

Cabinet

Tuesday 15 June 2010

7.00 pm

Town Hall, Peckham Road, London SE5 8UB

Supplemental Agenda No. 2

List of Contents

Item No.	Title	Page No.
15.	Recommendations to Council Assembly on the Establishment of a Southwark Democracy Commission To request that the cabinet establish a Democracy Commission to consider changes to the council's constitution to make the council's democratic functions more open and engaging.	1 - 7

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Date: 8 June 2010

Item No.	Classification: Open	Date: 15 June 2010	Meeting Name: Cabinet
Report title:		Recommendations to Council Assembly on the Establishment of a Southwark Democracy Commission	
Ward(s) or groups affected:		Boroughwide	
From:		Cllr Peter John, Leader of the Council	

LEADER’S FOREWORD

The way in which Southwark Council and its elected representatives engage with the residents of our borough has to change. Too often we appear distant and disconnected from the concerns of ordinary residents, and changes which have been made to our structures and the way in which we operate as councillors have made it more difficult for the public to raise their concerns and hold us to account.

In order to address this problem Council Assembly agreed on 19 May 2010 that we create a Democracy Commission to consider the avenues of democratic engagement which the Council has with local residents.

For its first task the Democracy Commission will examine and fully review how Council Assembly can be changed to improve and increase democratic engagement with local people.

I hope that this report can be considered by Council Assembly in October 2010. It is important that as part of this process the Democracy Commission explores all of the ways in which Council Assembly operates; where it takes place; the rigidity of its procedures and how its debates and decisions are broadcast. I hope that its recommendations will be radical and far-reaching.

I have invited the other political groups on Southwark Council to nominate elected members to serve on the Democracy Commission. I hope that other interested parties will participate in its deliberations and give evidence to the Commission.

The work of the Democracy Commission provides a vital opportunity to change the way in which the public views Southwark Council. I look forward to receiving its report.

RECOMMENDATION(S)

1. That the Cabinet establish a Democracy Commission to consider changes to the council’s constitution to make the council’s democratic functions more open and engaging.
2. That the Democracy Commission be focused and task-based to increase its ability to deliver recommendations for substantive change and so that it can be delivered within existing budgets.

3. That the Democracy Commission's first task should be to consider reforms to Council Assembly,
4. That the Cabinet reports to Council Assembly that membership of the Democracy Commission in its initial phase of work will be a proportional body of elected councillors taking evidence from local residents and experts.
5. That the proportionality be divided as follows:
 - 4 Labour councillors
 - 2 Liberal Democrat councillors
 - 1 Conservative councillor
6. That the Cabinet reports to Council Assembly that the first full meeting of the Democracy Commission will appoint a Chair and consider and agrees terms of reference within the scope set out in paragraphs 16-26 below.
7. That the Cabinet recommends to Council Assembly that the first recommendations of the Democracy Commission, together with a review of the Commission and recommendations for future phases of work be presented to the Cabinet meeting of October 19 2010 and then the Council Assembly on October 20 2010 for agreement and implementation.

BACKGROUND INFORMATION

8. At its meeting on Wednesday May 19 2010 Council Assembly agreed:

That the cabinet be tasked with considering the following and bringing recommendations back to council assembly at a later date:

- That a Democracy Commission be established to consider the avenues of democratic engagement with the council for local residents.
 - That the Democracy Commission be specifically tasked with fully reviewing how council assembly can be changed to increase democratic engagement with local people.
9. Democracy commissions have been set up around the world notably over the past 20 years including at the European level in 1990¹, national level (Sweden in 2000 and Ireland in 2005) and at various local levels in the UK over the past 10 years.
 10. The role of democracy commissions varies. Their purpose is often given as assessing the strength and health of democracy at a given level and to make recommendations for improvement. Commissions vary widely in their scope, budget, the tightness of their terms of reference, and their membership. They also differ in their general approach and methods used both to collect input and its analysis.
 11. Council Assembly presents room for improvement in terms of public participation and engagement. Generally speaking public questions tend to be asked by a small number of individuals focused on the same subjects. Some Assembly

¹ the Venice Commission of the Council of Europe, formally called "The European Commission for Democracy through law".

meetings receive no requests for public questions. Likewise deputations tend to focus around similar subjects and are tightly constrained in the rules as to how they are conducted. These may not be the most effective methods of ensuring good engagement with the public. These and other issues could be fully explored by the Commission.

12. In the case of council assembly the public currently have the right to:
 - Attend and observe meetings except where the meeting discusses a confidential report,
 - Present a petition or ask their ward councilor to do this on their behalf,
 - Ask a public question,
 - Make a formal deputation,
 - See meeting papers and decisions including on the council website.

13. More broadly the council currently engages with the community in wide a range of ways including through:
 - its partnerships with the community and voluntary sector,
 - with the Southwark Alliance and its subgroups and thematic partnerships,
 - the ward councillors' work as vital conduits of information from the council to our communities and feeding issues, concerns and views back into the organisation,
 - meetings that are open to the public like community councils and other local meetings,
 - Overview and scrutiny reviews,
 - a substantial number of consultations some statutory like consultation on licensing, traffic or planning issues, and some discretionary,
 - increasingly through new technology like social networking as more and more people are interacting with the council online through e-mail, discussion forums and surveys. The council is now actively using social networking sites such as YouTube, facebook and flickr,
 - community engagement work with groups across the borough and delivering projects that enable increased participation and involvement of residents and others,
 - work with business initiatives and forums like the business improvement districts.
 - working with a number of community of interest forums such as the multi-faith forum or disability forum,
 - the local political process – voting, membership of political parties, becoming a councillor, making deputations, attending council meetings.
 - Work with other local Community Forums – e.g. Nunhead Forum, SE5 Forum, Bellenden Residents Network, etc.
 - Work with initiatives like the Active Citizens Hub that brings people together and empowers them to understand the system and get more involved in issues that concern them.
 - Tenants and Residents Associations providing another mechanism where local people come together to discuss issues of relevance in their local neighbourhood that go beyond housing management issues.

14. Some of the above mentioned initiatives aimed at engaging communities have been successful and externally endorsed for example:

- Southwark achieved a Green Flag in the CAA for “Involvement of local people and the voluntary and community sector in enhancing Community Cohesion” which the audit commission described as outstanding.
 - Southwark is a Beacon council (Cohesive and Resilient Communities) and the beacon judges singled out Southwark's partnership approach as one of its greatest strengths. The adjudication referred in particular to the highly advanced level of co-operation between the council and its partners in the statutory and voluntary sectors.
 - The borough's designation as a National Empowerment Champion by the Department for Communities and Local Government.
15. In spite of this there are still many people in Southwark who never engage with the Council or its partners. The reasons for this are complex and not unique to Southwark.

KEY ISSUES FOR CONSIDERATION

16. The Council Assembly agreed at its meeting of 19 May 2010 that the Democracy Commission be specifically tasked with fully reviewing how council assembly can be changed to increase democratic engagement with local people
17. The Council Assembly is an appropriate starting point for the commission's work because it is:
- the council's flagship meeting.
 - the only meeting where all 63 elected councillors come together to make decisions on key policies and hold the council cabinet to account.
 - like most council meetings open to the public and gives people an opportunity to address Councillors concerning issues of importance.
 - the most important public face for the strategic community leadership role of the council.
 - potentially a place where the council can clearly demonstrate and encourage its role as community leader.
 - an opportunity to provide the commission with a tightly defined and focused piece of work that has the potential to make significant changes to the way the council engages with the public and an opportunity to test, review and assess the working of the Democracy Commission before it moves on to other issues of how the council engages with the communities of Southwark
18. Once it is fully constituted the commission will determine its own terms of reference and establish a workplan for reviewing the way Council Assembly currently operates. The terms of reference should take into account the following findings of an officer desk review. The review looked at the experience of democracy commissions elsewhere suggesting that democracy commissions work best where:
- they have a very clear focus and a tightly defined set of terms of reference.
 - they deliver recommendations for practical changes/improvements that are implementable within a reasonable timescale. They are less effective where there are recommendations on issues that are constrained, for example by national legislation.
 - engage the wider public as well as elected councillors.

- focus on the role of councillors and the council as a corporate body as a community leader both at grassroots level and at a strategic level
19. The commission's choice of methods should take into account existing good practice and needs to be informed by related strategies already completed or underway in Southwark. To this end, a briefing pack will be presented to the commission at its first meeting. The pack will bring together good practice by other authorities, a mapping of past and present initiatives taken in Southwark to increase participation in assembly meetings across all service areas including communications. The briefing pack will also present methodologies and outcomes of the council's ongoing work on increasing participation at council meetings.
20. Although these points will be further developed in the briefing pack, in general terms of reference for the commission's work should bear in mind:
- i. The principles of good governance, openness, transparency and in particular the need for it to model good quality community engagement in the way it works bearing in mind that its purpose is to consider how to improve engagement with the council.
 - ii. The current and potential use of information, communications and broadcast technology including social networking to moderately or completely change the way business is done.
 - iii. The rights of the public and responsibilities of councillors and of the Assembly as indicated below.
 - iv. The existing channels for engaging the community in its work set out below.
 - v. Care needs to be taken to involve residents who are already engaged in some way in the decision making process as well as those who are not.
 - vi. The need to keep under review the officer and other resources required to support the commission's work within the context of increasing resource constraints on the council.
 - vii. The link between the Council Assembly and other decision making bodies.
 - viii. That there may be a need to take legal advice or to refer to other bodies on issues that concern legislative or constitutional matters. Generally the commission should be seeking means of engaging without significant legal implications.
21. It will be for the commission to consider how it will engage the public in its work and it is proposed that this is considered at its first full meeting but this may include the following methods:
- Calling expert witnesses to give evidence.
 - Commissioning desk research from officers bearing in mind the need to keep resource constraints in mind.
 - Ways of engaging with all 63 councillors on the council that may include workshops for councillors.
 - A small number of focus groups with a representative sample of Southwark people including those who attend and those who do not to consider their perceptions and what the current barriers are.
 - Use of the existing technology available to the council to carry out consultation for example simple questionnaires using the website and other forms of social media.
 - Use of existing networks, forums and other bodies to increase the efficiency with which it works.

- Piggy-backing on and other existing consultations where this is appropriate.

22. An outline timescale for the commission's work is set out in the following table:

Task	Deadline
Cabinet consideration of this report	June 15 2010
Nominations for membership of the commission sought from each political group	Late June 2010
First full meeting of Southwark Democracy Commission appoints Chair and agrees terms of reference and methods for engaging with councillors and the public to gather evidence	Late June/Early July 2010
Report from Cabinet to Council Assembly	July 14 2010
Review of first phase and recommendations on 2 nd phase if required	October 2010
Commission delivers recommendations to cabinet	October 19 2010
Cabinet reports to Council Assembly	October 20 2010
Implementation Phase	November 2010 – March 2011
Cabinet considers evaluation of the commission's outcomes and reviews its future work	November 2010 – March 2011

Community impact statement

23. The work of the Democracy Commission is intended to have a significant positive impact on the community as it is concerned with increasing public engagement with the council and enhancing the community leadership role of the council. The work of the commission will require public consultation and involvement which will be carried out with due regard to reflecting the diversity of the community in Southwark.

Resource implications

24. No additional budget is required for the setting up of the commission and stage one of its work. Any costs will be covered within existing resources. The commission will be required to bear in mind within its terms of reference the need to keep under review the officer and other resources required to support its work and the implementation of its recommendations within the context of increasing resource constraints on the council.

25. Stage one covers briefing of commission members, investigation of barriers to the community's engagement with Council Assembly, recommendations for improvements to community engagement with Council Assembly, the review of this work and recommendations for the continued role and subsequent work of the commission.

26. The development of a budget for any subsequent stages will be part of the workplan and recommendations of stage one.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Finance Director

27. The report notes that no additional financial resources are required for phase 1 of the Democracy Commission, costs will be absorbed within existing budgets. The report also notes the increasing resource constraints the authority will experience over the proposed life of the commission. In this context the unbudgeted costs of phase 1 should be carefully managed.
28. Implementation and subsequent stages of the commission's programme are expected to require specific financial resources. Funding options need to be fully explored during phase 1 to ensure the commission can fully deliver the agreed terms of reference.

REASONS FOR LATENESS

29. The decision to establish a Democracy Commission was made at Council Assembly on May 19 2010 allowing only a short time to consider and prepare proposals.

REASONS FOR URGENCY

30. The scheduled cabinet meeting on June 15 2010 is the earliest opportunity to consider this report before Council Assembly on July 14 2010 and for officers to consider cabinet comments in preparation of the report to Council Assembly. It is important to give the commission as much time as possible to complete phase 1 this year.

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Stephen Douglass, Head of Community Engagement	
Version	Final	
Dated	June 8 2010	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional/Community Council/Scrutiny Team	June 8 2010	

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