

Centre for Public Scrutiny / The Democratic Society

Reflecting on the views we heard at the Executive and Corporate Services Scrutiny Committee on 19 March and thinking about next steps

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Introduction

We want to thank the Council and community for the opportunity to produce and present our report and recommendations to the meeting of the Executive and Corporate Services Scrutiny Committee on 19th March.

What we heard and our contribution to the conversation

We want to take seriously what people had to say about our report at this meeting, and subsequently – both positive and negative comments. This is the start of a conversation about what the future for the Council, and local people's relationship with the Council, looks like. If it is helpful, we would be pleased to continue conversations – with local people, and, after the election with the new Council's Leadership Team – about the ways in which our principles and recommendations might be taken forward.

We have noted how important trust is to the relationship between the Council and local people, and the extent to which trust has broken down. We have tried to reflect this in our work. Local people are demanding much of the Council – but they expect little. This is not a product of cynicism, but one of experience.

In this environment, we have tried to put a more positive vision of the future for local people and the Council to consider. We know that this has frustrated local people. We agree that it is not right to try to "move on" from what has happened to some ill-defined future without properly addressing what has happened – and without people being held to account for it. We hope that our contribution balances people's demand and expectation for action now with the need to think about the long-term.

We have set out a summary of the points that were made to us in the meeting, and will deal with those issues in turn. We will concentrate on points that people made about the report itself, although we will start with some brief reflections on more general points that were made where we feel that we can make a contribution to the debate.

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| <p>There is concern that the Council is not transparent in the way that it keeps certain papers (including committee papers) confidential, and in its approach to responding to freedom of information requests</p> | <p>We agree that transparency and openness is an issue for the Council and think that this needs to be addressed.</p> |
| <p>There is concern about the ability of the scrutiny function to monitor recommendations that it makes.</p> | <p>We agree: the technical appendix to our report covers this issue.</p> |

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| <p>There is concern about the unaccountable nature of Policy Boards, which it was said make decisions in secret.</p> | <p>We highlighted this issue in our technical appendix. The Council (informed by the views of local people) will need to consider the future of these Boards alongside the other changes that we suggest. It is likely that some of those changes will lead to a more general redesign of how policy is developed.</p> |
| <p>There is concern about the decision to change the format of the Grenfell Recovery Scrutiny Committee. February and March's meetings took a different format to previous meetings and some people feel that this means that for practical purposes the Committee has been abolished, because the space to challenge Council officers and Leadership Team members is no longer available.</p> | <p>We agree that it is critical that spaces exist in which officers and councillors can be held to account for the operational response to the Grenfell fire. In due course some of the mechanisms in our recommendations and options can provide this space, but in the short term a solution has to be found which is led and directed by the needs of local people, and which also takes account of the need for local elected councillors to hold the Council's leadership to account for the ongoing Grenfell operational response.</p> |

Specific comments made about our report, recommendations and options

Explaining how we engaged with local people

A number of people present at the meeting were frustrated that they did not recognise their own views in the report, and/or they did not feel that they had had an opportunity to express their views and feed in. We explained some of this work in our method statement (available as an appendix to our report) but thought it would also be useful to expand on this here.

Our approach to engage with residents focused on using our limited time as purposefully as possible to be able to hear from a range of people. Our intention was not to carry out a comprehensive listening and conversation exercise, but to learn and understand enough about local people and their expectations to provide a framework for them, and the Council, to continue the conversation.

This involved

- proactively approaching existing groups and organisations, as a way to speak to local people and have conversations with them in the spaces they felt most comfortable
- and an open access survey approach that meant that anyone who wished to share their views had a mechanism to do so. Surveys were placed in local libraries; we also used the e-mails and conversations we mention below to publicise the survey. The survey was also publicised via the Council's twitter account, at the full Council meeting in December and the Grenfell Recovery Scrutiny meeting in January.

Our activities included

- Contacting Residents' Associations listed on the Council's database of key groups and organisations by e-mail. We used this opportunity to explain our work, our terms of reference, and inviting them to submit their views and/or to meet in person to discuss their views on Council governance.

- Contacting Residents' Associations across the entire borough; in total we contacted 41 of such organisations.
 - 20 organisations represented communities in the north of the Royal Borough;
 - 15 represented communities in the south and
 - 6 had a cross-borough remit;
- Using conversations with organisations and individuals to whom we spoke initially to find out who else we could talk to.
- Liaising with the Grenfell Victims Unit in the Ministry of Housing, Communities and Local Government to coordinate a focus group.
- Running a workshop with North Kensington voluntary and community organisations. Invitations to take part were sent by Kensington and Chelsea Social Council to organisations listed on its database.
- Interviews with a range of Residents Associations from across the borough who expressed an interest in our work and who approached us directly.

Additionally, the Council sent emails to key groups in North Kensington on our behalf.

We also attended public meetings at which local people spoke. In particular, we attended the January meeting of the Grenfell Recovery Scrutiny Committee and several other Council meetings in which local people were present and active participants. We watched streams of meetings where available (mainly those produced by Grenfell Speaks). We reviewed documentation – blogposts, articles, tweets and other material – produced by people across the borough but in North Kensington in particular – much of which related to their expectations of how the Council ought to engage with them in future.

Our work was heavily constrained by both time and resources. It was intended, as we have said, to provide a snapshot of some of the issues confronting local people and their relationship with the Council. We knew that it would not be comprehensive (and we crafted our findings and final report with this in mind).

We do not think that this means that the conclusions that we drew are not valid. We recognise that there are some who disagree with this. However, we feel that success is not about complete acceptance of the report, but the beginning of a process of reflection within the Council and the creation of a new relationship between the Council and local people – which will itself lead to more meaningful, and sustained, conversations in due course. This can only be a first step.

Councillors and members of the public had some specific comments about our report.

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| <p>There is a need to focus on the needs of future generations, not just existing residents</p> | <p>We think that this issue – and how the Council and local people think about the future – needs to be a critical part of the borough-wide conversation that we recommend.</p> |
| <p>Different groups of local people can disagree on the same issue, leading to challenges in how the council balances competing interests: it is the role of Councillors to make decisions when not everyone agrees</p> | <p>The challenges that councillors, and the Council, face in balancing competing interests is a matter for local people and the Council to discuss and consider. We do not think that the Council will always act as the judge when competing interests result in disagreement. In many cases, an approach to decision-making which involves local people working together to reach consensus will help to resolve disagreements themselves. However, we recognise that for this to happen, the</p> |

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| | framework and relationships must exist to make it possible – we also recognise that in some cases local consensus will not be possible, and that local democratic structures exist to tackle these difficult topics. |
| No reference is given in the report to the legal frameworks and parameters in which councillors have to act | Our report takes these parameters as read. We are confident that our recommendations, and the options we set out, respect the legal situation in which Councils and councillors find themselves. |
| The report has the potential to raise expectations unduly by not reflecting that in many areas the Council is constrained by the requirements placed on it by central Government | The nature of national (and other) constraints on the Council’s ability to act are a reason to seek to involve and empower local people. Bringing local people into the decision-making process will spread understanding of these limitations – and help the Council to think of creative ways for it still to meet local people’s needs. |
| Disagreement with the idea of appointing political assistants | We used the phrase “political assistants” incorrectly in our report, when we intended to describe council officers providing administrative support to councillors, and to groups of councillors. We accept that the commonly understood and accepted use of the job title relates to individuals who provide <i>policy and political</i> advice to councillors, which was not our intention. We apologise for this. We agree with the view that it would not be right, at this stage, for RBKC to appoint staff specifically to provide political advice to councillors. |
| The report does not deal sufficiently with issues relating to equality and diversity | We make brief reference to issues relating to structural equality in our technical appendix. We fully accept that it is central to the imbalance of power – and understanding – between decision-makers and many local people. We agree that we could have done more to highlight this issue better, and to demonstrate how an understanding of it has influenced our thinking. |
| The report’s conclusions about positive aspects of practice within the Council relating to planning, and scrutiny, are wrong | We stand by the observations that we have made about individual examples of good practice that we observed directly. We should be clear that we do not think that the planning and scrutiny functions are, overall, good or excellent in how they engage and involve local people. |
| There was concern that the report was not written in plain English | We tried to do this. But trying to do so while also dealing with some quite complex technical issues is difficult. We should have done better though. We’re sorry. |

Alternative suggestions: the open letter

Local people have drawn together an “open letter” and a report ‘by the people for the people’ which sets out their own expectations on governance. We especially welcome the “human rights focus” for governance and decision-making that this letter suggests. We made a reference to structural inequality in our own report’s appendix but this was only in passing, and we recognise that an awareness and understanding of human rights, and of the nature of inequality and how it can affect people’s ability and willingness to engage in democratic systems and processes, can in fact play a central role in protecting and enforcing the need that local people have both to have their voice heard, and to play an active part in decision-making.. We agree with the principal author of the

'people's report' that it would not be appropriate to try to merge the recommendations from this work into our own. We do agree with the recommendations made in the open letter.

Our own report suggests that the local people and the Council should consider the need for "area" governance arrangements to push power down to local people. If appropriate geographies for area governance can be identified we think that this could still form part of the local response to the challenge. However, we recognise the risk in the perception that such structures will be "owned" by the Council, and that they might be seen as competition for whatever arrangements local people may wish to use to work with the Council.

The principal author of the 'people's report' noted at the meeting that the Communities and Local Government Select Committee had recently concluded its review of overview and scrutiny in local government, and that a Government response had been issued. For her, this provided an important basis for further discussion of how the scrutiny function might be developed. We provided oral and written evidence to the Select Committee as they undertook their work and support this interpretation of their findings.

Reflecting on our principles and recommendations

Our principles were derived directly from the conversations we had with local people. They reflect what we were told, and the language that people used when people talked to us about the behaviours, attitudes and values that they thought the Council needed to focus on in how it worked in the future.

We think that our principles provide a foundation for change. They do not sit on their own devoid of context. They need to underpin clear, concerted action.

The Council and local people will need to understand which elements of our recommendations can be taken forward – with or without changes – and whether there are certain elements which either need further work or refinement, or which are not feasible or desirable. We tried to ground what we have recommended in what we see as reality – but others will inevitably have different experiences which will inform their views.

In the light of the comments we have received we have reflected on our recommendations. We know that there are big expectations of the Council

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| <p>Incorporate the twelve principles into the Council's key policies, strategies and partnership arrangements, including the Constitution, organisational, officer and member development programmes, as the foundation for a new and positive culture</p> | <p>Following reflection, we still think that these principles – derived as they were from all of the conversations we have had – provide the best approach. But we agree that they have to mean something; on their own, without meaning and explanation, they could be seen as too vague. We want people to be able to use the principles – and people's commitment to them – as a way to hold people in power to account, and a way to push power down to local people.</p> |
| <p>Hold a Borough-wide conversation to decide the strategic direction and governance arrangements for the Council</p> | <p>We still think that this is critical to building a programme for action for the future which is seen as being owned by local people.</p> |
| <p>Establish a citizens' assembly, along with similar "deliberative" process as part of the Borough-wide conversation on the strategic direction and future governance of the Council</p> | <p>We think a citizens' assembly is the best way to secure a representative sample of local people, who can lead a conversation amongst the wider population about what future governance should look like. There is a vital and complementary role to be played by independent tenants' and residents' associations, and other community groups. We made this point in our technical appendix but we should have emphasised it more. While the work of the citizens' assembly would be central to improvement at the Council, it would support other, local</p> |

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| | <p>conversations – conversations which the Council will need to commit to support on the terms of local people.</p> <p>The purpose of a Citizens’ Assembly is not to provide the only means of engagement with local people, but a focal point for a wider local conversation. In and of itself, an Assembly (comprised of a small number of people, relative to the total population of the Borough) would not be able to provide the broad sweep of community views and insights that the Council and the area needs, which is why (as we suggest in our report) its work needs to be complemented by further, local conversations which it would support.</p> <p>The challenge of designing an approach for a Citizen’s Assembly to help the Council’s leadership to set the strategic direction for the Borough is, we recognise, a significant one. The design process – how people are selected, the terms of reference for such a group, how it is supported and facilitated – also need careful public consideration.</p> |
| <p>Establish a “listening committee” for councillors to hear directly from residents in an open format</p> | <p>We stand by this recommendation; we would also say that the borough-wide listening committee would need to complement the continuing existence of the Grenfell Recovery Scrutiny Committee, which would carry out a similar role in respect of the specific operational response to the Grenfell fire.</p> |
| <p>Set up a commission to review how Borough-wide and area governance will work in the future, involving residents and partners to consider options</p> | <p>An independent commission is, we think, necessary, to complement the work of the Citizens’ Assembly and to draw in and consider these options. Again, the design and work of such a commission would need to reflect the aspirations of local people.</p> |
| <p>Take practical steps to engage with local government good practice</p> | <p>A reinvigoration of local democracy needs to be framed by the Council engaging again with its peers in the local government sector, who can provide the challenge and support necessary to help it to improve while still maintaining and developing local democracy.</p> |
| <p>Use the Annual Governance Statement as the basis for an ongoing, wider conversation about how governance can be improved</p> | <p>We still think that this provides an important mechanism for formal accountability on governance and improvement.</p> |

The options we set out later in our report are by and large for later discussion and action.