



Kirklees Democracy Commission

Summary notes from the meeting held on 28 September 2016

Present:

Dr Andy Mycock
Cllr Andrew Marchington
Cllr Gemma Wilson
Cllr Eric Firth

In Attendance:

Carl Whistlecraft, Spencer Wilson, Diane Sims and Helen Kilroy

Witness:

Ed Hammond is CfPS's Director of Local Accountability. He leads on research on devolution, and provides practical support to councils on how the devolution process can be made more accountable and transparent. He is also involved in working closely with the Local Government Association to assist councils experiencing governance difficulties, or challenges associated with major change and transformation.

In 2016 Ed is also involved in supporting work on local democracy being organised and trialled by a range of local government officers, councillors, community activists and others.

Summary of Discussion

Governance, Accountability and Decision Making

Ed explained that, in the context of Executive decision making, he felt that scrutiny and other mechanisms provide opportunity for more councillors outside of the Executive to engage in policy development. The culture, behaviour and attitudes of the authority determines the effectiveness of Councillors in this area. Ed confirmed that there is an enormous amount of variance within the three options of governance models available to councils. There are three main options within which there is scope for variance e.g. Cabinet models with consensual approaches to policy making; the traditional scrutiny role in policy development and the committee system model. The principle of bringing more councillors into the decision making process (especially through scrutiny) makes the decision making process more robust where it is done well.

Ed believes that no one model is better than another as it strongly depends on Leaders, Councillors and the culture within particular authorities. It is not possible to draw conclusions on a national basis, but more important to place an onus on Councillors and communities to determine what will work in a particular council. It is not possible or advisable transpose one approach.

Ed explored the merits of a committee system model in the context of both pace and the opportunity it provides to engage more councillors in decision making. Ed explained that whilst such a model can improve access to information and influence, this could equally be achieved

under a Cabinet model. The important considerations in respect of governance change is that Councils should reflect on what they do which will force thinking on wider issues about democracy and decision making THEN think about structures, processes and models.

In the context of the above set out the strengths and weaknesses of the committee system

Strengths:

- An opportunity for more Councillors to be involved in the formal act of decision making;
- It encourages a more formal and reliable approach to business planning. The Cabinet system can result in a sloppy approach to decision making;
- Officers need to think more carefully about how you involve and brief Councillors.

Weaknesses:

- It doesn't always deliver a consensual approach. Committee systems can still deliver dictatorial approaches. Committee chairs can / will continue to manage the work and the discussions.
- The need for political safety valve which works against the opportunity to have a balanced decision making system.

Ed explored the ways in which party politics is played out in different governance models. He explained that this is almost wholly determined by leadership, individuals and culture which can pervade over a long period of time. Leader / Cabinet models can deliver "one party states" in the same way that they can equally deliver consensual approaches. Ed explained that Councils have strong institutional memories which mean that politics can express itself in unpredictable ways. Ed acknowledged that such situations do affect the relationship with the public as it informs and influences how both councillors and senior officers behave. Over the last decade there is a growing acknowledgement of the need to go out and have conversations with communities. This culture change has coincided with greater officer movement between councils, which means the dominant and traditional officer culture begins to break down

In terms of the public perception of Cabinet and the decisions that it takes Ed acknowledged that it is a challenge to foster a wider understanding of the context of difficult decisions and facilitate a wider awareness. Ed explained that some councils have sought to grapple with this e.g. budget consultation tools although it is important to recognise that Councillors are elected to develop a strategic sense of the community but the public do not see those nuances. It is important not to expect too much of the public in this context. On one level it is about a long term conversation about the issue and how the conversation is framed, but residents need to be willing to have this level of engagement which can be often intangible or esoteric. Ed acknowledged that the public need to understand the limitations in local democracy although the wider context means that councils appear to be managing decline when ideally they should be getting people engaged about a brighter future.

Ed explored the extent to which engagement with communities results in better decisions and acknowledged that a commissioning approach requires this, but for other things Councillors are elected to do just that as part of day to day ward work. Councillors will be influenced by those conversations and be influenced by political activity in their wards. Officers do not see this informal work and engagement which is an issue in the context of this discussion.

Ed went onto discuss the extent to which public engagement is helped or hindered by the approach used by councils, in particular the documentation and language used. Officers should write for ALL audiences - there should not be an internal and a public version. We cannot expect the public to engage if they do not understand what they are reading. Ed explained that central government

is improving in this area (see GOV.UK Portal). Furthermore, language can sub-consciously frame the questions to the public in a way that suits the needs of officers which means the public have to accept the assumptions made in order to be able to engage. Changing this requires a more informed public who can engage with the more complex conversations. One way to address this is through the utilisation of citizens' juries / assemblies which allows more detailed and informed discussions around the options, although these approaches are resource intensive. More generally this relates to the wider issue of civic participation and engagement generally.

Ed discussed the public perception that councillors are not effectively held to account for the decisions they take. Generally there is always scope for improving approaches at communicating and engaging although it is important to accept that this does not necessarily need to have scientific validity. We should be prepared to accept that it cannot be scientifically perfect and do more. Traditional approaches to communication (i.e. where councils try to bring residents round to their way of thinking) will become more problematic, remote and unaccountable. It is important to build a consensus moving forward which means councils cannot always keep its 'comms card' close to its chest. There will be a greater need for councils to be brave and more creative in the ways that they communicate with the public.

Regional Devolution

Ed explored the wider implications for governance and accountability in the context of devolution, the Combined Authority and the potential move to a Mayoral model. Ed explained that it is important to bear in mind that in creating a Combined Authority you are not creating another tier of government. On the hand that is good but it does present a challenge for local governance and accountability. There clearly needs to be strong governance, but it cannot be as simple as transposing local systems to a Combined Authority level because the nature of joint decision making will be different, complex and messy. It will be important to recognise this and ensure that information and data is fed into the process in a way that is open in order to facilitate the involvement of more people in civil society (including Councillors) to provide challenge and hold to account decision makers.

Ed explained that the regional deal making process has so far made it easy to be secretive, whereby the formal process has been negotiated for the most part in private. In many respects the need for pace means it is difficult to see how deal making approach will change. Ed explained that there are ways to get a wider range of people to help frame specific proposals to government but there is not space for this approach in terms of the wider deal. In terms of local areas and accountability, there will be a need for strong connections between local scrutiny and the Combined Authority. This link will facilitate the exertion of a strong and effective challenge as will the need for Leaders to challenge and bring that back to their local authority.

Ed further explained that Leaders will need to be able to share data and information back in their own councils and with their councillors in order to go back to the Combined Authority and make decisions. The challenge is that here is not a history of this in most areas which makes deal making more complex and challenging as years of work is condensed into what often amounts to only eight weeks. It is for this reason that the iterative nature of deal making is important. Over time deals will become more proactive and will be based more on public needs and local visions, which will result in areas putting forward more provocative, ambitious and evidence based bids to government.

Ed recognised that the level of public engagement and consultation in respect of devolution needs to recognise that the public are not interested in governance structures at sub-regional level but are interested in outcomes. This is how the dialogue should be framed and this is the way to involve

and engage the public. Such an approach is an effective “way in.” Ed acknowledged that so far consultation has focussed on the statutory requirements, which by its nature is mechanistic. That said the iterative nature of devolution provides the solution to this as there is space and time for this to happen. Ed explained that devolution will be a slow process as it seeps into the public consciousness. It is a long term game which over time will develop.

Ed explored the challenges and tensions that exist between strategic thinking regionally and the implications for individual local authorities who may not get the resources. It was acknowledged that this is the central challenge and requires an acceptance that not all will benefit all the time. This will require the need to look at the broader sweep of the work and collectively recognise that benefits don't stop at artificial borders, as they spread across the wider region. Ed recognised that politically this will be difficult. In this context Ed recognised that geography and identity is one of the most challenging points, with recognition that there will never be a perfect boundary. In light of this it is likely that there will be a ‘messy’ approach in the interim where border areas will get an overlap of joint working. This needs to be acknowledged by central government although there needs to be an acceptance that this will be messy. Ed recognised that problems will inevitably arise if Government loses its appetite for devolution which makes it doubly important that all Council's need to be moving towards devolution. Over time, the more deals you do, the bigger the prize. It is therefore important to take small defined steps to deliver a long term vision and be driven by local areas.

Ed went onto emphasise the important implications for councillors and local decision making in the context of regional devolution. Governance needs to be designed in a robust way, whilst not creating a myriad of committees and boards. Within this context scrutiny needs to be able to flex, change and evolve to meet challenges. Overall devolution, if to be successful, must devolve powers all the way down to local communities. There has to be a driving role for individual councillors underpinned by strong links between the Combined Authority and local councils. The Combined Authority has a key role in providing a framework where local authorities can do things in a way that makes sense for them. Governance arrangements need to recognise this.