. This discretion and diversity is healthy, provided it is applied to strengthen local democracy and build councils who make and implement decisions in partnership with their communities and stakeholders.

Local authorities face a number of important choices if they wish to develop their constitution to facilitate local democratic processes:

- How best to enable transparency of, and involvement in, decision-making?
- In what ways should power be devolved to communities?
- How should citizens be involved in shaping and reviewing policy?
- Are there ways in which local needs and priorities can influence decision-making?

These choices relate to the priority given to the different objectives of the legislation. Each of these objectives – speed, efficiency, accountability, transparency, inclusiveness and openness – is important and should be incorporated in some way into an authority’s constitutional arrangements. However authorities tend to prioritise some objectives over others. For example, a council wishing to build a stronger bond with the community may prioritise inclusiveness (eg extending opportunities for public involvement as far as possible), one of whose consequences will be to slow down the speed of decision-making. Similarly, a major concern with accountability (leading to a clear separation between the executive and the council as a whole) may make inclusiveness – in terms of non-executive member involvement in policy formulation – more difficult.

What is important is that each local authority has a clear view about how democratic renewal can best be undertaken in its area and makes a consistent set of choices in relation to this strategy. These choices will be reflected in the constitution and the way it operates

as well as in other areas of the council's activities. New council constitutions, from this perspective, are one of the means of realising local democratic renewal. Consequently they should be seen as a way through which the council can reach out to its community, and consider and decide between the views it hears. Constitutions in operation bring life to the local democratic process – they are more than the formal documentation. They are about how democratic choices are made for and with the community.

1.2 Purpose of the Study

This study shows how councils have taken the opportunity to shape their constitutions to strengthen local democracy. It builds on an earlier report by the INLOGOV/De Montfort team that drew lessons from overview and scrutiny². Now we have been joined by ACSeS – the Association of Council Secretaries and Solicitors – as research partners.

The examples in the report are drawn from a number of sources:

1. Examples provided by councils in response to e-mail circulations to ACSeS and SOLACE members and articles in the local government press.
2. A review of corporate assessment reports of high performing councils.
3. Searches of IDeA Knowledge, the local government press, selected local authority web sites and published reports.
4. Existing data held by the team.
5. A survey of councillors and officers attending INLOGOV courses on new council constitutions.
6. Reviews of other authoritative reports³.

We reviewed the examples gathered from these data sources in order to identify ways in which councils had chosen to develop their constitutions beyond the basic models provided by government, and selected those that met one or more of the following criteria:

1. Imaginative or successful approaches to improving the quality of local democratic decision-making.

2 S. Snape, S. Leach *et al* 'The Development of Overview and Scrutiny in Local Government' ODPM, London September 2002

3 S. Snape, S. Leach *et al* 'The Development of Overview and Scrutiny in Local Government' ODPM, London September 2002; 'How the Local Government Act 2000 is Working', House of Commons Transport, Local Government and the Regions Committee; The Government's Response to the Fourteenth Report of Session 2001-2002, Stationery Office, September 2002. Transport, Local Government and Regional Affairs Select Committees Report, Cm 5687, November 2002; 'Developing New Political Arrangements: A Snapshot', District Audit/Audit Commission, London, November 2002; P. Fox *et al* 'Continuity or Change? Officers and New Councils Constitutions', ODPM, December 2002; G. Stoker *et al*, 'Report of ELG Survey Findings for ODPM Advisory Group', November 2002, www.elgnce.org.uk; J. Dungey, 'Open to Scrutiny', LGIU, 2001.

2. Effective relationships between one part of the constitutional arrangements and another.
3. Increased role satisfaction, especially for non-executive members, stakeholders and members of the public.
4. A positive interrelationship between the new constitutions and other parts of the modernisation agenda, ie the Local Strategic Partnership, community strategy, community leadership, Best Value, Public Service Agreements etc.

We gathered additional information on a number of these through phone or e-mail contact with authorities. Six detailed case studies were also undertaken. These councils were chosen from those who have demonstrated a particular interest in using the constitution to deliver improved local democratic activity. They also cover a range of types of authority and constitution.

The examples we provide are inevitably selective. However they show how councils can improve the individual elements of the constitution (chapter 2), enhance the role and capacity of members to operate effectively in this new constitutional context (chapter 3) and provide helpful linkages between the constitution and other aspects of the modernisation agenda (chapter 4). In the final chapter (chapter 5) we set out ways in which the potential of the new constitutions as vehicles for local democratic renewal can be developed and sustained. A summary of the examples and their relevance to different constitutional forms can be found in Appendix 1.

CHAPTER 2

Developing the parts – good practice in the elements of the constitution

2.1 Introduction

This chapter takes the key elements of new council constitutions and shows how councils are experimenting with approaches that meet their local objectives for strengthened local democracy. The chapter covers: full council; the executive; overview and scrutiny; area working; and transparent and accountable decision-making.

2.2 Modernising Full Council

Our research shows that the modernisation of the full council has received scant attention from authorities when compared to that given to the executive, overview and scrutiny, and area committees. Ideas generated early on in the modernisation process illustrated how the full council could develop as a more effective forum for debate on issues affecting the community, deliberation about the policy framework and for holding the executive to account.⁴ Although we identified several new features introduced into the council meeting, there was little evidence that any radical rethinking of the very nature of the full council as a political event had occurred.

2.2.1 Rethinking Full Council

A change adopted by a number of councils was public question time. Here members of the public are able to read out a previously submitted written question and receive an answer from the appropriate portfolio holder. This approach begins to give the community some ownership of full council, although there is potential for it to become a frustrating exercise due to the lack of real, informed political debate. However there are some positive examples of councils experimenting with such debates. Blackburn with Darwen provides one example.

⁴ John Stewart, 'A Role for all Members: The Council Meeting', LGA/IDeA, June 2000.

Opening Up the Council Meeting: Blackburn with Darwen

The major innovation introduced in relation to council meetings is the opportunity to question any of the cabinet portfolio holders, the leader or the chair of the Policy and Review Committee. Each individual concerned presents a short report on major decisions made or key items of business conducted since the last council meeting. He or she can then be questioned about any aspect of the content of their presentation. This opportunity is utilised predominantly by opposition party members, and it is at council meetings that party politics is most apparent in the content of the questions and subsequent discussion. However this opportunity is invariably used responsibly in that questions are limited to real differences of political conviction. Opposition is not evoked for the sake of it, or to score political points simply because the opportunity is there. Question-time often takes up as much as two-thirds of the time at council meetings and makes for lively meetings, at which cabinet members are often put under real (and legitimate) pressure to account for their decisions and actions. There is a more explicit emphasis on accountability than there is at council meetings in many other authorities we have looked at. Scrutiny issues, eg call-ins or differences of view between the cabinet and a scrutiny committee, can also be raised at council meetings and from time to time provide the focus for lively debates.

A 'state of the borough, district or county' debate has been adopted in a number of councils, including Arun, Salisbury and West Sussex. They provide an opportunity for the council leader to review the past year's work of the authority and set out priorities and plans for the forthcoming year. Such debates can provide an important platform for wider public debate about the governance of the area, but they need to be sustained through other parts of the constitution in order to maintain dialogue and engagement.

Councils such as Carrick, Daventry, Thanet and Kirklees have held single issue council meetings to debate a major policy problem or proposal. Councils adopting this approach have sometimes also invited representatives from other agencies, organisations and partnership bodies (eg NHS bodies, the police and community organisations) so the council meeting resembles more a public forum than a formal decision-making body. Others, such as Harrogate, have held informal single issue sessions before the full council as a way of avoiding complications with standing orders.

The 'council in committee' has been developed in authorities such as Wakefield, where the council met to consider the development of the Local Strategic Partnership. Such meetings are deliberative, exploring some policy problem or proposal.

The Council Meeting In Seminar – Barnsley MBC

In Barnsley the constitution provides for a forum that promotes the flow of information and debate between the executive and non-executive councillors. This is the 'council meeting in seminar'. Its purpose is:

“To exercise the functions of the Council in ensuring that meaningful debate and a hearing has taken place as part of an inclusive process towards development on such issues that are part of the Council’s policy framework.” (Constitution, Part III, p. 53)

The 'council in seminar' meets once a month and is open to the public. Each meeting is dedicated exclusively to one topic, decided by non-executive Councillors requests. Meetings also include provision for participation by co-opted members of scrutiny commissions, who also find it useful to be briefed on wider issues.

The 'council in seminar' was developed in response to non-executive councillors' complaints that they felt out of touch in the new constitution. Councillors now have the opportunity to discuss topics of interest and receive replies to their questions. Its main value is to enable Councillors to be briefed on issues and to keep abreast of wider developments. The authority is also proposing to change the format of the meeting so that it becomes more interactive.

Providing members with the opportunity to ask questions and stimulate debate is vital to a healthy full council meeting. West Sussex County Council has a 90-minute period for questions at the beginning of each full county council meeting. This allows members of all political persuasions to ask questions of the portfolio holders, with an unlimited number of supplementary questions. It is for the Chair to determine the allocation of time between councillors and parties within the 90-minute period.

Other authorities (eg Lewisham) have experimented with changing some of the terminology and role definitions of the full council, such as employing the term 'speaker' for the individual that chairs the full council. The potential exists to develop this role into the advocate of full council's views and for it to have responsibility for promoting a new and innovative approach to the role, purpose and nature of full council. Moreover, the speaker could be charged with negotiating a settlement between the council and executive, should a divergence of opinion or interpretations arise. In other words, a truly non-party political approach to a highly political office is required if the role of the speaker is to become anything in local government other than a change of nomenclature.

There are a number of other ways in which the potential of the full council could be developed:

1. Individual members given the power to initiate a council debate on a particular subject.
2. A form of parliamentary procedure for policy development involving first, second and third readings for reports or proposals.

3. Invited guest speakers.
4. Opposition days (where debates take place on a subject chosen by the opposition(s)).
5. Time set aside for ward or divisional issues.
6. Full council acting in overview and scrutiny mode by taking evidence from external witnesses on policy matters.
7. A meeting of all members who are not on the executive as an ‘assembly’. The nature of these events would be deliberative and exploratory, focussed on some important policy or political issue, and used to provide a forum in which members can consider matters before expressing a view to the executive.

2.2.2 Full Council as Community Focus

A number of issues need to be explored by councils in rethinking how full council and its meetings contribute to the governance of local communities (figure 1).

Figure 1 Checklist for rethinking full council

1. How can public debate and deliberation be encouraged in full council?
2. What will the role of full council be in considering and deciding upon the policies of the authority and the budget and capital programme?
3. Will policy and budgetary proposals be considered at a single meeting or through a series of events, which link and report to full council?
4. How will the council hold the executive to account?
5. How can the council play a part in supporting the role of the authority in community leadership?
6. How can the relationship between the council, the executive and overview and scrutiny be configured so council is both supportive and critical of those roles or bodies as needs be?
7. Should the council be a wider public forum than at present for community input? If so what procedures are required?
8. How can council meetings be less controlled by standing orders and more inclusive and deliberative?
9. Will questions to the executive or overview and scrutiny be oral or written and will follow up or supplementary questions be allowed (moving away from the stale question and answer sessions of many councils at present)?
10. Will members of the public be able to question the executive – if so how?

What is being attempted in addressing these, and other questions, is a transformation of the full council meeting from the often ritualistic set-piece exchange it has been, into a powerful politically representative body charged with ensuring the good governance of the local community. Some councils have taken early steps to modernise the full council, but more remains to be done:

1. the full council meeting has the potential to be a key date in the local political calendar where the elected representatives of the people deliberate significant local and national issues.
2. full council is an important way of reconnecting local government with the public it represents and serves.

The examples given above illustrate some of the ways in which full council can be developed as a key arena for local democracy. Some councils are addressing this agenda, but there is the potential for further innovation and good practice to emerge.

2.3 Developing the Executive

The executive is at the heart of the council and of the way the council engages with the community. However, it is easy for councils to devote their attention to other parts of the constitution, assuming that the executive is working effectively. There is plenty of scope for councils to review how their executive works and to develop approaches more in tune with local democratic renewal. This section illustrates some of those ways. It also contains examples of involvement in decision-making that may be relevant for councils with alternative arrangements constitutions.

2.3.1 Effective Decision-making

There is emerging research evidence that the speed of decision-making has been enhanced by the move to local executive government. This outcome is most apparent in those authorities with a system of individual decision-making by cabinet members. However we found few examples of this approach. Where it has been adopted, it offers scope for decision-taking between the formal meetings of the executive thus providing scope for quicker decisions than would otherwise be the case. The example of West Sussex County Council given below shows how a council can develop an approach that works for them.

Individual Decision-making in West Sussex CC

West Sussex CC has a one-party cabinet of eight with a significant degree of delegation to the individual portfolio holders. Major strategic and cross-cutting decisions are reserved for cabinet collectively, but each cabinet member has decision-making powers within their own area of responsibility. On average, of the 400 decisions made every year, about 350 are taken by individual cabinet members.

This arrangement reduces the workload of the cabinet. It also clarifies the accountability of portfolio holders to each of the council's five select committees. The select committees know that they are dealing with the person directly responsible for a decision.

The cabinet is housed in a separate building in the County Council complex. Each member has his or her own room with secretarial and administrative support. This arrangement aids the effectiveness of the individual cabinet members and the collective team working of the cabinet. This system is balanced by an equivalent level of direct support for the scrutiny process in the ten strong scrutiny and Best Value support unit.

Speed is not a sufficient condition of good decision-making under the new system. The term ‘efficient’ implies a proper consideration of the factors affecting each decision. It also implies the capacity to make decisions in a co-ordinated way, within the framework of a clear sense of strategic direction. The first criterion can be achieved to some extent by a discussion in public of the arguments for and against those decisions where there is genuine scope for choice. Such open debate is difficult to achieve in one-party cabinets, but it is possible as experience in Barnsley and South Gloucestershire have shown. The effective use of call-in procedures (see section 2.4) can also help in this respect. The benefits of speedy decision-making, however, need to be tempered by proper debate and opportunities for accountability. This can be done by opening-up membership of the executive and linking it more strongly with other parts of the council’s constitutional arrangements.

One example is where the constitution enables a majority party to offer cabinet places and portfolios to opposition parties. For this arrangement to be possible there has to be a bi-partisan (or tri-partisan) approach to local decision-making, with the ‘best interests of the area’ being given a greater priority than an emphasis on party political differences. Mid Bedfordshire DC provides one such example.

Cross-party Cabinet in Mid Bedfordshire DC

The composition and operation of Mid Bedfordshire’s executive demonstrates what can be achieved when an authority decides to step aside from the adversarial traditions of party politics and draw on ability from all parties in forming a cabinet. At the time of this case study, Mid Bedfordshire DC was controlled by the Conservatives who held 36 of the 53 seats (the remaining representation was Labour 6, Liberal Democrats 6, Independents 5). The majority group proposed an all-party cabinet with seats allocated on a proportionate basis. The three portfolio holders (Resources, Environment, Social and Economic Issues) were from the majority group, but in each case an assistant portfolio holder was appointed to the executive from one of the minority parties. Although all cabinet decisions are taken collectively proposals are made by both portfolio holders and assistants to the full cabinet. The allocation of portfolio roles in this way enables the minority party members on the executive to have a substantive (as opposed to symbolic) role.

The arrangements are valued by all parties, who feel themselves included in the decision-making process of the authority. The Mid Bedfordshire cabinet is the antithesis of the one party private arena which conducts its formal (public) cabinet business within 10-15 minutes. The emphasis is on the best interests of the area, with party political playing a relatively minor role. Indeed it is only in authorities with this politically co-operative culture that the all party power-sharing executive could work effectively.

In councils with no overall control there is a balance to be achieved between clear policy direction (which can best be achieved through a single party or coalition) and inclusiveness (by involving all parties in the executive decision-making process). Worcestershire CC has developed an imaginative and effective response to this balancing act challenge.

Power Sharing in Worcestershire CC's executive

The June 2001 county council elections resulted in no one party having overall control in Worcestershire. The largest party proposed a power-sharing cabinet composed of 5 Conservatives, 2 Labour and 1 each from the other three parties. Although the four portfolios (Educational Lifelong Learning; Social Services Health and Well-Being; Economic Development and Environment and Sustainability; and Resources, Cultural and Community Services) are held by the largest party, they do not have delegated decision-making powers. Rather they make proposals for the full cabinet to consider. In the event of a tied vote the executive leader has the casting vote.

This system has been in operation for nearly 2 years. It provides an effective blend of policy direction (by the leader and the four portfolio holders) and open discussion (through the presence of the five non-Conservative cabinet members). The cabinet meetings are open and inclusive in other ways too. Attendance by other members is permitted, and questions can be asked by those who come.

It is noteworthy that the leader's casting vote has not yet been used. That is because he and the four portfolio holders seek consensus. If there are aspects of the recommendations that are put before cabinet with which other members disagree, discussion taken place and accommodations are made.

All the party groups value the arrangements and there is no current intention to change them. It is however recognised that it works because of the co-operative political climate (which in turn owes a lot to the attitude and skills of the leader). In a different political climate, where party differences were emphasised, it would not work in the same way.

All the examples of good practice so far included illustrate the importance of finding an approach which fits the local political traditions and culture, but at the same time takes seriously the objectives underpinning the move to local executive government.

2.3.2 Extending Involvement in the Executive

A feature in some councils is the disparity between a highly-motivated, busy and well-remunerated executive and a mass of non-executive who perceive themselves to be marginalised and powerless. An effective overview and scrutiny system can help to overcome this discrepancy (see section 2.4). But so too can attempts to extend the scope of involvement in cabinet decision-making. Legally the size of the cabinet is restricted to ten. However several authorities have found ways of involving additional members in the work of the cabinet.

In authorities with pronounced political differences it is usually unrealistic to expect this widening of cabinet involvement to be extended beyond the majority party. In situations where there is a high degree of political consensus and joint working then multi-party involvement in the work of the cabinet becomes a real possibility.

West Sussex CC provides an example of extending cabinet involvement within a majority party.

Members as Policy Advisers to West Sussex CC's Cabinet

The involvement of majority party members in the policy development role of the cabinet has been extended through the appointment of backbenchers as policy advisors. They provide advice to the portfolio holders in relation to specific areas of their responsibilities. For example, the portfolio holder for Education and the Arts is supported by 4 policy advisors each covering a defined topic.

The portfolio holder and his or her policy advisors sometimes meet collectively as a Policy Advisory Group with the strategic director and/or other relevant officers to discuss matters of common interest and to develop policy in a collective but informal way.

This arrangement is valued by portfolio holders (who can concentrate on the aspects of the portfolios which interest them most), the policy advisors (who feel materially involved in the work of the cabinet) and strategic directors who welcome the opportunity for wider political input into the reports they are preparing.

The only potential problem is overlap between the policy advisor role and membership of the parallel select committee. However this confusion of accountability is currently being reviewed.

In Worcestershire CC, there is an equivalent emphasis on majority party assistants to cabinet members.

Worcestershire CC: Assistants to the Portfolio Holders

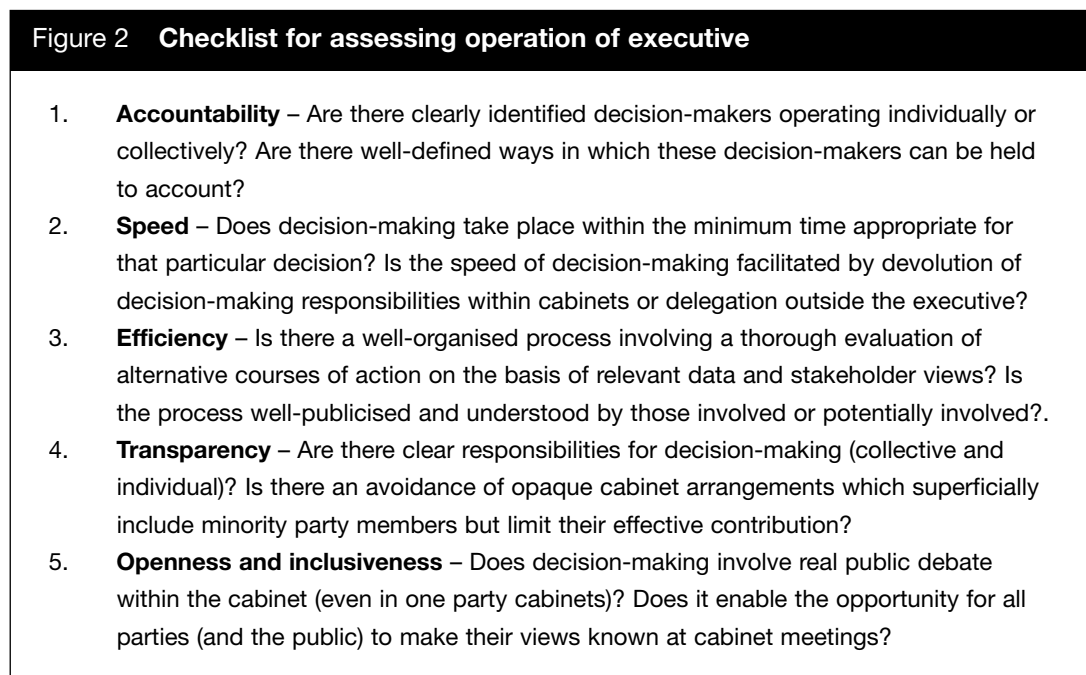
Worcestershire CC's cabinet only has four portfolio holders, each with wide-ranging responsibilities. In order to reduce the pressures on portfolio holders, each is supported by an assistant from the same party. These assistants play a variety of roles, including appearing at the scrutiny panels to provide information, concentrating on particular elements of the portfolio holder's brief and advising the portfolio holder prior to cabinet or scrutiny meetings.

This arrangement is welcomed by the portfolio holders themselves and by the assistants. The latter are developing experiences which qualifies them as possible future portfolio holders.

It is important for the transparency of the decision-making arrangements that the assistants do not operate as 'junior ministers' (which would not be possible under the terms of the 2000 Local Government Act) but as 'policy advisers'. If anyone is to be held to account it should be the portfolio holder, not the assistant. That important distinction has been recognised.

The ‘all-party’ alternative to extend involvement in the cabinet is illustrated by initiatives in Guildford BC. Here policy advisory groups composed on an all-party basis work closely with executive members in assessing the most appropriate response to the decisions facing the council. Although the executive retains formal power, this is exercised in consultation with the all-party policy advisory groups.

The ‘good practice’ challenge for executives within the new system is to achieve an acceptable balance between the different objectives underlying the introduction of the new political management structures. An effective decision-making system implies that a number of issues are addressed (figure 2).



2.4 Overview and Scrutiny

Overview and scrutiny has already been the subject of an extensive survey and a good practice report published in September 2002⁵. The main good practice points which were highlighted in that report are summarised below (see figure 3). The emphasis in this chapter is on the linkages between overview and scrutiny and other elements of the new political management arrangements introduced under the Local Government Act 2000. We also discuss aspects of overview and scrutiny which did not feature significantly in the earlier report.

5 S. Snape, S. Leach *et al* ‘The Development of Overview and Scrutiny in Local Government’ ODPM, London, September 2002.

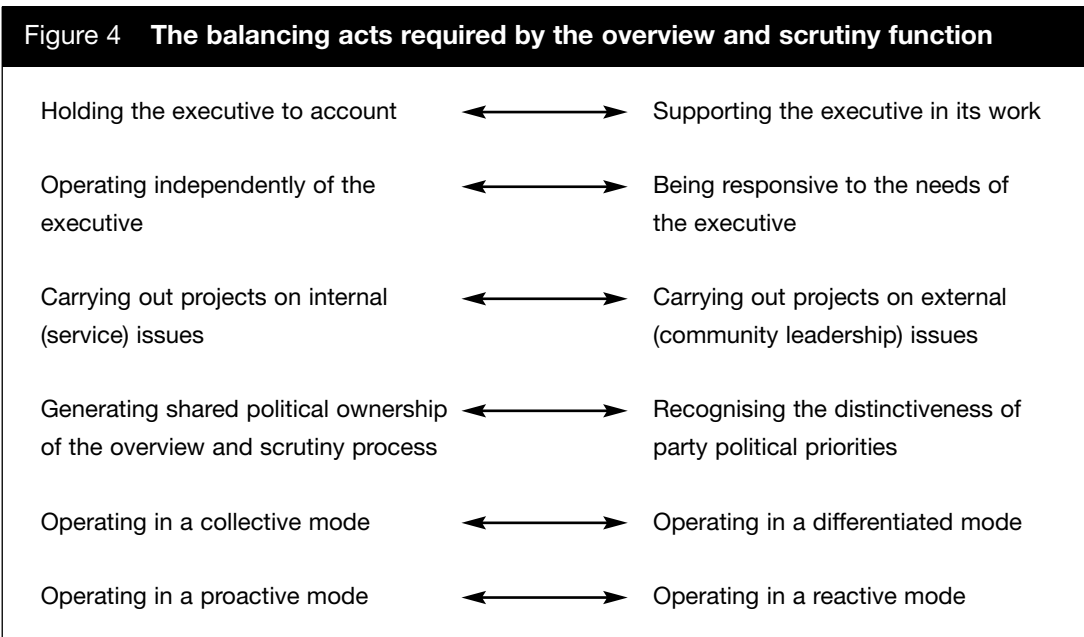
Figure 3 Overview and scrutiny in local government – key good practice findings

- The challenge of breaking away from the traditional committee system
- The value of ‘in-depth’ studies of significant issues
- The value of more informal ‘small group’ (and individual) work
- The value of (selective) studies of external (or cross-cutting) issues
- Opening up the scrutiny process to other organisations and the public
- The value of pre-decision scrutiny of key decisions (via the forward plan)
- Ensuring that scrutiny is effectively (and directly) supported
- Developing a supportive senior officer culture
- Involvement in Best Value and performance monitoring – but on a selective basis
- Ensuring that the work of overview and scrutiny is properly co-ordinated
- Developing a channel of communication between executive and scrutiny
- Preparing properly for ‘select committee’ and ‘expert witness’ type of work

2.4.1 Good Practice Principles

Overview and scrutiny has a difficult balancing act to perform. On the one hand it has the function of holding the executive to account; on the other it is expected to support the work of the executive, especially in relation to policy development. It is important to get the balance right if overview and scrutiny is to be an effective ‘critical friend’ to the executive. However that balance will vary depending on the political circumstances of the council and the exact roles being undertaken by overview and scrutiny (figure 4).

Delivering an overview and scrutiny system that supports the values of local democratic decision-making requires a balance to be struck between other factors. Overview and scrutiny is one of the major roles for non-executive members of all parties. It therefore needs to balance shared political ownership with responsiveness to the reality of party distinctiveness and competition. The executive by its very nature invariably operates as a collective unit. In comparison, the overview and scrutiny function is often fragmented and lacking in cohesion. Consequently there is a need for overview and scrutiny to balance the ability to specialise and self-determine the agenda with the benefits of co-ordination. Finally, holding the executive to account will necessarily involve overview and scrutiny in a reactive mode of operation. However it is important to balance this with a more proactive mode, both in respect of call-in and policy review and development.



The remainder of this section provides examples of the ways in which councils have successfully sought to achieve balance between these competing demands on the overview and scrutiny process.

2.4.2 The ‘Critical Friend’ Dilemma

We found fewer examples of overview and scrutiny committees holding the executive to account than of them conducting policy development work (and even this role has been unsystematically and often ineffectively developed, as we discussed in our previous report). This imbalance can reflect a number of influences. Sometimes it reflects majority party members’ dominance of chairing responsibilities of scrutiny committees, and the reluctance of these members to countenance direct challenge to their (cabinet) colleagues in a public arena. Sometimes it reflects a reluctance to use the call-in mechanism (recent research by South-Eastern Employers shows that call-in in the region is averaging at 2 to 3 items per year per council).

One situation where the predisposition to use the call-in mechanism is justifiably seen as a relatively minor part of what overview and scrutiny does is in authorities where there is an all-party executive (see for example the Worcestershire CC and Mid Bedfordshire DC illustrations given earlier). In such councils there is the opportunity for all-party discussion in a public arena on a full range of executive decisions. There is the possibility of persuading the cabinet in this arena to think again about a recommendation from a portfolio holder (or even to reverse it). Where these opportunities exist, it is not surprising that holding the executive to account – or activating call-in procedure – has a more limited role. The balance between the two key functions of overview and scrutiny will be different compared with an authority with a single party cabinet.

Whatever the political circumstances, there are three important conditions for the effective operation of call-in:

- There should be a requirement that call-in be justified (but the guideline should not be too stringent).
- Call-in should not be capable of veto by a majority party (or coalition).
- There should be adequate time for evidence to be collected that will enable an effective challenge to be made.

There are authorities in which no reasons are required from a councillor (or councillors) wishing to invoke the call-in procedure. This is not good practice. It allows trivial issues or personal crusades to take up the time of scrutiny panels and to inappropriately delay decision-making. It is important that those wishing to invoke call-in should be required to indicate why they are challenging the executive decision. A disagreement *per se* is not an adequate reason. There should be a requirement to identify relevant evidence that has not been taken into account or viable options that have not been considered. The arbiter of such applications should be the monitoring officer. In the case of uncertainty, the benefit of doubt should be given to the applicant. Camden council has developed a pro-forma suitable for this purpose (figure 5).

In some authorities there is a requirement that a minimum number of councillors (typically 4-6) should express support for the call-in before it can proceed. There may be advantages in this practice in terms of precluding individuals from repeatedly calling in similar issues which are of particular concern to them, but no-one else. However what is not good practice is a situation where a majority party can in effect veto a call-in attempt by a minority party member which meets the criteria laid out. This possibility exists in authorities where a scrutiny panel takes a vote on a call-in proposal or where the (majority party) chair of a panel makes the decision (following discussion within the panel). Both these practices provide the opportunity for a majority party veto for 'political' reasons, and even where not customarily used in this way should be discouraged.

It is good practice to ensure adequate time for non-executive councillors to consider the case for call-in (five days from the executive meeting concerned is better than three days) and also adequate time to mount a reasoned case as to why the called-in decision is inappropriate. Scrutiny can only operate effectively on the basis of rational argument. The development of such argument requires time for new evidence to be collected and alternatives to be examined if it is to merit serious consideration. This practice will slow down the process of decision-making for the few decisions concerned. This is a not unreasonable price to pay for a more considered and better-justified decision. Indeed the process epitomises what is implied by 'efficient' as opposed to 'speedy' decision-making.

There are authorities, for example Kirklees, where call-in operates in a rather different kind of way. Here the emphasis is on 'pre-decision' call-in. A small all-party scrutiny co-ordination group considers in detail the forward plan of decisions to be addressed by the cabinet, and identifies in advance those decisions where it wishes to express a view to the cabinet before a formal decision is made.

An alternative approach has developed in Lewisham. Here, the various roles of overview and scrutiny are separated in particular ways.

Figure 5 London borough of Camden call-in pro-forma

REQUEST FOR CALL IN

This form is to be used when calling in a decision taken by the Executive, an individual Member of the Executive or a committee of the Executive, or a key decision made by an officer with delegated authority from the Executive, or under joint arrangements. An extract from the call in procedure is set out overleaf. The full procedure is set out at pages 114-121 of the Constitution.

DECISION TAKEN BY:

DATE:

(Please specify whether Executive or other)

ITEM TO BE CALLED IN:

REASONS FOR CALL IN

(The request must state whether or not you believe that the decision is outside the policy or budget framework)

PROPOSED ALTERNATIVE COURSE OF ACTION

DOCUMENTATION REQUIRED BY OVERVIEW AND SCRUTINY COMMISSION

SIGNED:

Councillor:

Councillor:

Councillor:

Councillor:

(Note: A valid request for call in must be signed by 4 Members of the Council)

DATE:

THIS REQUEST FOR CALL IN MUST BE SUBMITTED TO THE BOROUGH SOLICITOR (BY POST, FAX OR E-MAIL) WITHIN 5 WORKING DAYS OF THE DATE OF PUBLICATION OF THE DECISION

Source: Alison Lawton, Borough Secretary, Camden LBC

Separating Overview and Scrutiny in Lewisham

The overview and scrutiny arrangements in the London Borough of Lewisham display both a linkage to the mayor's cabinet and the necessary degree of independence vital to its success. The overview and scrutiny committee has divided its work between seven select committees: life long learning, public accounts, social care and health, creative Lewisham, social inclusion, environment, and governance. The latter committee is charged with keeping the council's constitution under constant review and considers the workings of the constitution with the aim of making suggestions for amendments for the full council to consider. The overview and scrutiny select committee report regularly to full council for a debate on their findings as each review progresses.

The policy and call-in responsibilities of overview and scrutiny have been separated, with the overview and scrutiny business panel responsible for call-in issues. The panel consists of the chairs of the select committees. The panel has seven days from the announcement of a decision to call it in for review and call-in has only been used once since the introduction of the new mayoral arrangements. Separating the policy and call-in responsibilities of overview and scrutiny avoids confusion, as well as the problem of contentious call-ins contaminating otherwise good working relationships between mayor and executive and overview and scrutiny.

A good working relationship exists between mayor and cabinet and overview and scrutiny and is partly a product of the mayor's view that overview and scrutiny is a vital part of the policy process and a key player in the general governance of the area. It is also a product of the way in which the overview and scrutiny select committees have seen their role as interdependent with the office of the mayor. That is, working in conjunction with the mayor, working on policy areas of their own initiative and interest and also appreciating the powerful check and balance function that overview and scrutiny has in relation to the executive, without abusing that position. Yet again, whilst the constitution can make provision for such working arrangements between mayor and his or her cabinet and overview and scrutiny, much also depends on the political maturity and will of the mayor and councillors concerned in making these arrangements work. There are lessons here for indirectly elected council leaders as well.

This approach, which is most feasible and productive where there is a co-operative working relationship between cabinet and scrutiny, has several advantages. It enhances the proactive role of overview and scrutiny in decision-making; it reflects an inclusiveness in the approach to decision-making by the cabinet; and it limits the use of the call-in mechanism to situations where there is a clear difference of view between cabinet and scrutiny which cannot be resolved in the pre-decision scrutiny process. However one of the conditions for its successful operation is the existence of a forward plan/key decisions process which is comprehensive, accessible and comprehensible to all councillors (see below).

2.4.3 Independence and Responsiveness

Earlier we emphasised the importance of striking a balance between the overview and scrutiny system operating independently of the executive while also being responsive to the concerns of the executive. There are a number of important 'good practice' implications in this context:

- establishing an effective channel of communication between the executive and scrutiny arrangements.
- ensuring a collective scrutiny capacity (ie some form of co-ordination arrangements see below).
- a readiness on the part of the executive to identify policy development or review projects where it would welcome an in-depth piece of work from a scrutiny committee.

Cabinets generally operate under pressure and often cannot find time to investigate areas of concern in the depth that they would ideally like to. Assuming there is a relationship of trust between the two elements of the system, then the involvement of scrutiny in this kind of cabinet-initiated work is of potential benefit to the authority as a whole. However councils should ensure that cabinets avoid using the scrutiny system as a means of distancing themselves from unpopular or difficult decisions – for example by using a scrutiny review to draw the fire of opponents or to blur responsibility for the decision.

The attendance of executive members at overview and scrutiny committee meetings raises issues about the balance between independence and responsiveness. There is great value in dialogue between executive and overview and scrutiny. However the independence of overview and scrutiny should not be compromised. In some authorities, the relevant executive portfolio holders attend all the scrutiny committee meetings which cover their area of responsibility and also participate freely in discussion. This practice confuses transparency. Good practice is achieved by those authorities that have clear guidelines concerning the attendance of executive members at scrutiny meetings, typically making it clear that their formal attendance and participation is at the behest of the scrutiny committee itself, to answer questions or otherwise provide information which is sought by the committee. A parallel good practice guideline is one that permits the attendance at executive meetings of scrutiny committee chairs to present reports (limited to those with a high profile) to the executive and answer questions on them. A channel of communication between scrutiny and the cabinet, perhaps involving joint meetings between cabinet and scrutiny co-ordination panel, provides a further opportunity for balancing independence and support, based on a full mutual knowledge of the needs and priorities of both elements of council structure.

Questions about the independence of overview and scrutiny are also faced by alternative arrangements councils, although in a slightly different form. The example of East Cambridgeshire illustrates how the various elements of the overview and scrutiny process deal with these issues.

Overview and Scrutiny in Alternative Arrangements: East Cambridgeshire DC

East Cambridgeshire District Council has an alternative arrangements constitution. It was recognised by the council that overview and scrutiny would have a more limited role than with an executive constitution, and given the small size of the council and its tradition of political consensus it was decided to establish a single committee comprising all members who did not hold positions of responsibility within the administration (ie the four committee chairs, and the leader and deputy leader). This meant that the requirement for proportionality needed to be suspended (which is possible if the whole council votes for suspension with no 'against' votes). The committee meets infrequently and operates primarily as a pool of members who are available for specific scrutiny tasks. More recently the committee has been reconstituted with a smaller number of members, although the larger 'pool' principle has been retained. The chair of the overview and scrutiny committee remains a member of a minority grouping.

Where East Cambridgeshire DC has been particularly imaginative is in devising positive roles for overview and scrutiny in a situation where the scope for this function is more limited than it is for executive models. Four roles have evolved over time:

- **Call-in:** There have been two examples of call-in so far. One related to the budget and resulted in a good debate in the policy and resources Committee when it was re-examined. It also led to the introduction of a new approach to budget formulation, in which overview and scrutiny have a stronger role. This change reflected the predisposition in East Cambridgeshire DC to learn lessons from the experience of call-in.
- **The Budget:** A sub-committee of overview and scrutiny members now plays an important role in the budget process by scrutinising initial service plan budgets and the overall budget after grant is announced.
- **Best Value Reviews:** A helpful division of labour has developed between the Best Value review teams (which always include elected members) and overview and scrutiny panels, which pay particular attention to the challenge process typically in the format of a workshop. Efforts have been made to simplify the Best Value process so that members can understand their role in it and do not feel daunted by an over-technical approach.
- **Reviews of cross-cutting issues:** Members have been involved in a series of reviews of cross-cutting issues reflecting the council's desire to address broad issues facing the community.

East Cambridgeshire DC has been successful in developing a series of roles for overview and scrutiny which add value and which have generated a sense of involvement amongst non-executive members.

The involvement of external partners in an active role can also facilitate the development of an independent overview and scrutiny role. One approach to this has been developed in Bexley.

Working with partners on scrutiny in Bexley

A wide range of other external partners have taken part in Bexley's scrutiny activities.

- The advent of the new power of health scrutiny resulted in a cross-party seminar on health scrutiny held in December 2002. All local Health Trusts were represented at the seminar, as were the local Community Health Council. Work with health partners is continuing, and the first formal consultation of Bexley's health scrutiny committee by Bexley PCT has taken place.
- External partners have facilitated sub-group discussion forums. Bexley Age Concern and Thamesmead Law Centre ran the discussion on welfare benefits and that on affordable housing for key workers was facilitated by a consultancy working in the area on these issues.

Source: David Edwards, Bexley Council

2.4.4 The Political Dimension of Overview and Scrutiny

Councils face important choices in their decisions about how to allocate chairs of overview and scrutiny committees. Where a majority party takes all such positions this implies a perceived need for control of the scrutiny arrangements and an unwillingness to permit effective holding to account of the executive. The allocation of all such positions of responsibility to minority party members, though preferable to majority party dominance, also gives an unhelpful message, namely that scrutiny is primarily concerned with facilitating the role of opposition. The sharing of the chairs amongst all parties represented on the council – either proportionately or with a bias in favour of minority parties – remains an important influence on effective scrutiny, by symbolising a shared (all-party) ownership of the process. The arrangement in Leicester provides one way of demonstrating and maintaining all-party commitment.

The Scrutiny Triumvirate in Leicester

Leicester City Council has come up with an ingenious method of developing the idea of shared ownership across the party groups of overview and scrutiny. Each of their five scrutiny panels is headed by a triumvirate of lead members, one from each of the major parties represented. The chair (who is one of the lead members concerned) operates in a purely procedural sense. The focal point of the panels is the triumvirate, who have equal briefing and access rights and equal status. This system has helped generate a commitment from all parties to the scrutiny process.

This device has particular relevance in relation to scrutiny co-ordination committees, where if a traditional chairing system operates, there can only be one party that holds the

chair at any one time. It is tempting in these circumstances for the majority party to ensure that it holds the chair of the co-ordination committee. The principle of shared ownership would be better facilitated by a triumvirate system similar to that which operates in Leicester or as an alternative, the principle of ‘rotating chairs’ perhaps on an annual or six-monthly basis. A further example is provided by Bexley.

Cross-party working on scrutiny in Bexley

With a current majority of just one seat, there is a fairly even balance between the main political groups in Bexley Council. This has led to a considerable degree of cross-party working on scrutiny. Some of the main ways in which this happens are:

- developing work programmes – at the start of each municipal year, the committees review their work priorities. Initial discussions take place at informal cross-party meetings with officers before suggestions are submitted to the full committees.
- co-ordinating activities – an informal cross-party co-ordinating group has been established to review committee work plans and consider issues that cross-cut committee boundaries. This group is also the forum at which the executive consults scrutiny committee chairs and opposition spokespersons on the Forward Plan.
- undertaking scrutiny projects – all scrutiny projects are undertaken by cross-party sub-groups of the parent committees. These participate in evidence gathering in a number of ways, including undertaking visits, and interviewing officers and external witnesses. The cross-party sub-groups also draft reports and recommendations for the full Committees to consider and endorse. During 2001/02, some 11 scrutiny projects were completed in this way, with a larger number under way in 2002/03.

In all cases to date, the sub-groups have been able to agree a set of recommendations for submission to the Council’s executive without any dissent in the shape of “minority group reports”. Generally, Bexley’s members appear to appreciate the opportunity cross-party sub-groups give them to probe issues in more detail than would be possible at full and more formal Committee meetings.

Source: David Edwards, Bexley Council

There are limits, however, to the extent to which multi-party leadership of overview and scrutiny can take place. Apart from full council meetings, they provide the main opportunity for opposition members – especially in a majority-controlled council with a one party cabinet – to express their opposition. It is unrealistic to expect members who are not on the executive (whether of opposition or controlling parties) to conveniently forget their party principles and priorities when they enter a scrutiny meeting. The important issue is how they express those principles and priorities. The legitimate language of overview and scrutiny is the language of reasoned debate. Thus the challenge for an opposition member (or indeed a discomforted majority party member) is to channel their ‘opposition’ into an evidence-based critique of executive policy or decisions or an evidence-based argument for the adoption or modification of a policy. The appropriateness of this kind of challenge is

one of the key assumptions which lies behind the operation of Select Committees in Parliament, which at their best operate in this kind of way, with politicians of all parties developing a reasoned evidence-based critique of government policy or decisions. If it is possible in this context, it is possible in town and county halls.

2.4.5 Proactive and Reactive Modes

The requirement for balance on the part of scrutiny committees between operating independently from the cabinet and being responsive to it, itself implies a parallel balance between reaction and proaction. In so far as such committees are responding to requests for help from the executive, they are being reactive. In so far as they are choosing to call-in decisions for pre- or post-decision scrutiny, they are being proactive. However the scope for a reactive mode of operation can come from other sources. In some authorities the expectations surrounding the role of scrutiny in Best Value reviews results in committee agendas that are dominated by such reviews. The ODPM report on overview and scrutiny makes clear the importance of scrutiny committees being in control of their own agendas (ie having a significant 'proactive' element in agenda-setting).

There is a parallel balance to be sought in dealing with internal (service or policy) issues and external (community leadership) issues. The earlier ODPM report contains many good practice examples of such external scrutiny. One of the advantages of such projects is that there is much less potential for party political differences to influence the process, given that the project will be dealing with a problem where the primary responsibility lies outside the authority. Although we found some authorities with a good track record of successful (and influential) external scrutiniies, we found others that still focus almost entirely on internal services and policy issues. This approach represents a missed opportunity. The new statutory role of local authorities in health scrutiny provides a helpful model for extension into a range of other areas of concern.

The final 'balancing act' identified earlier was that between the collective and differentiated operation of the overview and scrutiny system. As the earlier ODPM report illustrates, much of the best work coming out of overview and scrutiny has involved in-depth studies of particular policy areas (internal or external) carried out by task forces (typically involving sub-groupings within a larger parent scrutiny committee). This approach clearly reflects a differentiated mode of scrutiny operation. However there is value too, as has already been pointed out, in a more collective mode of operation for scrutiny. The value of a scrutiny co-ordination committee (or some such title) has already been illustrated in relation to its capacity in providing a channel of communication between the executive and the full set of scrutiny arrangements. There are other potential benefits also (Figure 6).

Figure 6 Roles for a scrutiny co-ordination panel

1. Managing and co-ordinating the scrutiny programme in both responsive and proactive modes.
2. Acting as an interface/discussion channel with the cabinet (whilst retaining its independence from cabinet).
3. Identifying decisions meriting ‘call-in’ either on its own initiative or in response to initiative from other members.
4. Reviewing the forward plan and identifying issues for prior scrutiny.
5. Identifying appropriate external/cross-cutting topics for scrutiny.
6. Monitoring performance measures and identifying areas of concern for action.

It is important that the right balance is achieved between collective and differentiated modes of operation. The co-ordinating committee is best seen as the champion (and co-ordinator) of the topic-specific panels not their controller.

2.4.6 Other Issues

Three final good practice points which were not highlighted in the earlier ODPM report are worth mentioning here.

THE USE OF LIAISON OFFICERS

The earlier ODPM report argues that whilst the existence of a dedicated scrutiny support unit increases the chances of effective scrutiny, it cannot guarantee it. A change in culture within the mainstream officer structure is also required, within which it becomes acceptable for officers to provide differentiated advice to executive and scrutiny respectively. This change of culture is facilitated by the existence of liaison officers within each major service area whose role is to support the scrutiny unit in obtaining the professional information and advice it needs (eg in Wolverhampton).

THE PRESENTATION OF SCRUTINY REPORTS TO COUNCIL

Some authorities (eg Bedfordshire), have included a provision in their constitutions that make it possible for full Council to debate overview and scrutiny reports and recommendations. Such debates are limited to major high profile scrutiny reports and have the benefit both of signalling the importance of overview and scrutiny to the council and of drawing in a wider group of members (including executive members) to debate a major report.

DESIGNING SCRUTINY IN LINE WITH AVAILABLE CAPACITY

Councils differ widely in terms of the resources they have available to support scrutiny. This is not just about officer time, but also the time and energy available to members and the nature of the community they are serving. The framework of new council constitutions provides the scope for councils to exercise choice and to design a system most suited to their capacity. In East Northamptonshire the central design principals were to enable in-depth focus on a few issues rather than to spread member and officer time too widely and to engage partners closely in the process.

Focused reviews in East Northamptonshire

At East Northamptonshire Council we believe our Scrutiny Committee has worked well, despite an uncertain start, and has certainly “added value” over the past 12 months.

East Northamptonshire, with a population of around 78,000, adopted a “streamlined” committee system after extensive consultation in 2000 showed that local people preferred this arrangement as better reflecting the nature, geography, history and culture of the area. It’s fair to say both members and officers struggled with the scrutiny role initially, not least because it challenges the traditional authority of the party group. However, with skilful chairmanship, open-minded members and supportive officers we have found it a worthwhile experience.

Key features locally have been:

- members themselves chose their work programme and selected only two major topics for detailed scrutiny in the first year
- meetings are held in smaller less formal surroundings, not the Council Chamber
- evidence from external partners, policy committee chairmen etc. is welcomed
- press interest is positively encouraged

As a result, the committee has had more detailed consideration of topics and more meaningful discussions; the press attends more often than they attend policy committees, the call-in procedures have been operated once and more members were involved in policy development. Most members found scrutiny a valuable and interesting experience and “I love Scrutiny” badges were worn at the Council meeting this week! (The last one before the election, after which – in accordance with the constitution – the whole membership of Scrutiny Committee will change, to ensure that everyone takes a turn over the 4 year term).

Source: Barbara Ding, Strategy and Policy Director, East Northamptonshire Council

The key good practice recommendations from this section are highlighted in figure 7.

Figure 7 Key good practice points on overview and scrutiny

- Develop ways of building all-party support for, and engagement in, the process, while recognising the legitimate role of party political differences and debate.
- Enable ways of using overview and scrutiny to test and strengthen the evidence base for decisions.
- Design co-ordination arrangements that facilitate effective overview and scrutiny working while also enabling committees to develop their own agendas and themes.
- Ensure that call-in is seen as a legitimate and effective device rather than as a hindrance.
- Develop a clear basis for call-in requests and for assessing how they will be handled.
- Establish conventions that limit the opportunity for the executive to use overview and scrutiny to obscure accountability and transparency for decision-making.

2.5 The Area Dimension to Council Constitutions

The introduction of new constitutions has led councils to give renewed emphasis to area forums and committees. More than half of the local authorities in the country have some form of area-based arrangements. Sometimes these are consultative area forums, while in other cases they are decision-making area committees. These are designed to bring local communities into the council's policy formulation and decision-making processes and develop the ward role of councillors.

2.5.1 Area Forums

Area forums provide communities with an opportunity to raise questions on local issues with ward councillors and other community representatives. Various topical issues are discussed and all members of the public are welcome to attend. They are mainly consultative. Meetings are open to the public and provide an opportunity to hear about local issues and ask questions of the Councillors for the area.

Area Forums in Barnsley

Barnsley has 9 area forums, each covering two or three wards and meeting about 15 times a year. Meetings are rotated around the wards and are held in a variety of local venues. Each area forum consists of the local councillors plus some co-opted community representatives. It develops a Local Area Community Plan, which is based on consultation with local people and reflects the issues and priorities for the area. Area forums have a Community Support Fund budget for local projects. There is at least one main item for discussion at each forum meeting. Usually a guest speaker will give a brief presentation and then there will be debate and discussion on the item. Area forums also scrutinise the impact and co-ordination of service provided by the Council and other agencies in local areas. They help the public know what is happening in their community and offer them the opportunity to get more involved in community issues. An Area Forum Officer acts as an advocate for the area and interfaces with the Council and other agencies to support each area forum. The minutes are submitted to the Council via the Cabinet.

2.5.2 Area Committees

Area committees can:

1. Approve the area business plan, which looks at the performance of council services in the area.
2. Consult on the local community plan or have responsibility for the production of a local community plan.
3. Consult on a wide range of other policies and plans, which have local dimensions and as a result exert significant influence on the development of local services.
4. Have a local performance monitoring role.
5. Encourage liaison with partner agencies and the community.
6. Nominate members to the developing Local Strategic Partnerships.

Roles for Area Committees in Warwickshire

In Warwickshire County Council area committees have a range of executive powers over such matters as road traffic management, public and community transport and community development grants. They also consider half-yearly reports on area based 'quality of life' indicators and on performance against the targets in area business plans and community plans. Members have the opportunity to influence cabinet decisions by giving a clear local view. A cabinet member and chief officer support each area committee and make links to the administration. The chairs are chosen locally and party whips do not operate.

District Assemblies in Tameside

In the Tameside District Assemblies it has proved effective to have an individual councillor and an advisory group member in each Assembly take on a portfolio – environment, community safety, young people’s issues, local liaison. Assembly councillors and cabinet members meet regularly to discuss the portfolio of interest, so enabling councillors in their ward role to contribute ideas to policy development.

Funding Responsibilities of Area Committees in Kirklees

In Kirklees the delegation scheme gives local Area Committees the power to determine the use of allocations from the Town Centre Fund. The power is without the need for wider ratification for single ward areas, because it derives from earlier expectations relating to decision-making by ward members and because the allocations are relatively small. Some local Area Committees have begun to make allocations.

2.5.3 Successfully Engaging with Local People

The creation of area committees and forums has given the public new ways of being in contact with their local council. Publicity about meetings can be linked to debate about ‘hot’ topics facing the neighbourhood. Councils have developed a number of ways of managing area meetings. Bolton MBC uses the first part of the meeting as a drop-in service with councillors and officers sitting at different desks according to topic, for example local crime, dog fouling, traffic calming. The second part of the meeting is an open discussion between the community, council and other partners who attend.

- Derbyshire County Council introduced forums at the beginning of local area committee meetings so that the public can raise queries about a range of county council services in their area. The forums have been introduced as a way of increasing public participation in decision-making and to improve communication with local people.
- District Assemblies in Tameside have been increasingly used as another element in the council’s comprehensive consultation strategy. With around 400 people taking part across the Borough every 7 weeks, they have been used for consultation on matters such as community safety, community legal services and local agenda 21. The high level of engagement is due in part to the success of focusing and briefing members on one of four themes – community safety, environment, young people, local liaison.
- The Chair at Oxford City Council’s Area Committees has the discretion to permit members of the public to speak for up to 5 minutes, either in the open session or on an agenda item. The one exception to this is planning applications where special procedures apply. Members of the public can contact the area co-ordinator in advance to ensure a response is provided.

A number of councils are using area arrangements to involve young people in the democratic process. In Barnsley there was a severe case of youth nuisance. A hall in the heart of the area where the nuisance was taking place was chosen as the venue for the meeting. A chief superintendent from the police force, local officers, an executive director from the housing department, tenant enforcement officers and neighbourhood wardens were there as witnesses. Around 70 people including 20 young people who were involved in the nuisance attended the meeting. All views are heard and a follow-up meeting is to be held. Every person who potentially could have an impact and effect a solution was present at that meeting. Similarly in Tameside there has been a willingness of young people to get involved in discussions that directly affect them.

2.5.4 Linking Area Arrangements Within and Outside the Council

Some councils are also establishing strong working relationships with overview and scrutiny. These include:

- Derby City Council, who have linked its area panels with the overview and scrutiny function in a review of bus services. Area panels were able to discuss and provide their views on services in their area to inform the overview and scrutiny committee's recommendations.
- The chairs of Tameside's District Assemblies regularly discuss business with the Cabinet member responsible for their co-ordination. They are playing an increasing role in contributing to policy development. Cross-authority working at an area level is also apparent in county areas.

Area arrangements can also help councils link with other partners. In Barnsley organisations such as the Health Service, the Police and the Chamber of Commerce use the area forums as a basis for consultation. In Kirklees partners play a key role in Area Committees at a number of levels:

- They may be co-opted onto the Area Committee.
- They may have standing invite to the Area Committee meetings.
- They may wish to use the Area Committee process as a means of consulting and engaging communities at a local level.
- They may act as a conduit for the Area Committee to consult with relevant organisations on local issues.
- They are key partners in the community action planning process.
- They pick up issues from the local Area Committee and address these.
- They may lead on working groups around thematic issues (eg community safety).

Oxfordshire City Council has developed partnerships with the Police who are usually present at the area committees and Northumberland has improved its links with the voluntary sector through the work of its area committees.

2.5.5 Infrastructure for Effective Area Arrangements

Developing democratic activity and decision-making at the area level requires effective support. There are a number of elements to this:

OFFICER SUPPORT

- Bedfordshire County Council officers maintain Patch Profiles (or, more formally, Community Needs and Resource Statements) to ensure that the needs of local communities are identified. These are socio-demographic profiles, containing data on demographics, crime, local economic statistics, etc. They help individual members identify comparative differences between patches and against the national profile in order to support their role as local democratic representatives.
- Bexley has set up a “Forum of Forums” with a designated officer to support this initiative and a link to the Local Strategic Partnership (LSP), and provide a focal contact point for Forum issues. The role provides a focal point of communication by collating information about the activities of the Forums – reports, newsletters, meeting notes etc. Forums have up-to-date information about council contacts and there is a dedicated officer contact for each Forum who acts as an adviser on dealings with the council and acts as a backstop in any areas of uncertainty.
- In Kirklees there is a Decisions Support Unit which supports each area committee for servicing meetings to achieve a minimum standard of record keeping and probity. There is also support and advice from a Community Support Services team that includes advisors on community planning and community development.
- Warwickshire CC has appointed staff to run the area committees and to support councillors in the development of their community representative role. The staffing has been restructured to bring the strategic roles under one area manager and to refocus community partnership officers onto the tasks of developing the members’ community involvement. Senior officers from each of the main service departments also have responsibility for liaison with area committees.

BUDGET

It is clear from the examples we have seen that having a budget for each committee or forum strengthens its *raison d'être* and provides a more meaningful focus for discussion. It also enables members of the public to take part in decision-making where choices have to be made sometimes between conflicting priorities.

- Both Cornwall County Council and Halton Borough Council have allocated some of the highways improvement budget to area committees. Members of the public had been able to contribute to decisions on how this money should be spent in order to meet local needs for traffic calming, etc.
- Bexley has made available to each forum a grant of £5,000 for approved expenditure against which each Forum can bid and submit spending proposals.

GUIDELINES

Some local authorities have benefited from having their own guidelines for developing area committees. These may be part of a wider approach by councils to involving the public in policy debate and decision-making.

- Bexley LBC have developed guidelines for their new model of community forums and a form of contract to remind participants of their responsibilities and obligations. This asks the Forums to subscribe to the principles of social inclusion and community cohesion, and to seek to involve all sectors of the local community. A protocol on Council-Forum relations sets out what the Council can reasonably expect from the Forums, and what the Forums can expect from the Council in return. It also covers the arrangements and conditions for applying for, and approving, funding and accountability for grant money.
- Herefordshire Council has also set guidelines for the workings of each of their 9 local area forums.
- Cornwall County Council has produced 'Gathering Evidence - A Guide for Using Focus Groups' which is in four sections: section 1 defines what focus groups are and how they can be used; section 2 describes the importance of identifying outcomes and project management in planning focus groups; section 3 gives four steps to effective focus groups. Two useful appendices are also provided, with advice for first timers and dealing with 'difficult' participants.
- Kirklees has a range of detailed guidance sheets and templates, including advice for co-optees on area committees and for the Community Engagement Framework.

PUBLICITY

- Birmingham City Council's publicity for its ward committees uses posters, local radio and community groups. Where necessary, publicity is provided in the appropriate ethnic minority languages. Start and finish times of the meeting are stated.
- In Tameside the District Assemblies are promoted using the Council's website, advertisements in local newspapers and street signs, banners and leaflets. Strong marketing resulted in 32% 'product' recognition within the first year and a 10% growth each year in public attendance. The website gives people the opportunity to submit questions for the Open Forum and find out much about the Assemblies.

- Herefordshire County place an advertisement in a number of newspapers listing where and when each of the meetings will be held. Adverts are also placed in relevant local newspapers the week before a Local Area Forum to ensure people know about them as soon as possible. Details of the meetings are also available from Parish Councils and from council offices.

THE AGENDA

- In Birmingham City Council the agenda is made available to members of the Ward Committees, neighbourhood forums and members of the public and includes the title plus a brief description of the items to be discussed. Members of the public and representatives of Neighbourhood Forums are allowed to write to the appropriate committee manager prior to a meeting to have an item put on the agenda but may also raise items at an appropriate time during a meeting or an item of urgent business. Neighbourhood Offices act as ‘post boxes’ for the public to contact the committee managers.
- With Oxford City Council’s Area Committees information is available at libraries, the Town Hall and Local Service Shops and a range of community organisations and can be viewed on the council website.

This review of area working initiatives undertaken by councils highlights a number of lessons for developing good practice (figure 8).

Figure 8 Lessons for councils developing effective area arrangements

- The design of area arrangements needs to be seen in the context of the council’s overall approach to enhancing local democracy. It is better to take small steps that are successful and can be sustained than to start a major decentralisation process that has a high risk of becoming disconnected from the council’s mainstream activities.
- Ward and divisional councillors should be supported in their ‘area’ role through the provision of appropriate and accessible information on their ‘patch’, including regular updates on the plans and activities of the council and other agencies.
- Area forums and committees need to engage all relevant stakeholders in order to enable an effective response to community agendas that cut across organisational boundaries.
- Members and officers with an area role need to be able to contribute their perspective in council-wide or functional areas – without this, the area dimension will not be able to realise its full potential.
- The availability of budgets at an area level increases the profile and impact of area arrangements. These budgets may be the council’s, but may also derive from those of other agencies working on an area basis – eg health or regeneration partnerships.
- Holding meetings in accessible venues at appropriate times and on matters of local interest are key ways to engage the public.

2.6 Transparent and Accountable Decision-making

The new council constitutions are specifically intended to increase the transparency and accountability of decision-making. Local people are expected to be able to have a greater understanding of when decisions are to be made, who is to make them and why particular decisions were taken. At the heart of this process is the executive and the forward plan. The executive is intended to focus decision-making, and the forward plan process to make available information on key decisions that are to be taken there. However there are other developments that have an impact on accountability and transparency, including the use of the internet and other means of communicating with the public. This section reviews how these processes have been used to strengthen local democracy.

2.6.1 The Forward Plan

Councils have to provide certain information within their forward plan and publish it in a particular way. However within this framework there is considerable scope for councils to develop ways of using their forward plan process to enhance local democracy. This is illustrated in the different approaches councils have adopted to:

1. Defining 'key decisions'
2. Compiling and agreeing the forward plan
3. Publishing forward plans
4. Reporting significant executive decisions

DEFINING KEY DECISIONS

Forward plans must contain matters that are defined as 'key decisions'. Key decisions are defined in the regulations as matters that are likely either to result in the local authority incurring significant expenditure or to affect communities living or working in two or more wards or electoral divisions. This leaves considerable discretion for councils in how they operationalise these requirements, as the LGIU study⁶ and the recent Manchester University survey of council constitutions⁷ show.

Councils typically are more specific in relation to the financial threshold criterion than that on community impact. A good example of the former is from Newham LB, which give examples and specifically identify exclusions. Southampton City Council offers one of the most worked-through examples of the community impact criterion, and gives guidance for decision-makers on issues which are significant yet fall outside the statutory definition. Northumberland CC employ four criteria that encourage decision-makers to think more broadly about the significance of the issue.

6 'Key Decision Definitions', LGIU Policy Briefing, October 2002.

7 G. Stoker et al, 'Report of ELG Survey Findings for ODPM Advisory Group', November 2002, www.elgnce.org.uk

Financial Threshold for Key Decisions – Newham LB

Decisions relating to any expenditure or savings over £500k that is not provided for in a budget. This limit only applies to decisions on new spending and saving. Examples of key decisions:

1. decision to purchase or dispose of assets of over £500k
2. the award of contracts over £500k
3. one-off expenditure of less than £500k which leads to savings of over £500k year-on-year, such as redundancy payments
4. a range of savings or spending options where one or more of those options is costed at over £500k

The limit does not apply to activities where the council routinely spends.

The following are not key decisions:

1. transactions carried out as part of the efficient administration of the council's finances eg Treasury management activities where actions taken are within the council's agreed policy
2. the subsequent allocation of grants within the framework and criteria agreed by the Executive
3. setting of fees and charges levels including concessions within the overall strategy agreed by the Executive
4. decisions relating to funding to which pre-conditions have been attached by government departments, such as regeneration schemes, capital works required for emergency, legislative or safety reasons

Source: LGIU 2002

Community Impact Definition – Southampton City Council

Key decisions in terms of community impact are:

1. those that are significant in terms of their effects on communities living or working in an area comprising two or more wards or electoral divisions in the city, or
2. those that have a particularly significant impact on any community experiencing social exclusion or discrimination, whether that community is defined by geography or interest and even if that community is only located in one ward or electoral division in the area of the local authority.

Where a decision is only likely to have a significant impact on a very small number of people in one ward or electoral division, the decision-maker should ensure that those people are nevertheless informed of the forthcoming decision in sufficient time for them to exercise their right to see the relevant papers and make an input into the decision-making process.

In considering whether a decision is likely to be significant, a decision-maker will also need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.

Source: Southampton City Council constitution

Wider Significance Definitions – Northumberland CC

Criteria for local key decisions:

- (a) 'milestone' decisions, the timing of which will be known well in advance of the decision being taken. Examples include plans and strategies outside the Policy and Budget Framework, Best Value and Auditors' reviews.
- (b) Substantive commitments within the Corporate Business Plan and Service Plans which involve a material change in policy and/or significant service development. In such cases it will be for the Executive Member to determine what is 'material' or 'significant'. It should be possible to determine the timing of required decisions well in advance of the decision being taken.
- (c) operational decisions within the financial limits of the delegation scheme but which in the view of the relevant Executive Member may involve a material change of policy, are politically sensitive or may have a significant impact on a local community.
- (d) decisions involving expenditure above the prescribed financial threshold for key decisions.

Source: Northumberland CC constitution

COMPILING AND AGREEING FORWARD PLANS

We found a number of examples of councils using e-mail circulations to update forward plans on a monthly basis. In Northumberland CC, for example, a policy officer oversees the updating and production of the plan, and maintains an ‘amendments sheet’ to keep track of changes. Hammersmith and Fulham have experimented by placing the plan in public folders for access through the intranet system.

In some councils the forward plan is agreed by the leader, in others at a meeting of the executive, and in some cases at the joint meeting of the leader and executive with the chief officers’ management team. In Northumberland CC the forward plan is agreed by the Chairman’s Group. This is the council’s political mechanism for managing business, and comprises the Executive Secretary and the chairs and vice chairs of the scrutiny and the policy board (an advisory group to the executive), thus engaging a wide range of political role-holders.

LINKING THE FORWARD PLAN TO SCRUTINY PROCESSES

The Northumberland CC process enables scrutiny chairs to decide which issues to call-in during the next forward plan period. This produces a more planned approach to call-in. A somewhat different approach is taken by Darlington BC who now include the forward plan on all scrutiny committee agendas to assist members in deciding what they want to include in their work programme of overview and scrutiny reviews. Both examples show how careful thought about the role of the forward plan and its interconnections to the overview and scrutiny process can produce benefits for the more orderly operation of council business and greater opportunities for accountability of the executive to non-executive councillors.

PUBLICATION OF FORWARD PLANS

A number of councils publish their forward plans on their web sites. There is considerable variation in design. The best provide an explanation of what the forward plan is, with short and effective descriptions of issues and names of the responsible councillors and officers with phone numbers and e-mail addresses. Hammersmith and Fulham LB include an encouragement for individuals not included in the council’s consultation plan to contact the authority. Vale Royal DC has an e-mail comments service on the introductory web page for the forward plan⁸.

8 http://www.valeroyal.gov.uk/thecouncil/forward_plan.html

Consultation on Key Decisions – Hammersmith and Fulham LB

Each report carries a brief summary explaining its purpose, shows when the decision is expected to be made, background documents used to prepare the report, and the member of the executive responsible. Every effort has been made to identify target groups for consultation in each case. Any person/organisation not listed who would like to be consulted, or who would like more information on the proposed decision, is encouraged to get in touch with the relevant Councillor and contact details are provided at the end of the document.

Source: Hammersmith and Fulham Forward Plan

REPORTING EXECUTIVE DECISIONS

Councils are required to publish details of decisions made and for these to be easily accessible. This supports the objectives of local democratic decision-making. A common method of recording and reporting of executive decisions is through a council's intra- (and sometimes inter-) net. This provides an important database of decisions and also a powerful facility enabling members and citizens to search for decisions on particular issues.

Information on significant decisions of the executive is sometimes disseminated more widely through council newspapers. Birmingham City Council, for example, has a column in its bi-weekly newspaper. This describes notable decisions made by the executive during the previous two weeks.

2.6.2 Accessible Meetings

A number of councils now vary the location of their decision-making meetings in order to take the council out to the public. This tends to happen more in rural areas, for example meetings of the executive in Cumbria CC usually rotate between Barrow, Carlisle, Cockermouth and Kendal. Members of the public are able to ask questions or present petitions at these meetings. There is considerable scope for urban authorities to adopt this practice as part of the strategy for local democratic renewal.

Accessibility to meetings and the transparency of the council's business is supported by the development of ICT and especially the webcast facility. A number of councils are experimenting with this technology as a means of making local authority meetings more accessible to the public and to councillors and officers who are unable to attend in person. Suffolk CC experimented by broadcasting an executive meeting for the first time in October 2002, and a month later Stroud DC Leader's State of the District address was webcast. Camden LB and Hounslow LB are now amongst the councils that have started regular webcasts of their decision-making meetings, and have a considerable archive available for public reference. This includes a facility to skip to contributions by particular members and officers. More generally, Brent LB has a video describing their new constitutional arrangements available on its web site. North Lincolnshire Council recently held a video-conference with a central government official as part of an overview and scrutiny investigation.

2.6.3 Transparency and Accountability under Alternative Arrangements

A number of alternative arrangements councils have taken to opportunity to enhance their transparency and accountability in ways other than through overview and scrutiny. In East Cambridgeshire DC the Leader is formally accountable for the council's performance in implementing its corporate plan. That accountability is exercised through a report that she makes at each meeting of full council. The authority produces 'agenda plans', the equivalent of the forward plan, and publishes lists of decisions within two days of them having been taken.

There are examples of alternative arrangement councils encouraging public access to meetings. In Purbeck DC, the full council meeting is the focus of decision-making, thus giving it a greater weight for public accountability. East Cambridgeshire DC include the facility for members of the public to ask questions (for which no prior notification is required) in the first 15 minutes of full council meetings.

2.6.4 Principles for Decision-making

There are important examples of councils reinforcing their local democratic processes by the setting-out of principles for decision-making. The DETR (now ODPM) modular constitutions provided a number of these⁹. Councils such as Lewisham LB have refined these. Their constitution spells out a wider range of principles that are expected to inform the decision-making process in the council. These principles apply not just to the political executive but also across the board to overview and scrutiny and officers. Coincidentally, Lewisham is one of the first councils to produce a popular review of its constitution, explaining how its works and the plans for its development¹⁰.

⁹ 'Modular Constitutions', New Council Constitutions Guidance Pack, The Stationary Office, 2001

¹⁰ Quirk, B., T. Travers and J. O'Brien (2002), *Lewisham's new model of government and arrangements for effective governance*, London: Lewisham LB

Principles for Decision-making – Lewisham LB

Whoever makes a decision on behalf of the Council, including executive decisions, the following principles will apply:

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

Source: Quirk, B., T. Travers and J. O'Brien, 'Lewisham's New Model of Government and Arrangements for Effective Governance, 2002, : Lewisham LB.

The discussion of transparent and accountable decision-making and the examples of council's activities led to a number of lessons to support good practice in this area of the constitution (figure 9).

Figure 9 Developing accountable and transparent decision-making to deliver local democratic enhancements

- Publicity about forthcoming decisions is important in order to enable opportunities to shape and influence the debate – there are a number of ways in which the Forward Plan can be utilised to promote awareness of decisions and to minimise its tendency to become a bureaucratic process disengaged from local politics.
- Thought about the definition of key decisions can assist councils to highlight particularly important choices on which priority should be given to raising public awareness and inviting contributions to the decision-process.
- Forward plans can be linked to the identification of pre-decision call-in, thus supporting effective linkages between executive and overview and scrutiny.
- ICT provides an important tool for promoting accountable and transparent decision-making – web-casts and other web-based infrastructure have a key potential here.
- Underlying the development of accountable and transparent local government is the need for councils to deliberate on the principles they think should underlie their decision-making.

2.7 Conclusion

These examples illustrate how councils are taking the elements of the constitutional framework and using these to enhance local democracy in their areas. There is scope for innovation and experimentation, and the councils described above are taking this opportunity.

A number of lessons for good practice emerge from this chapter (figure10).

Figure 10 Good practice lessons on elements of the constitution

- New council constitutions provide a framework within which councils have considerable discretion. They are an important tool to help deliver democratic renewal, and should be seen in this light rather than as an end in themselves.
- There are important opportunities for councils to develop the role and process of full council. Here is an important forum for community debate and public accountability. It provides an important public profile for the council. There is scope for its further development.
- Developments in ICT provide new ways of enhancing transparency and accountability, and of bringing the public into decision-making. This is a key element in the way in which some councils are seeking to deliver enhanced local democratic activity and to reach groups who might otherwise not participate or contribute.
- Area committees and forums offer important ways of reaching local communities and involving them in decision-making. They are also an important element supporting the role of members as local representatives.
- Councils should develop clarity about the way in which they are seeking to balance the different demands on overview and scrutiny. Much can be done through dialogue between parties about the principles and process to be followed, although it is important that the legitimate role of political debate and difference is maintained.

It is also important that councils develop and support members in order that they can operate effectively as community representatives, policy shapers, decision-makers and a point of accountability within the new constitutional framework. In the next chapter we show how councils are moving ahead on this agenda.

CHAPTER 3

Developing and supporting members

Democratic renewal is about more than structural change. It is also intended to introduce new working practices, relationships and styles – in short, to change not just the shape of the council but also the behaviour, attitudes and outlook of councillors. In this chapter we show how councils are working with their members to increase their capacity to operate effectively within the new constitutional arrangements and as part of the wider democratic renewal agenda.

3.1 Executive and Non-Executive Councillors: Making the Connection

A number of councils have developed arrangements that help increase the connections between the executive and non-executive councillors. Many of these developments have taken place in the context of enhancing the scrutiny function vis-à-vis policy and decision-making (see section 2.4 on overview and scrutiny), but other examples of good practice have been identified. These include the ‘council in seminar’ at Barnsley (discussed earlier) and the role of executive assistants in Northumberland CC.

The Role of Executive Assistants in Northumberland CC

In a large authority like Northumberland (with 67 members) there was a view that a Cabinet limited to 10 councillors could leave many non-executive councillors adrift from the work of the executive. There was also a fear of executive overload in such a large authority. Thus, the authority created executive assistants whose prime functions are to:

1. Act as sounding boards for the executive councillors.
2. Act as lead on agreed issues of concern and to report back to the executive to feed into policy development and decision-making.
3. Ensure that the executive maintains a link with the wider body of councillors.
4. Ease the workload of the Cabinet.
5. Act as a training ground for future executive councillors.

Source: Northumberland Allowances Review, June 2001

A number of councils have developed other ways of enabling non-executive councillors to work more closely with executive councillors in order to help shape policy and advise on the implications of policy decisions.

- Northumberland also has a role of Cabinet Secretary. This non-executive councillor is appointed annually to co-ordinate executive business, provide support and advice to executive members on corporate matters and provide a co-ordinating role between the executive and the overview and scrutiny committees. The Cabinet Secretary is not a member of the executive but is expected to attend executive meetings together with meetings of scrutiny and policy boards.
- Barnsley MBC has executive support members to the 6 cabinet spokespersons. They have similar functions to Northumberland's executive assistants. The Leader of Barnsley views these roles as "the touchstone into backbench activity". However, in Barnsley there is a greater emphasis on this role as a training ground for future executive members. It provides a means by which potential executive members can become familiarised with executive roles.
- Stroud DC has a system by which executive members establish policy panels, with topics set out in the civic timetable and updated on a regular basis. While the executive member sets the agenda and chairs the meeting, all other councillors are invited to participate. Policy panels are designed to facilitate discussion and the exchange of ideas on policy development, and are not decision-making bodies. They are serviced by council staff, so that there is a record of the issues considered and this record is then circulated to all councillors by e-mail and posted on the council's intranet. Policy panels also have a further function of ensuring that no single non-executive councillor is denied a voice in a policy area that is of interest to them, and that this is done in a transparent and accountable fashion.
- Bracknell Forest has developed the concept of 'champion' councillors who are responsible for championing the cause of four groups within the authority: areas, pensioners, children, the voluntary sector and tenants and leaseholders. These non-executive councillors are from the majority group and work directly with the relevant lead executive members to ensure that the concerns, voice and interests of their respective champion group are put to the executive. They meet regularly with representative groups from their champion area to find out what their concerns are.

Executive Support Roles in Tameside

Each member of the cabinet has a 'Warrant of Office' setting out their role and responsibilities. Job descriptions have also been drawn up for councillors who support the cabinet – 4 cabinet secretaries, an aide-de-camp and a project head.

The aide-de-camp is responsible for providing general support to the executive leader and there is an important liaison function between cabinet and the council.

The cabinet secretary supports the cabinet members ('deputies') who have service briefs. A cabinet secretary is assigned a specific portfolio of responsibilities in addition to the general one of acting on behalf of the cabinet deputy as the need arises.

The 'project head' has specific responsibility for ensuring that the best use of facilities, as listed in the Constitutional Schedule, takes place and that any capital project of either refurbishment or replacement is set against the Forward Plan and the Capital Projects Programme. He or she also works alongside the Cabinet Deputy without Portfolio in relation to council.

Another approach adopted by councils gives non-executive councillors the ability to develop an expertise on a service area, as the example of Dorset CC illustrates. The example of Guildford shows how this can be developed in the context of the Best Value process.

Developing a Service Expertise in Dorset CC

Dorset County Council has introduced an initiative whereby elected members shadow a service for a day. The Head of Service draws up a suitable programme for the member.

The objective is to give members a better understanding of the services provided by the authority and the issues associated with their delivery. This allows them to make a more effective contribution to the scrutiny process and to provide better information to their constituents.

Officers also find the experience challenging as they have to explain why and how they do things. They also appreciate the opportunity to provide a full briefing to members.

To date over a third of the authority's members have undertaken shadowing and over 20 services have been covered. The feedback from both members and officers has been extremely positive and the costs are either negligible or minimal.

At a time when many non-executive members are feeling disengaged and are struggling with the overview and scrutiny processes, the shadowing initiative has been successful in kindling the interest and enthusiasm of members. It reinforces the view that members should be more externally focused and pro-active rather than spending their time in committees.

Source: Audit Commission Developing New Political Arrangements

Developing a More Effective Mechanism for Involving Members in Best Value – Guildford BC

Guildford developed a mechanism for involving members in Best Value while preparing for an Audit Commission inspection of its revenues and housing benefits service. Some time ago, the authority established a pool of members (26 out of a possible 45) who received additional training on Best Value reviews. Individual service review groups are drawn from this pool. For this particular review, the group consisted of six members and was supported by relevant officers. After preparatory work by officers, members concentrated on the four “C’s” and on the areas the Audit Commission were due to look at closely. In particular, members:

- reviewed the work done to challenge and compare the service, including measuring Guildford against national indicators;
- made recommendations on how to consult with stakeholders, stressing the importance of getting value for money from consultation, and
- reviewed the work done to expose the service to competition.

Members developed such a good working knowledge of the service that the authority decided to maintain the group and involve it in monitoring the service and identifying options for improvement. The group therefore assumed responsibility for ensuring that the 5-year Improvement Plan was put into practice. The approach worked so well for this service that the authority also decided to adopt this approach for all Best Value reviews in the future. Not only does it give members a more meaningful role, it also clearly demonstrates the authority’s commitment to improving services.

Source: District Audit, 2003

North Warwickshire BC: A Hybrid Model – Portfolio Holders in Alternative Arrangements

The Council has used the flexibility of the statutory framework for alternative arrangements to create a structure that draws on some of the features of cabinet forms of constitution. In particular, at the time of this case study there were 7 portfolio holders centred around cross-cutting themes that mirrored the key headings in the corporate plan:

- Social inclusion
- Community planning, sustainability and partnership
- Staff care and development
- Quality service provision
- Crime and disorder
- Democratic renewal

In addition, there was a housing portfolio to reflect the high corporate profile of housing issues. The role of the portfolio holders was to take a lead and provide a member-level focus on their relevant subject areas. The crime and disorder portfolio holder, for instance, chaired the crime and disorder reduction partnership and the community planning portfolio holder chaired the North Warwickshire Community Partnership.

The Audit Commission has commended this approach as facilitating the move towards working in a more cross-cutting way and providing some flexibility in responding to modernisation initiatives, in addition to providing a link through to the corporate plan. From the Council's perspective the setting up of portfolio holders was also a means by which the controlling Labour group could involve its wider membership in policy making and enable them to develop expertise and capacity to become chairs of the three decision-making committees (or policy boards) later in their political careers, thus providing a stable continuity of succession in the Council.

Generally, in authorities where non-executive councillors are developing more meaningful roles vis-à-vis the executive, they are working in a more informal fashion. This is being achieved through a mixture of individual lead roles, non-decision-making panels and working groups that allows them to have a greater focus on those areas that concern or interest the individual concerned. The example of area committees in Warwickshire illustrates how this can be established.

Involving Non-Executive Councillors through Area Arrangements: Warwickshire County Council

Warwickshire County Council has five area committees – one in each of the district/borough council areas. All county councillors belong to the relevant area committee. A cabinet member and chief officer support each area committee and make links to the administration. The Chairs are chosen locally and party whips do not operate.

Area committees have several functions. They approve an area business plan which looks at the performance of council services in the area. They are consulted on the local community plan. It is currently proposed that they should have executive responsibility for this plan and for a recent development: area based community learning plans. They are also consulted on a wide range of other policies and plans, which have local dimensions, so they can exert significant influence on the development of local services.

They have a local performance monitoring role – they consider half-yearly reports on area based ‘quality of life’ indicators and on performance against the targets in area business plans and community plans. They have a role in encouraging liaison with partner agencies and the community. They nominate members to the developing Local Strategic Partnerships. In an attempt to improve public engagement, they have a public question time and committee meetings are often held in venues out in the county – for example the Rugby Area Committee recently met in a village in which a school re-organisation was being proposed. The extent of public attendance is monitored and has grown steadily. The public’s views about the meetings are also monitored.

They have a range of executive powers over such matters as road traffic management, public and community transport and community development grants. They also have a budget which can they spend on projects to enhance the well being of people in the area.

Staff are appointed to run the area committees and to support councillors in the development of their community representative role. The staffing has subsequently been reviewed and restructured to bring the strategic roles under one area manager and to refocus community partnership officers onto the tasks of developing the members’ community involvement. Senior officers from each of the main service departments also have responsibility for liaison with area committees. Of all aspects of the new structures, this was the one which was most positively viewed in the internal review in 2000.

The Audit Commission identified the area committees as a strength, particularly highlighting the way in which they are beginning to engage local people and bring the council closer to communities. There are proposals to strengthen the powers of area committees and to devolve more funding to them.

Source: Warwickshire County Council

3.2 Support for New Roles: The Impact of Member Allowances

The ability of individuals to stand for councils and – if elected – to take a full part in the work of the authority without significant financial loss is important if the potential of new constitutions are to be realised. The new members' allowances scheme provides an important step in this direction and a number of councils have taken advantage of it to develop a clearer profile for the work of their members.

There are a number of ways in which the allowances system can be utilised to support local democratic activity. In some authorities, allowances have been weighted toward non-executive councillors in order to recognise and support their role. This gives non-executive councillors the means to invest the time needed to develop their roles more fully.

The work of non-executive councillors has also been supported through specific allowances for, *inter alia*:

- Shadow cabinet councillors or principal opposition spokespersons (Chelmsford, New Forest and Medway).
- Group whips and other group administrators (Lancaster, Medway).
- Leaders of other minority party groups (numerous).
- Non-executive chairs of working groups and panels (Durham pay a SRA to Chairs and Deputy Chairs of Policy Development Forums).
- Champion councillors (Bracknell Forest).
- Lead councillors (Brighton and Hove).

3.3 The Emergence of Role Profiles

An unintended but beneficial outcome of the members' allowances process in some councils has been the sharpening of role profiles or job descriptions for councillors. These have been developed to give councillors a greater understanding of the authority's expectation of their role in the new constitutions. A comprehensive role profile, produced by the ALG Allowances Panel, has been widely used by London councils.

'On Behalf of the Community' – A Job Profile for Councillors

Purposes:

1. To participate constructively in the good governance of the area.
2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
3. To represent effectively the interests of the Ward for which the councillor was elected, and deal with constituents' enquiries and representations.
4. To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
5. To represent the council on an outside body, such as a charitable trust or neighbourhood association.

Key Tasks:

1. To fulfil the statutory and locally determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full Council (eg setting budget, overall priorities, strategy).
2. To participate effectively as a member of any committee or Panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or Panel's) terms of reference, human resource issues, staff appointments, fees and charges, and liaison with other public bodies to promote better understanding and partnership working.
3. To participate in the activities of an outside body to which the Councillor is appointed, providing two-way communication between the organisations. Also, for this purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
4. To participate in the scrutiny or performance review of the services of the authority including, where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority.
5. To participate, as appointed, in the area- and service-based consultative processes with the community and with other organisations.
6. To represent the authority to the community, and the community to the authority, through the various fora available.

(continued)

'On Behalf of the Community' – A Job Profile for Councillors (continued)

7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority.
8. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
9. To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the government of the area.
10. To participate in the activities of any political group of which the councillor is a member.

Source: Making Allowances: the remuneration of councillors in London, August 2001

The advantage of these role profiles is that they make explicit, often for the first time, what councillors are expected to do in return for their allowances. This enables the council to prioritise certain roles and activities in line with its approach to local democratic renewal. Some authorities have gone much further and produced detailed profiles for councillors in their different roles and contexts, whether it is spelling out the relationship to their local communities, local party, executive councillors and other structures in the authority. This is illustrated in Liverpool City Council where role profiles are broken down into distinct areas of work for the different roles non-executive councillors can expect to perform including:

- A Select Committee Member
- An Area Committee Community Councillor
- A Community Councillor

and the requirements for each particular role, including:

- Skills/abilities
- Knowledge
- Experience
- Commitment

In Birmingham the role profile for Labour group whip now assigns the task of holding "an annual personal review with all members of the group and to establish their support or other needs and agree a number of ways of meeting these if possible".

3.4 Resources for Councillors

Operating in the context of new council constitutions requires effective support for members. This requires more than the traditional administrative support and the members' room. We have found that a number of authorities are now beginning to provide their councillors with a range of support including IT provision, member development and training programmes, and support for their constituency and ward related work. In the leading-edge councils this amounts to a comprehensive range of information and advice services.

- In North Warwickshire each councillor is given a laptop PC with Internet connections and is required to undergo IT training as the authority has gone paperless with regard to Councillors.
- Citizens in Chesterfield can contact their elected representatives by e-mail and an electronic councillor enquiry system has been developed. Almost all councillors now routinely use computers and are publicly accessible via e-mail.
- In Darlington, IT has been developed to assist scrutiny through the setting up of folders of each scrutiny committee on Microsoft Exchange in an attempt to reduce the number of information reports that were being submitted to scrutiny committees. Officers post into those folders information of which councillors might wish to be aware but are not sufficiently important to put on an agenda. All councillors are also offered a PC or laptop at their home. In an attempt to reduce posting, printing and stationery costs, agendas and reports are 'posted' on public folders on Microsoft Exchange and councillors are advised when this has been done so that they can access the reports direct.

A Flexible and Practical Efficient Approach to IT and Communications Support: Tynedale District Council

An innovative and flexible method of providing IT and communications support to councillors occurs in Tynedale DC. The authority holds elections once every four years and in that period each councillor is able to draw down a credit of £1000 per annum or £250 per annum on application to the Head of Finance. Applicants have to explain how the sum they are applying for “will assist in my role as a councillor”. As such, the applicant can apply for IT related items beyond the provision of PCs and associated peripherals. To date 33 councillors out of 52 have made applications for:

- PCs
- Scanners
- Mobile phones
- Answering machines
- Internet Fax
- Digital cameras
- Palm tops

The authority reports that the advantages of the scheme are that it:

- increases efficiency and effectiveness of member support by only providing equipment that individual councillors require.
- allows councillors to decide what best suits their needs, such as a digital camera for taking photos of potholes that can be sent electronically through to the appropriate service department, or a palm top that enables councillors to make notes immediately after holding surgeries and emailing any follow up actions to the authority immediately.
- provides demonstrable gains for all councillors in terms of their roles.
- is practical to operate and popular with the councillors.
- encourages the practical development of e-local governance.

Blackburn with Darwen: An IT Support Package

An alternative approach is one adopted by Blackburn with Darwen BC, which directly provides IT support to councillors. Rather than give their councillors an 'allowance' towards computers, the authority replaces their machines on a rolling schedule according to usage. It pays their partner organisation (Capita) to provide contractual out of hours IT cover for all Members as part of a support package. The cabinet are all issued with Dell Axim pocket PCs along with Nokia 6010i mobiles so that:

- They can collect and send e-mails irrespective of where they are. This includes being able to contact officers to have information sent to them at short notice electronically for use in meetings, etc. It also allows for virtually instant (audit traceable) requests to be made to direct services where complaints have been raised over outstanding issues. This can even be done whilst a meeting is taking place.
- They are able to take large documents in PDF format with them to meetings in electronic form as opposed to paper. The authority is in the process of building a councillors' intranet so that very large corporate documents can be posted there and members can read them online and pull down the items they require.

The authority is also participating in the councillor information pilot scheme where all 62 councillors are given their own web site, which is policed by Poptel (suppliers) and the LGA as part of their partnership venture. Staff in Member Services sections are also refreshing their training on web site design and maintenance to assist councillors without computer expertise to become e-literate, or to maintain their sites for them.

Source: Blackburn with Darwen BC

3.5 Councillor Development

Local authorities around the country are building member capacity to operate effectively in the new constitutional arrangements through enhanced member training and development. These vary from short information giving seminars, training on skills to more formal programmes. Some councils are taking particular advantage of the Leadership programme sponsored by IDeA to build a core of members who can take a lead in the new constitutions. Some other examples include:

- In Stroud, training non-executive councillors in community leadership roles, which has been well received and helpful to councillors in representing the authority on external bodies.
- North Warwickshire are considering the relevance of the Investors in People Programme to senior councillor training.

Barnsley MBC (in conjunction with a major university) has gone beyond most programmes by providing an accredited in-house programme that enables those councillors that qualify to obtain a post-graduate certificate in local governance. This is a portable qualification

that can be used as the basis for further study to MSc level and gives councillors an added value to their service to the Council.

There are other less formal ways in which councillor development to support the new constitutional arrangements can be undertaken. Wealden Council has involved their members in working with the LSP to identify local priorities and consequently has engaged the whole council in the development of the community strategy.

Developing whole council involvement in community strategy preparation – Wealden Council

Our activity is particularly relevant to increased role satisfaction and linkages to community leadership relative to the economic, social and environmental well-being of the area.

Put simply, we have used “any individual willing councillor” (from amongst the 58 serving on this council and the 12 serving in county electoral divisions in the Wealden area) to find out the priorities of local people. This was done by using councillors to “walk and talk” with key local agencies (such as police and health) prior to formation – in June 2001 – of a Local Strategic Partnership (LSP) for the area. More recently, and following suitable training, our members have undertaken over 500 interviews in people’s own homes on the basis of a structured questionnaire prepared for the LSP in conjunction with the University of Brighton. This has provided an input into the community strategy for the area.

This involvement has enabled councillors to:

- be recognised as having a legitimate and valuable role in long-term planning for the area over things that matter to local people.
- understand the issues, feel some ownership for the process and, as a result, have a commitment to delivering on the strategy in so far as it is within this council’s power to do so.

Charmian Allcock, Executive Office Manager, Wealden Council

3.6 Conclusion

The development and support of councillors is particularly important when new constitutions are seen in the context of other parts of the agenda for democratic renewal. As councils build their community consultation and work with partners, members need a strong knowledge base and new skills and capacities. This chapter highlights a number of key points through which members can be supported in their various roles (figure 11).

Figure 11 Supporting members in the context of new council constitutions – lessons for good practice

- Councils should invest in the development of mechanisms to enable debate and deliberation across the executive/non-executive roles in order to promote a whole-council understanding of issues, priorities and choices.
- With the reduction in the number of decision-making committees, councils need to find new ways to enable members to develop experience that will assist them should they gain cabinet positions – succession planning becomes a more significant issue for councils with executive constitutions.
- There are a number of ways in which councils can develop roles for non-executive councillors that engage them in supporting their executive colleagues and providing a bridge with overview and scrutiny.
- Councils can use shadowing and Best Value reviews to enhance members' understanding of specific areas of service, thus supporting their capacity to contribute to effective, evidence-based debate and decision-making.
- The specification of role profiles linked to the member allowances regime gives councils the opportunity to deliberate on, and clarify, expectations of members and to give greater focus to their work. It also enables a more effective definition of the support – including training, information and IT – necessary to carry out these roles.
- ICT provides a powerful resource for councillors in undertaking their various roles. Councils should consider how they can utilise this facility.

In the next chapter we explore how these wider changes are being reflected in the ways councils are linking the new political management arrangements with other initiatives.

CHAPTER 4

Making the linkages – integrating constitutions with the wider modernisation agenda

New council constitutions do not exist in isolation. They are intended to provide a more efficient, accountable and transparent means through which councils can:

- Respond to community aspirations
- Engage with other stakeholders
- Join-up policy, organisations and resources
- Deliver improvements in services

At the same time, the different elements of the council's constitution need to be integrated effectively. There need to be clear and effective links between, for example:

- Executive and full council – so that there is a means of debating key issues for the community to inform the executive's decision-making, and subsequently of holding the executive to account.
- Overview and scrutiny and the key decision-process – so that pre-decision call-in can support balanced and informed decision-making by the executive.
- Ward councillors and area arrangements – so that members are able to be well-informed in debates about local issues and to contribute effectively to policy making by the council.

Experience in making these linkages has developed in different ways in different councils. In this chapter we provide illustrations of good practice that is emerging. These cover the relationships between new council constitutions and other elements of the local government modernisation agenda as well as ways in which the integration of different aspects of the constitutions themselves are being created.

4.1 Engaging with the Local Strategic Partnership and Community Strategy

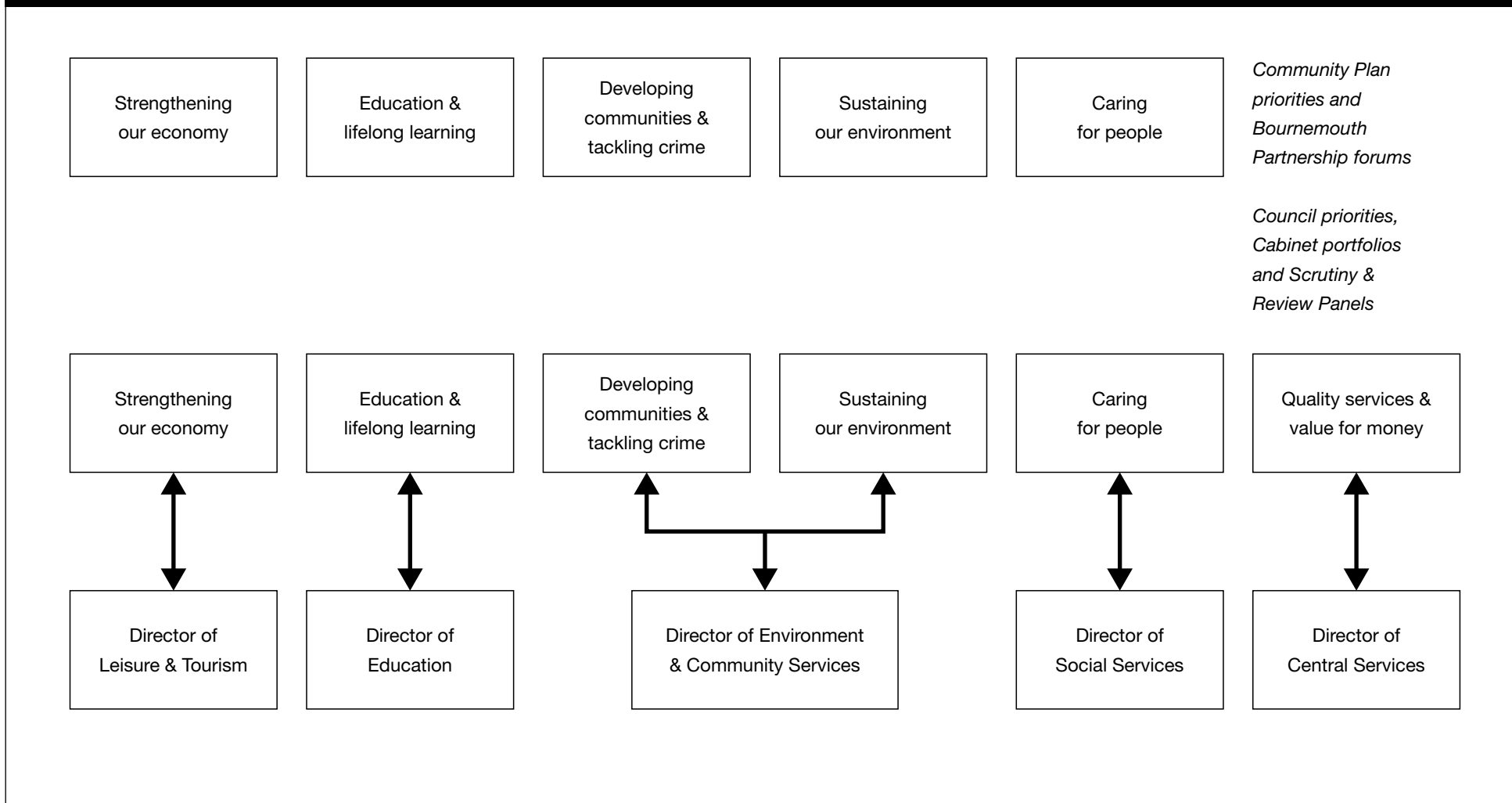
The Local Strategic Partnership (LSP) and community strategy provide a natural focal point for councils committed to developing their community leadership role. The LSP is the setting in which key stakeholders come together to engage with the council on the broader, cross-cutting issues affecting the community. The community strategy is the statement of the council's intentions for the future of the area, but increasingly also reflects the plans of key partners – including health, the police and the learning and skills council. In this form, it becomes a commitment of the LSP and not just the council.

Some authorities have aligned their political and managerial structures to enhance integration with the community strategy and LSP. Bournemouth Council has made a substantial commitment to align its activities and structure with that of the community strategy priorities adopted by the LSP (figure 12). Five of the six cabinet portfolios and director delegations reflect the five Partnership (and hence Community Plan) priorities; the sixth portfolio and director reflects the council's own priority for quality services and value-for-money. The overview and scrutiny committees match these cabinet portfolios. The various plans and strategies which the Council produces are also clustered under the appropriate priority. There is the possibility over time of rationalising planning systems and partnerships within these priorities.

This alignment is reflected at the Bournemouth Partnership (LSP) level. Five Partnership Forums have been created, one for each of the Community Plan priorities. Each Forum is serviced by the relevant Council director and the relevant portfolio holder from the Cabinet is a member (but not the Chair). These Partnership Forums give the implementation of the Community Plan a clearer structure and rationalise the large number of partnerships that already exist in the area.

The overall approach supports the council's desire to develop its community leadership role in collaboration with partners. The repetition of the themes in different settings helps to remind members, officers and partners of the priorities towards which the council and other stakeholders are committed to working. Although the approach is still developing, there are signs of the ways in which the overview work of overview and scrutiny committees can be enhanced through specific 'task-and-finish' reviews of policy issues arising within the themes, and identified in consultation with the relevant portfolio holder. Recent overview studies have included those on the night-time economy and the changing hotel and accommodation market.

Figure 12 Integration of community plan priorities and council responsibilities



More recently the Council has begun to develop area forums. These are being developed in a pragmatic manner where local issues demand and there is support from members and others in the community. They provide a focal point for debate and the raising of issues in specific neighbourhoods. The forums are attended by ward councillors and representatives of agencies working in the area. Their potential, in community leadership terms, is to provide a basis for local views to be articulated and to shape the agenda of the council and other partners in a 'bottom-up' manner.

4.2 Decision-making through Community Consultation

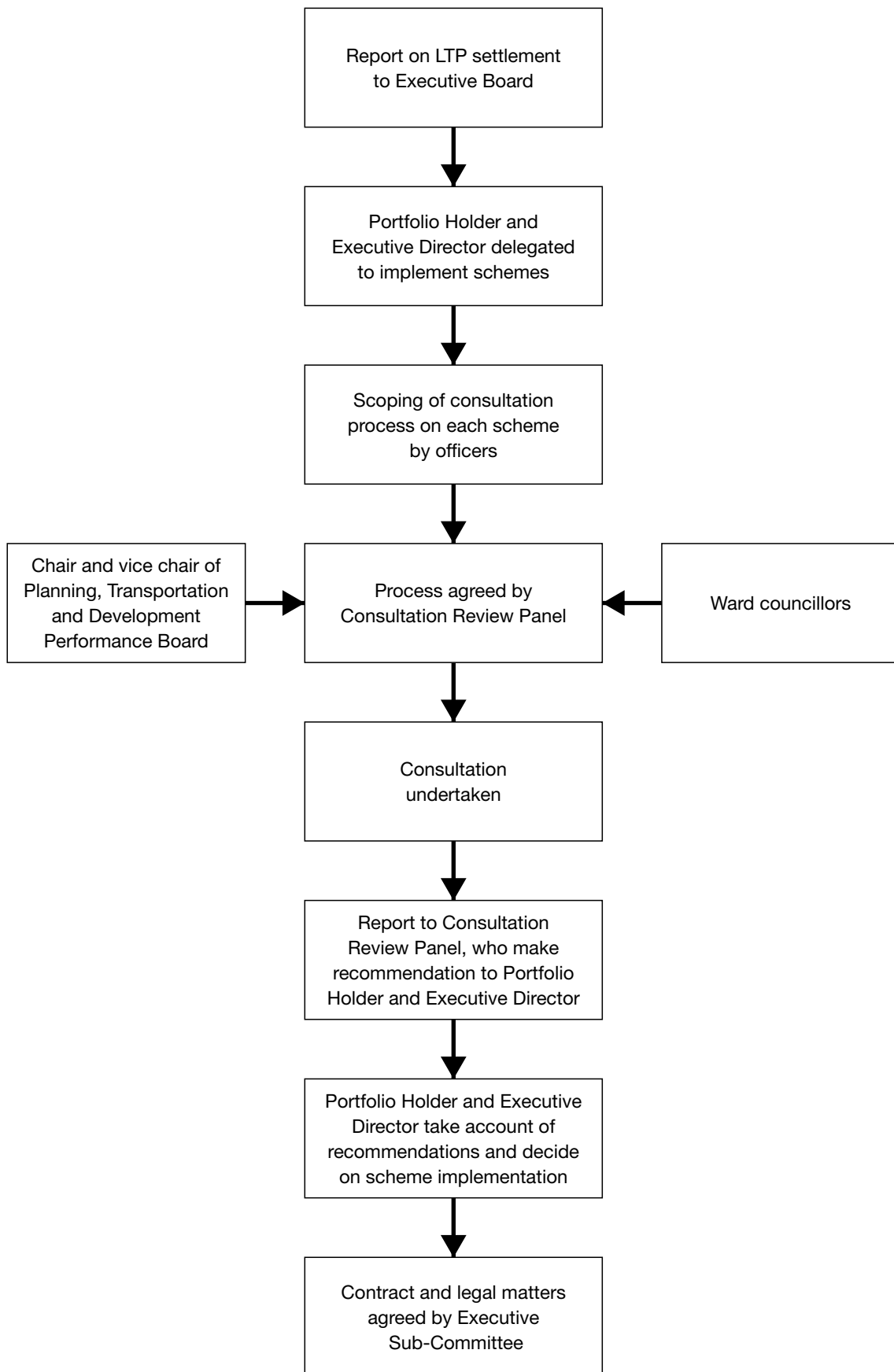
New council constitutions provide new ways of involving the community in the work of the council. But these opportunities need to be shaped in the context of the new structures and processes that are available. Overview and scrutiny committees provide a key means of engaging the public, but this can be more powerful when undertaken as part of an overall decision-making process that also involves the executive. One example of this approach comes from Halton Council, and concerns the ways in which local transport decisions are shaped and made.

Halton Council has a well-developed community consultation process for transportation schemes. This integrates the Executive Board (cabinet) and the Planning, Transportation and Development Policy and Performance Board (overview and scrutiny) (figure 13). The process starts with the government's decision on the council's Local Transport Plan submission. This decision sets the context for the detailed implementation of schemes, responsibility for which the Executive Board delegates to the Portfolio holder and Executive Director. However, there is an expectation that decisions on schemes will be taken in the light of consultation with residents and others who are affected by the proposals.

The consultation process is managed by the Policy and Performance Board (ie the overview and scrutiny committee), who establish a Consultation Review Panel to take responsibility for the process and for reaching recommendations. The Panel is chaired by the chair and vice chair of the committee plus the ward councillors for the area in which the scheme is located. It may also include the police, residents' associations and other interested bodies. This approach applies in all cases, including where the council does not have a statutory duty to consult.

The consultation process for each scheme is scoped by officers, and is undertaken after being agreed by the Panel. A variety of methods are employed, but public meetings are avoided because they tend not to enable a constructive exchange of views. The aim of the council is to use the methods that are best suited to the particular issue, and not to become fixed in approach. The results of the consultation are reported back to the Consultation Review Board, who make recommendations to the Executive Board prior to the final details of the scheme being agreed. The process may involve a meeting of the full Policy and Performance Board where the issue is of intense local interest.

Figure 13 The community consultation process on transport schemes



A more recent development has been the creation of area panels for groups of wards. These enable local people to agree and fund schemes that meet specific needs but do not otherwise reflect borough-wide priorities. £600,000 has been allocated to the area panels that can be spent on any local issues they determine to be important. These resources come from the Neighbourhood Renewal Fund and the Council's budget. Some have tackled local transportation issues, for example by funding traffic calming measures that otherwise would not be implemented given borough-wide criteria and programmes.

The approaches illustrated here spread responsibility for issues and for decisions. They are designed to draw a wide range of members and stakeholders into the debate and to be proactive in engaging members on the overview and scrutiny committee, ward councillors and others in the community.

4.3 Using New Constitutions to Enhance Democratic Engagement

Besides enabling community consultation, some councils are experimenting with ways in which new constitutions can be used to enhance the democratic character of the council and its decision-making. Barnsley has recently reviewed its constitution and introduced changes that make its decision-making arrangements more transparent than previously and strengthen the role of backbench members and the public. Two approaches have been used: scrutiny commissions and area forums.

BARNSLEY'S SCRUTINY COMMISSIONS

There are six scrutiny commissions (overview and scrutiny committees) with 22 Councillors on each, one from each ward. This arrangement is possible because councillors do not sit as members of party groups under the 1989 Act. This gives the flexibility to construct scrutiny commissions that represent the whole borough and also to ensure a significant level of cross-membership. Additionally the council ensures that party political factors do not inhibit the effective operation of scrutiny. All commissions have the power to co-opt up to 11 representatives of the wider community and each scrutiny commission has the support of a full time dedicated officer – a scrutiny advisor.

The scrutiny commissions meet monthly with agendas set by the chair in conjunction with the adviser. They select the cabinet decisions to be scrutinised following research by the adviser. There is a standing invitation, however, to all commission members to put items on the agenda. This scrutiny function operates in parallel with a strong overview role. The scrutiny commissions look at specific issues in depth, typically through smaller working parties who take evidence from a range of witnesses. For example, a recent review of licensing included interviews with night-club owners, magistrates, taxi driver representatives, young people who use the town centre and the police. The commission also visited York City Council to look at its approach to the issue.

The reports, which are drafted by the adviser but in full consultation with the commission, are very readable. They make recommendations to cabinet, and there is evidence that they do make an impact on decisions there. Recently, the Council has adopted a convention

that scrutiny reports, which carry recommendations, are now presented to cabinet by the relevant scrutiny chair as a tabled document. This helps raise the profile and status of the reports and ensures they are given serious consideration in public and are not obscured by a more formal bureaucratic process.

An IDeA Peer Review¹¹ reported that “members appear to be very engaged by the scrutiny process and there is little evidence in Barnsley of the disengagement found nationally amongst non-executive members.” The review team felt that Barnsley’s scrutiny arrangements were proving highly effective and strongly commended them as a model of good practice. One factor that the review team identified as enabling this good practice is the level of officer support that the commissions have at their disposal. Each commission has a dedicated full time officer at PO6 level to brief both the chair and vice chair and other commission members. This enables members to take a wider view of issues because advisors work with members on their concerns rather than having a specific service focus. This supports backbench members in developing a wider policy role.

BARNSELEY’S AREA FORUMS

Area forums were introduced in order to increase community engagement and strengthen the representational aspects of the members’ role. There are nine area forums and they currently have an advisory role, although the opportunity exists for them to assume executive functions should the Council consider it appropriate. They are based on two or three electoral wards and all 22 wards in the Borough are included. They comprise the six or nine constituent ward councillors and there is the opportunity to co-opt up to three or four representatives from the local community.

The area forums’ main aim is to facilitate openness, transparency and accountability in the conduct of Council business and to encourage access and participation by local people. Area forums are held in public and meet 15 times per year at rotating venues in the constituent wards. Area forum meetings are chaired by a councillor from the ward where the meeting is held. They are supported by dedicated area officers, who play a similar role to the scrutiny advisors. There is considerable enthusiasm for the forums from members, staff, partners and the community. A key value identified by members is that they can go back to their area forums and point out where they have made a difference.

The Area forums:

1. Make recommendations to the council, through the cabinet, on such items as the local area community plan, local service delivery and policies, proposals for expenditure from the Community Support Fund and issues concerning the area generally.
2. Express non-binding views on any issue referred by cabinet for comment.
3. Express non-binding views on issues referred by senior officers.
4. Participate in the process for Best Value reviews as a formal consultee.

11 IDeA Peer Review of Barnsley MDC, 2002.

The forum meetings rotate around different wards and are held in venues such as schools. Thirty minutes of each area forum meeting is allocated for a public question and answer session. Average attendance by the public at the forums is between twenty and thirty, and sometimes more. The authority now allocates a Community Support Fund of £10,000 to each ward to which local groups can apply for grants from £250 to £2,000 to apply to local priorities. This also enhances the work of the Area Forums that administer this fund.

4.4 Addressing Cross-cutting Issues in an Alternative Arrangements Council

New council constitutions provide a means of re-thinking the way in which the council can best address cross-cutting issues affecting the area. This is illustrated in the example of East Cambridgeshire DC, a small rural district council who adopted the alternative arrangements constitution. This was not done to resist modernisation, but rather to reflect the consensual style of local politics and provide a means of making major changes to the way the council operated so that it could better address the issues facing the community.

The remit of policy committees reflects the five key objectives of the Corporate Strategy, and not the traditional service definitions. The directorate structure, which is based on groups of related services, does not therefore match the committee structure. This mismatch has been deliberately introduced as a means of avoiding the committee/department alignment that reduces the council's capacity to respond to cross-cutting issues.

The policy committees are relatively small (nine members in each case), and this facilitates the efficient dispatch of business. The four chairmen of the policy committees and the Leader (who does not hold a chair) meet informally on a regular basis. An agenda planning process has been introduced, to replicate within the 'fourth option' the forward plan of key decisions required in relation to the executive options. Agenda plans are produced for each policy committee covering decisions to be considered over a twelve-month period, and are updated on a regular basis. In addition decision lists are published (including an electronic version) within two working days of each policy committee meeting.

East Cambridgeshire DC has used the new structure to try to open up the processes of decision-making to the public in order to shape the council's agenda. The ways in which this has been approached include:

- Public question time at council meetings (and more informal flexibility about public questions or comments at committee meetings)
- Co-options of members of the public on to working parties (eg working party to review use of piece of land in Ely that had been earmarked for housing)
- Switch of location for council meetings around the district
- Opportunity for petitions at council meetings (not much used)

There is an inclusive approach to the LSP with local partners playing a major role in identifying key objectives and working out action plans to respond to them. Leading members are involved but seek not to have too great a leadership role. LSP priorities will influence corporate priorities in the next corporate strategy and may also influence the definition and scope of policy committees.

4.5 Building a Politically Inclusive Council

Blackburn and Darwen have worked to create a powerful, independent role for overview and scrutiny, whilst at the same time enabling it to contribute positively to the work of the council. In this aim it has been a good deal more successful than many other councils. The context is important. There has been a tradition of the three parties being prepared to work together for the good of the area. A transitional ‘cabinet and leader’ system was operated prior to the formal introduction of the new constitution and during this period it became clear that if overview and scrutiny did not prove to be effective, the viability of the new constitutional arrangements as a whole would be called into question. Therefore (unlike many other authorities) particular attention was paid to the development of the overview and scrutiny function, and its relationship with the executive and full council.

The inclusive approach to council politics has had several beneficial effects. First it has generated real debate in cabinet meetings. The inclusion of the Conservative and Liberal Democrat leaders on the cabinet means that the proposals of the majority party (and ‘de facto’ administration) can be challenged (and have to be defended) in a public arena. This capacity is used responsibly by the opposition leaders. Decisions are challenged only if there is real concern or disagreement, not as a political ritual. Thus although not every cabinet agenda item receives a public discussion, those about which there are genuine differences of view amongst the parties do generate such discussion. The inclusion of opposition leaders has helped to give meaning and purpose to the meetings in public of the cabinet.

The sense of ‘shared ownership’ within the cabinet is replicated in the overview and scrutiny arrangements. Overt party political point scoring has been almost wholly absent; yet where it has felt the need, overview and scrutiny has challenged the executive. Challenge has been on the ‘merits of the argument’ and has typically involved members of the majority party as much as members of opposition parties. Because of the receptiveness of the executive to the work of overview and scrutiny, the latter has been much more influential than in many authorities. There is no doubt that it has ‘added value’, both in policy development work (which has been subsequently accepted, wholly or largely by the cabinet) and, from time to time in causing the cabinet (or individual members within it) to reconsider particular decisions or proposals. There is a requirement that the cabinet must respond to every recommendation made by an overview and scrutiny committee within a specified period of time. If the recommendation is rejected, reasons have to be given as to why this judgement has been made. There is provision for a recommendation to be referred to full council, if a scrutiny committee so wishes.

One of the outcomes of this inclusive approach is that the level of satisfaction of non-executive members with overview and scrutiny is relatively high. Not all members have found the new activity satisfying – there is a group of long-term councillors who still remain attached to the committee system which preceded the new arrangements. But attendances

at scrutiny committee meetings have remained high, and the sense of marginalisation which is apparent in many other authorities is relatively muted in Blackburn and Darwen.

There have been some imaginative support arrangements for overview and scrutiny too. There is responsibility for overview and scrutiny at senior officer level (deputy chief executive) within the council. Lead responsibility for four of the five scrutiny committees is taken by a Service Director (not a Service Director with responsibility for the subject matter of the committee involved). There is a reciprocal arrangement with the City of Salford to provide a 'special advisor' to the respective Education Scrutiny Committees. The special advisor is (in each case) a senior education officer from the authority concerned. There is also a fund of £25,000 available to scrutiny for the commissioning of external advice and the promotion and support for scrutiny.

Blackburn and Darwen recognise that there are still problems with the new system and ways in which it could be improved. But there is an impressive willingness to learn (commented on in the recent CPA report), which combined with a level of good practice already achieved, augurs well for the achievement of improvements in the future.

4.6 Using the mayoral constitution to develop an integrated council

Lewisham council, with its elected mayor and cabinet constitution, has a strong commitment to local democracy and to working as an integrated authority. At the heart of the mayoral constitution is the provision by the electorate of a direct mandate to an individual office-holder to govern and represent an area. In Lewisham this notion is at the forefront of the way in which the new arrangements have been made to work and it drives the political decision-making processes. Moreover, the mayor's mandate and Borough-wide responsibility also affects the way in which the political party groups, and the mayor's in particular, are involved in policy and decision-making. The mayor is not whipped or bound by his group, but the mayor does consult the group and seeks its views on a range of issues and policy problems. Party political collective responsibility is maintained by this process of negotiation and communication. Political engagement and communication between mayor and councillors is vital to the way in which Lewisham approaches political decision-making, but it is tempered by the mayor's responsibility and willingness to act and take final responsibility for decisions made.

The structure and meetings of the mayor's cabinet also maintain collective responsibility. The Lewisham cabinet comprises the mayor and an additional eight 'lead members' to whom are allocated one of the following portfolio areas: Regeneration (held by the deputy mayor), social care and health, resources, environment, housing, culture, social inclusion and life long learning. The cabinet holds two types of meetings. The first is a political event, with no officers in attendance, where the mayor and members are able to explore a range of policy and political issues. In some respects, such private meetings of the mayor and cabinet mirror the meetings of political party groups held on any council. These meetings provide private political space for the mayor and cabinet to engage in debate and consider options. The second, more formal type of meetings held by the cabinet are those where officers are in attendance. Here, officers' reports are received and officer advice is sought and considered by the cabinet. The cabinet in formal mode is a forum for the wider

development of ideas, the taking of evidence to support policy development and is also a formal decision-making setting.

In addition to the legislative links forged between mayor and the full council in regard to the policy framework and the budget, the office of the mayor and council form an integrated part of the policy process. The mayor will take issues to full council for consideration and debate before decisions are made and in this way test out policy or decision proposals and is able to gauge the views of full council before action is taken. Overview and scrutiny committees play a similar policy orientated role to that of the council. The mayor has been careful to engage overview and scrutiny and full council in the processes of forming and informing policy and decision-making, as a positive addition to the process, rather than council and overview and scrutiny being marginalised and seeing themselves as somehow in opposition to the mayor. The key to this process has been a co-operative approach between mayor and overview and scrutiny with the latter involved before decisions are made (as and when felt appropriate by the mayor), rather than being left to examine decisions after they have been made.

The office of directly elected mayor sits at the strategic centre of the council's policy process, but it also has a vital role in providing political leadership to the wider community in Lewisham. The mayor of Lewisham is not solely focused on the internal running of the council, but has his sights firmly set on the wider political, social, economic and governance concerns beyond the confines of the council itself. The mayor has placed priority on the development of the networks of governance that impact on Lewisham and on ensuring the long-term stability and durability of those relationships. Health organisations, the police, community groups and those involved in the LSP are amongst those external organisations with which the mayor has sought to forge sustainable links. Whilst the focus of the mayor can be turned outwards towards the community by the wording and content of the constitution, placing emphasis on a broad interpretation of the mayoral role as being beyond the confines of the council's own activities, is as much a personal choice to be made by the mayor concerned.

4.7 Conclusion

These case studies illustrate how councils are using their constitutions to address major issues at the heart of democratic renewal and high quality service delivery. They show that constitutions fit into a broader picture of local governance and are one of the resources available to councils in representing their communities. The lessons are as relevant to alternative arrangements councils as they are to those with executive constitutions. The key lessons for developing good practice are set out below (figure 14).

Figure 14 Integrating constitutions with the wider agenda – lessons for councils

- The importance of partnership working means that councils need to address the ways in which their political and managerial structures and processes link to the LSP and community strategy.
- Alignment of cabinet roles or policy committees (in alternative arrangements councils) and overview and scrutiny committee remits with community plan priorities provides a visible demonstration of this integration.
- The value of local democracy places a premium on community engagement in decision-making, in both executive and alternative arrangements constitutions.
- Councils should think creatively about ways in which community consultation can be related to the decision-making and review process, engaging executive or policy-committee members, overview and scrutiny members, and members in their ward role.
- Community engagement and partnership working can also be supported through the effective design of area arrangements, which have the potential to take a lead in developing mini-community strategies for their particular locality.
- Shared ownership of the broader goals of democratic engagement and renewal can provide an important context for effective cross-party working within the new constitutional arrangements. It is also important in ensuring that members gain satisfaction from their role as elected representatives of the community.

However well councils address these issues, constitutions will need to be adapted and developed over time. In the next chapter we discuss how councils are going about reviewing their constitutions and what the key choices are that face them in sustaining an effective set of constitutional arrangements.

CHAPTER 5

Sustaining constitutional effectiveness

The examples in this report show how some councils have used the basic template provided by the legislation to develop constitutions that enable them to address the major questions that they face in stimulating and enhancing local democracy. In this chapter we discuss ways in which councils have gone about reviewing their constitutions and the central choices that face them in sustaining effective local democratic practices.

5.1 Reviewing the Constitution

Constitutions provide the framework for the democratic process in councils. But like any framework it is important to review its effectiveness and adapt it to meet the council's objectives. A number of councils have recently undertaken reviews of their constitutions, using a variety of methods.

Member-led review of the constitution – Hackney LB

The London Borough of Hackney formed a member-working group to examine the workings of the constitution in light of the direct election of the executive mayor. The group has held a number of regular meetings and has commissioned an independent organisation to conduct a series of research activities amongst members, the public and staff, to assess the way in which the constitution is currently working. The group will consider the results of the research before reporting the findings to the council. The process here is member driven and designed to involve all party groups in the review and in making proposals for change.

Constitutional Review through the Standards Committee – Wiltshire CC

Under the constitution of Wiltshire County Council, the council's standards committee, supported by the monitoring officer, is responsible for keeping the working of the constitution under continual review. The council has taken the bold step of allowing a committee with a majority of members independent from the council to monitor the way in which the constitution is working. The committee composition is two councillors and four appointed independent members. The review process operates on two levels. First, a continual review over the course of the year is maintained as members, officers and the public are able to feed to the standards committee any minor matters connected to the working of the constitution. The committee considers any issues and suggestions for minor revisions to the constitution raised throughout the year, and reports are made to the council as necessary.

Second, it is the standards committee that conducts any major reviews of the constitution considered necessary, like that undertaken in late 2002 and early 2003. Here the committee operated to a project plan with deadlines set for specific phases of the review. It was not, however, driven by the existence of a timetable and where more or less time was required on certain aspects of the review a flexible approach was taken.

The council, via the standards committee, commissioned an independent market research company to carry out a number of interviews and focus groups and to conduct a questionnaire survey of members of the public to test levels of interest in council affairs. One to one interviews were conducted with the leader of the council, leaders of the political party groups, the chief executive and chief officers. Focus groups were held with members of the cabinet and members of the Conservative, Liberal Democrat and Labour party groups. Indeed, throughout the process, members have been free to contribute to discussion at any stage. In addition, members of the public that had contacted the council concerning constitutional matters since the new arrangements had been put in place were also invited to a meeting to discuss the workings of the constitution.

Throughout the consultation period the constitutional review was a standing item on the agenda of every standards committee meeting and was also the subject of a number of single-item agenda. The monitoring officer presented the results of the consultation exercise in the form of a report to the standards committee. The committee had originally intended to produce a report and set of recommendations for the annual council meeting in May 2003. As the research progressed, however, it was felt that there was no need to be driven by the date of the annual meeting. Rather, the review should be allowed to take its course in the depth required and over the time period necessary to ensure a full exploration of the issues. The intention is to link the review to the development of the community development plan and the two processes are being drawn together.

The approach taken by Wiltshire County Council is based on the notion that a constitution is a dynamic document designed with a specific purpose to meet specific political requirements. As such, in developing a constitution those involved, 'may never get it exactly right', but that continual monitoring and review ensures that the constitution becomes a document at the centre of council affairs, rather than something which once produced, enables another box to be ticked.

Other approaches to constitutional review are possible. The key message, however, is to design a system that will enable the council to put the local democratic agenda at the heart of the process. Reviewing the constitution is about enabling ways in which local democracy can flourish and should not be undertaken for its own sake.

5.2 Strategic Choices for Council Constitutions

Underlying the provisions of the Local Government Act 2000 are a series of principles of good decision-making. Although all these principles are important it is likely that the constitutions introduced by local authorities will in effect prioritise one or more of these principles. The examples in this report show that some councils are adopting a more strategic approach to the design and interpretation of their constitutions. They identify their priorities in advance and then work through the implications for the important operational choices involved in the design of constitutions.

Good practice in council constitutions, therefore, is specific to the strategic direction taken by the authority. Thus in certain circumstances, individual decision-making responsibilities for cabinet members may constitute good practice; in others not so. In certain circumstances a separation out of policy advisory committees (attached to the cabinet) from the formal overview and scrutiny machinery may reflect good practice, but not in others. This section is an attempt to help authorities consider such issues in a proactive way and reach conclusions which fit their particular circumstances.

Three types of choice are discussed:

- strategic choices about the priority given to the different principles of good decision-making.
- operational choices which reflect the above priorities, applied to the specific opportunities available in the development of constitutions.
- strategic choices which explicitly link the above elements within a coherent philosophy of ‘democratic renewal.’

5.2.1 Principles of Good Decision-making

The principles of good decision-making first identified in the 1998 White Paper were speed and efficiency, accountability and transparency of decision-making. During the passage of the Bill through the House of Lords, two further principles were added – inclusiveness and openness. Although these principles have never been precisely defined, their ‘common sense’ meaning has always been reasonably clear. As the experience of local authorities in implementing the 2000 Act has developed, however, it has become possible to attach more precise meanings to these terms (figure 15).

Figure 15 Defining principles of decision-making

Speed – the time taken between identifying that a decision needs to be made and the formal taking of that decision.

Efficiency – the likelihood that the decision concerned is the most appropriate one, because of the thoroughness with which the alternatives are evaluated and that the links between decisions are properly addressed (effectiveness (or cohesiveness) is perhaps a better term here).

Openness – the level of accessibility (of all members, and the public) to the decision-making process – agendas, debates concerning the decisions, and a post-hoc record of the decisions.

Transparency – the ability to identify who (individually or collectively) is responsible for a decision and the grounds on which it has been made (and hence who can be held accountable).

Accountability – the extent to which decision-makers have to provide justification in public for decisions they have made (or intend to make). There are several other concepts of accountability but this is the one that is most relevant to the new political structure for the non-executive members of the council.

Inclusiveness – there are three distinct senses in which the concept of inclusiveness has come to be relevant to the operation of the new political management structures:

Member Inclusiveness – the extent to which the operation of the new arrangements provide satisfying roles;

Public Inclusiveness – the extent to which the operation of the new system provides opportunities for public involvement in decision-making;

Partner Inclusiveness – the extent to which the authority involves key local partners (or stakeholders) in its decision-making processes.

There are potential tensions between these principles, as we discussed in the first chapter. Consequently all authorities have to weigh the value they give to different principles. In doing so they will all either explicitly or implicitly be undertaking a process of prioritisation amongst the key principles. The identification of different ‘lead principles’ (or starting points) has significant implications for choices about structures and processes. For example:

- authorities with a particular commitment to community leadership (or partner inclusiveness) are likely to structure their internal arrangements around the work of the Local Strategic Partnership and the priorities of the Local Community Strategy.
- authorities with a particular commitment to member inclusiveness are likely to provide a wide range of opportunities for non-executive members to influence the work of the

executive (eg policy advisory committees) and to introduce some form of area arrangements.

- authorities with a particular commitment to public inclusiveness are likely to provide opportunities for the public to influence executive decisions (through the ‘user-friendly’ operation of the forward plan, public involvement in scrutiny committees and the opportunity for public question time at council meetings).
- authorities with a particular commitment to effectiveness of decision-making are likely to develop an approach to the forward plan which enables pre-decision scrutiny to be carried out on a regular basis, and a call-in procedure which facilitates open debate about contentious decisions (whilst excluding unsubstantiated challenges).

What is also apparent is that a commitment to a particular ‘lead principle’ (eg public inclusiveness) carries with it associated danger that other key principles (eg speed of decision-making) will be adversely affected.

5.2.2 Operational Choices of Structure and Process

Operational choices about structures and processes in a particular authority should follow from a strategic choice about priorities. The reality is that operational choices of this nature have often been made in a more arbitrary way. The scope for such operational choice in relation to the new executive arrangements is wide-ranging, as noted in the introduction. A number of choices are particularly important:

Choice of executive model – eg transparency is most strongly emphasised in the mayoral executive models and least so in the fourth option.

Size of cabinet – eg a large (maximum 10) cabinet contributes to inclusiveness (particularly in relatively small authorities), whilst a relatively small cabinet is more conducive to effectiveness of decision-making.

Definition of cabinet portfolios – eg cabinet portfolios organised around community strategy priorities are likely to contribute materially to community leadership (or partner inclusiveness); whereas portfolios organised around services enhance the opportunities for accountability (if matched by parallel overview and scrutiny committees).

The balance between collective and individual decision responsibilities within the cabinet – eg a high degree of individual decision-making responsibilities are likely to contribute to the speed of decision-making (and will certainly enhance transparency) whilst a wholly collective approach will facilitate the cohesiveness aspect of effectiveness.

Political composition of cabinet – eg an all-party cabinet (particularly in a situation where one party has an overall majority) contributes to member inclusiveness, but may limit transparency and also limit opportunities for accountability. On the other hand, a one-party cabinet will usually facilitate speed (and cohesiveness) of decision-making, but may

(depending on the way it operates) be less conducive to openness and effectiveness (open debate about options).

Roles for overview and scrutiny – there are a range of different roles which overview and scrutiny can play. The key choice here is the balance between ‘holding the executive to account’ (which potentially strengthens accountability) and ‘supporting the work of the executive’ (which potentially strengthens ‘member inclusiveness’).

Definition of overview and scrutiny committees – definitions that match the definition of cabinet portfolios strengthen the opportunities for accountability (and also effectiveness). Definitions that reflect cross-cutting issues strengthen the opportunities for community leadership.

Separation out of policy advisory committees – it is possible for local authorities to separate out the ‘policy support’ for the executive role of overview and scrutiny. This initiative potentially facilitates member inclusiveness (particularly for majority party members, if membership is restricted in this way) but may restrict openness.

Choice of area arrangements – a decision to establish area committees with devolved decision-making powers facilitates the achievement of member inclusiveness, whereas a decision to establish area forums dominated by local people, with a channel of influence to the executive facilitates the achievement of public inclusiveness.

The role of the council meeting – the opportunity for non-executive members to question members of the cabinet facilitates the objective of member inclusiveness. A similar opportunity for members of the public contributes to public inclusiveness. The staging of debates on major cross-cutting issues, with external involvement contributes to community leadership (partner inclusiveness).

The operation of the forward plan – the use of the forward plan as a vehicle for identifying issues for pre-decision scrutiny contributes to member inclusiveness (and arguably also effectiveness). A definition of key decisions which is relatively narrow in nature may contribute to the speed of decision-making but at the expense of effectiveness (and openness); a relatively wide-ranging definition of key decisions contributes to both these objectives.

5.2.3 Strategic Approaches to Democratic Renewal

The third element in the ‘strategic choice’ approach is the challenge of synthesising strategic choices about priorities of decision-making principles and operational choices regarding structure and process into a coherent overall philosophy of democratic renewal.

Five illustrations of possible responses to this challenge are provided below. In each case they identify a priority principle and develop the implications of this principle for the range of choices regarding structure and process. These ‘ideal types’ should be seen very much as illustrations. It is the process of informed choice that is important rather than the detail contained in the illustrations.

5.3 Illustration (1): ‘Community Leadership’ Priority

Philosophical starting point: ‘The most important task facing this authority is to work with its partners (through the LSP and other mechanisms) to develop and review a medium-term vision for the locality (community strategy) which identifies and responds to the major ‘cross-cutting’ issues facing it, in a co-ordinated way. Service quality is in itself important but basic services should be designed ‘and implemented in such a way as to contribute directly to the Community Strategy agenda.’

Under this philosophy, the Community Strategy agenda becomes the dominant defining organisational principle. It is perhaps particularly likely in authorities which have achieved a ‘good’ or ‘excellent’ CPA rating, and are less prone to external inspection of services over the next few years. Bournemouth provides the closest approximation to this approach amongst the case-study authorities discussed in this report.

The following operational choices would be consistent with this approach:

- An all-party cabinet, even where one party has a majority (reflecting the search for consensus associated with the LSP machinery).
- Cabinet portfolios which reflect Community Strategy priorities.
- Clear linkages between cabinet agendas and LSP agendas.
- Majority (if not all) cabinet decisions taken collectively, to reflect the need for a co-ordinated approach to the community leadership agenda.
- High level of delegation of decisions about services to officers (or perhaps to area committees).
- Key decisions subject to pre-decision consultation with relevant partners.
- Overview and scrutiny committees defined in terms of Community strategy priorities.
- Primary task of overview and scrutiny committees is to develop and review policies germane to the Community Strategy agendas and to advise the cabinet accordingly. Co-optees from partner organisations are involved in this process.
- Key feature of council meetings are ‘open debates’ on community strategy issues, with participation from partner organisations.
- Public participation focused on community strategy, including a bottom-up input, through area forums/area committees.

There are of course dangers in emphasising the community leadership principle (or indeed any other) in that other important principles may become neglected. In the above case, the

most vulnerable areas are the sustaining of service quality and the need for internal accountability in relation to the service responsibilities of the council. Compensating mechanisms would be required, including perhaps a cabinet portfolio covering service quality (or a subsidiary service responsibility for each cabinet member) and a scrutiny committee with specific responsibility for reviewing service decisions including those delegated to officers (subject to a defined level of ‘decision significance’).

5.4 Illustration (2): ‘Service Quality’ Priority

Philosophical starting point: ‘The most important task facing this authority is to improve the quality of its basic services. For the moment community leadership and LSPs are a secondary consideration. The activities of cabinet, overview and scrutiny and full council should all be focused on this task.’

This starting point, which is most likely in authorities which have achieved ‘poor’ or ‘weak’ CPA ratings, takes the services which are the responsibility of the authority as its starting point, particularly those with the worst ratings in the CPA exercise.

The following operational choices would be consistent with this approach:

- One party cabinet (where feasible) or coalition reflecting the need for decisive action.
- Cabinet portfolios based on service areas.
- Delegated responsibilities within cabinet emphasising need for political oversight of individual service areas.
- Mechanisms for political overview of service decisions delegated to officers.
- Overview and scrutiny committees defined on a service basis, matching responsibilities of cabinet members, and concentrating on ‘in depth’ Best Value reviews of underperforming service areas and performance monitoring.
- Council meetings place emphasis on the policy framework, striving to ensure that it provides a good basis for service improvement.
- Public participation focused on ‘service users’, using a wide range of mechanisms (including input to Best Value reviews, co-option on to overview and scrutiny committees) to improve service responsiveness.
- An low-key approach to the Community Strategy which concentrates on improving co-ordination between council services and those provided by partner organisations.

The dangers of an over-emphasis on ‘service quality’ are the antitheses of those associated with community leadership. It is important that community leadership is not neglected (as opposed to not prioritised). There would be advantages, for example, in using the scope available in cabinet meetings (given the level of individual responsibilities for cabinet members) to include discussions of cross-cutting issues (and related input to the community strategy process), perhaps giving one cabinet member lead responsibility for this

area of concern. There would be advantages too in incorporating investigation of relevant cross-cutting issues in the role of one overview and scrutiny committee. Council meetings could also include scope for major debates on issues of wider concern, involving external agencies.

5.5 Illustration (3): Strong Accountability Priority (‘Separation of Power’)

Philosophical starting point: ‘Democratic renewal is only viable if the centralised power of the executive is balanced by a strong and independent scrutiny system, together with a range of other opportunities for holding the executive to account.’

Of the case-study authorities discussed earlier, Blackburn and Darwen provide the most explicit example of the use of this priority as a starting-point. The need for powerful internal accountability mechanisms pervades much of their approach.

The following operational choices would be consistent with this philosophy:

- Single party cabinet to clarify responsibility for executive decisions (transparency).
- Individual decision-making responsibilities within cabinet (similar justification).
- Clear responsibilities within cabinet for executive decisions
- Development of a ‘user-friendly’ forward plan with a wide-ranging definition of key decisions and scope for ‘pre-decision’ scrutiny by the overview and scrutiny system.
- Clear justification to be given for all cabinet decisions (and for all responses to overview and scrutiny recommendations).
- Matching responsibilities of cabinet portfolios and overview and scrutiny committee definitions.
- Positions of lead responsibility within overview and scrutiny to be shared by all parties (and skewed towards opposition parties).
- A role emphasis within overview and scrutiny of ‘holding the executive to account’ facilitated by clear guidelines for ‘call-in’ (and a predisposition to use this facility).
- External representation on overview and scrutiny committees.
- A slot at each council meeting for executive members to be questioned by non-executive members and members of the public.

It is clear that ‘strong accountability’ (as a lead priority) is strengthened by a related commitment to ‘transparency’ and openness. The main dangers of this approach are that insufficient attention is paid to the scope for overview and scrutiny to support the executive in its policy development role, and that the speed of decision-making is slowed down by the

number of interventions made in the name of ‘accountability’. The former concern could be addressed by setting up separate ‘policy advisory groups’; the latter by clear guidelines for intervention, which require justification.

5.6 Illustration (4): ‘Public Involvement’ Priority

Philosophical starting point: ‘The essence of democratic renewal lies in a heightened level of public interest and involvement in the activities of a local authority. Every opportunity should be taken within the new political management structures and in the Community Strategy process to encourage and facilitate public involvement’.

There are elements of this approach in the Halton, Blackburn and Darwen and Barnsley case studies given earlier.

The following operational choices would be consistent with this approach:

- An attempt to generate real discussion in cabinet meetings (even if it is a one-party or coalition cabinet) to generate public interest.
- Overview and scrutiny agendas respond to issues of real public concern (using local media opportunities to identify such issues).
- Overview and scrutiny reviews maximise opportunities for public involvement through co-option, evidence from user groups and residents etc.
- Area committees established with maximum delegation of decision-making responsibilities, working with area forums (constituted on as representative a basis as possible) which ‘advise’ the area committees.
- Public question time at council meetings organised in a way that minimises the pressures for members of the public.
- Community strategy operates from the bottom up, as well as from the top down, with local area-based partnerships set up to develop local priorities and local visions.
- Visibility of decision-making process maximised through ‘user-friendly’ forward plan and records of executive decisions (including those delegated to officers) – with justifications – available in a variety of forms.
- Location of council meetings (and overview and scrutiny meetings) moved away from town hall to other localities when a topic of local interest is being considered.

The dangers of an over-emphasis on public involvement is that it may slow down the decision-making process, and the effectiveness of decisions may be compromised (especially coherence and inter-relationships). Compensating mechanisms need to be introduced to guard against these dangers (eg time limits for participation exercises).

5.7 Illustration (5): ‘Member Inclusiveness’ Priority

Philosophical starting point: ‘The key requirement of democratic renewal is to ensure that all members of the council are genuinely involved in the decision-making process and that the dangers of ‘elite government’ are minimised. A wide range of opportunities should be sought to promote meaningful roles for non-executive members. The executive/non-executive split should be downplayed, and the role of the council as a whole emphasised.’

This starting point is most likely in authorities where there is a tradition of co-operative all-party approach to decision-making. Both the Barnsley and Blackburn and Darwen case studies include evidence of a priority of this nature.

The following operational choices would be consistent with this approach:

- An all-party cabinet (if political circumstances make this feasible) to ensure that all parties (at leadership level) are formally involved in decision-making.
- The establishment of Policy Advisory Committees – working with individual cabinet members – to provide opportunities for a wider range of members to become involved in the policy development responsibilities of the cabinet.
- The establishment of area committees with clear responsibilities and budgets.
- Ward profiles to strengthen the effectiveness of local representative and local advocacy roles.
- Emphasis at council meetings on member question-time, with opportunities to question cabinet members (including scope for supplementary questions).
- Differences of view between cabinet and overview and scrutiny referred to full council for debate.
- Scrutiny chairs allocated on an all-party basis, and overview and scrutiny developed as an aid to executive decision-making.
- Individual ‘member champion’ roles established for area of concern of particular interest to individual members.

The dangers of an over-emphasis on member inclusiveness include a lack of transparency (especially if the all-party cabinet acts as a vehicle for a majority group to push through its priorities) and a blurring of accountability because of a limited emphasis on ‘holding the executive to account’. Compensatory mechanisms need to be introduced (eg on individual scrutiny committee with a specific ‘accountability’ brief).

5.8 Conclusion

The models are intended to illustrate the scope for choice in interpreting the requirements and opportunities of the Local Government Act 2000, not to channel it into specific

options. The likelihood anyway is that most authorities would wish to combine elements from the different 'ideal types' set out. What is important is the process of developing a strategy for democratic renewal which makes judgements about the priority to be given to different principles underpinning the new arrangements. This then links to the operational choices regarding the different elements of the structures and processes.

The basis, however, needs to be a coherent philosophy of democratic renewal specific to the political and organisational culture of the authority concerned and the community in which it is located. This is at the heart of effective local government. In order to achieve this, a number of good practice lessons emerge from this chapter (figure 16).

Figure 16 Good practice lessons on sustaining constitutional effectiveness

- Recognise that the goal is local democratic renewal – constitutions are a means to an end.
- There is significant flexibility in the way many aspects of the new constitutions can be applied – these provide opportunities for councils to exploit.
- Councils now have experience in operating new constitutions; the time is appropriate for debate and deliberation around the principles underlying new constitutions – this will help them refine their processes, culture and structure in line with local conditions and priorities.
- Constitutional review can be undertaken in various ways – but it is important to remember that the purpose is to smooth the way the council operates in order to strengthen local democracy.
- The focus on local democratic gains means that the public and partners need to be an integral part of any review process.
- Constitutions are closely linked to other aspects of the modernisation agenda – and so changes and developments should have a positive effect overall.

APPENDIX 1

Summary of Good Practice Examples and Their Relevance to Constitutional Forms

This table sets out the detailed good practice examples highlighted in the report. Examples from other councils are also provided within the text in less detail.

Example	Council	Relevance to Constitutional Form			Page No.	
		Executive Forms		Alternative Arrangements		
		Leader & Cabinet	Mayor & Cabinet			Mayor & Council Manager
ELEMENTS OF THE CONSTITUTION						
Full Council						
Opening up the Meeting to Questions	Blackburn with Darwen BC	✓	✓	✓	✓	21
Single-issue Council in Seminar	Barnsley MBC	✓	✓	✓	✓	21
The Executive						
Individual Decision-making	West Sussex CC	✓	✓			24
Cross-party Cabinet	Mid Bedfordshire DC	✓	✓			25
Power-sharing Cabinet	Worcestershire CC	✓	✓			26
Members as Policy Advisers	West Sussex CC	✓	✓			27
Members as Assistants to Portfolio Holders	Worcestershire CC	✓	✓			27
Overview and Scrutiny						
Call-in Pro-Forma	Camden LB	✓	✓	✓	✓	32
Separating Overview and Scrutiny	Lewisham LB	✓	✓	✓	✓	33
Single Committee in Alternative Arrangements	East Cambridgeshire DC	✓	✓	✓	✓	35
Working with Partners on Overview and Scrutiny	Bexley LB	✓	✓	✓	✓	36
Scrutiny Triumvirate	Leicester City Council	✓	✓	✓	✓	36
Cross-Party Working on Scrutiny	Bexley LB	✓	✓	✓	✓	37
Focused Reviews	East Northamptonshire DC	✓	✓	✓	✓	40
The Area Dimension						
Area Forums	Barnsley MBC	✓	✓	✓	✓	42
Roles for Area Committees	Warwickshire CC	✓	✓	✓	✓	42
District Assemblies	Tameside MBC	✓	✓	✓	✓	43
Funding and Area Committees	Kirklees	✓	✓	✓	✓	43
Transparency and Accountability						
Key Decisions – Financial Thresholds	Newham LB	✓	✓	✓		49
Key Decisions – Community Impact Definition	Southampton City Council	✓	✓	✓		50
Key Decisions – Wider Significance	Northumberland CC	✓	✓	✓		50
Key Decisions – Consultation	Hammersmith and Fulham LB	✓	✓	✓		52
Decision-making – Principles	Lewisham LB	✓	✓	✓	✓	54

continued

Summary of Good Practice Examples and Their Relevance to Constitutional Forms (continued)

Example	Council	Relevance to Constitutional Form				Page No.
		Executive Forms			Alternative Arrangements	
		Leader & Cabinet	Mayor & Cabinet	Mayor & Council Manager		
MEMBER ROLES						
Executive and Non-Executive Councillors						
Role of Executive Assistants	Northumberland CC	✓	✓			57
Executive Support Roles	Tameside	✓	✓			59
Developing a Service Expertise	Dorset CC	✓	✓	✓	✓	59
Member Involvement in Best Value	Guildford BC	✓	✓	✓	✓	60
Hybrid Model for Alternative Arrangements	North Warwickshire BC				✓	61
Non-Executive Members and Area Arrangements	Warwickshire CC	✓	✓	✓		62
Resources for Councillors						
IT & Communications Support	Tynedale DC	✓	✓	✓	✓	67
IT Support Packages	Blackburn with Darwen BC	✓	✓	✓	✓	68
Developing Councillors						
Whole Council Involvement in Community Strategy	Wealden DC	✓	✓	✓	✓	69
CONSTITUTIONS & THE WIDER MODERNISATION AGENDA						
LSPs and Community Strategies						
Integrating Community Plan Priorities and Council Responsibilities	Bournemouth	✓	✓	✓	✓	72
Decision-making through Community Consultation						
Community Consultation Process on Transport Schemes	Halton	✓	✓	✓	✓	74
New Constitutions and Enhanced Democratic Engagement						
Scrutiny Commissions	Barnsley MBC	✓	✓	✓	✓	76
Area Forums to Increase Community Engagement	Barnsley MBC	✓	✓	✓	✓	77
Cross-cutting Issues						
Cross-cutting Issues in Alternative Arrangements Structure	East Cambridgeshire DC				✓	78
Politically Inclusive Councils						
Building a Politically Inclusive Council	Blackburn and Darwen BC	✓	✓	✓		79
Mayoral Constitution and Council Integration						
Integrating the Council	Lewisham LB		✓	✓		80
SUSTAINING CONSTITUTIONAL EFFECTIVENESS						
Reviewing the Constitution						
Constitutional Review via Member Working Groups	Hackney LB	✓	✓	✓	✓	83
Constitutional Review via Standards Committee	Wiltshire CC	✓	✓	✓	✓	84