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SCRUTINY REVIEW PANEL 1

GOVERNANCE

Date: **Thursday 6 February 2014**

Time: **7.00pm**

Venue: **Committee Room 3, Ealing Town Hall.**

MEMBERS: Councillors: Anthony Young (Chair), Tej Bagha, Theresa Byrne, Ann Chapman, Tejinder Singh Dhami, Susan Emmment, John Gallagher, Yoel Gordon (Vice-Chair), Gurmit Kaur Mann, Rajinder Mann, Zahida Noori, Harvey Rose and Jason Stacey.

A G E N D A

1. **Apologies for Absence**
2. **Urgent Matters**
Any urgent matters that the Chair has agreed should be considered at the meeting.
3. **Matters to be considered in Private**
4. **Minutes (28.11.2013)**
To agree the minutes of the previous meeting of the Committee held on 28 November 2013.
5. **Declarations of Interest**
To receive any declarations of personal and prejudicial interests in any of the items to be considered at the meeting, and any notifications of dispensations.
6. **Cabinet and Council** (Report by the Head of Scrutiny and Committees)
7. **Panel Operations in 2013/2014** (Report by the Scrutiny Review Officer)

8. **Date of Next Meeting** – Thursday 3 April 2014

MARTIN SMITH
Chief Executive
28 January 2013

NOTE: *In the event of an emergency your attention is drawn to the evacuation instructions displayed on the wall by the entrance to the Committee Room. First aid advice will also be found here.*

Please note that the filming or recording of proceedings is not permitted unless prior approval has been obtained in accordance with the Council's filming protocol.

**SCRUTINY PANEL REVIEW PANEL 1
'GOVERNANCE'**

MINUTES

Tuesday, 28th November, 2013

PRESENT: Councillors: Young (Chair), Anjum (Substitute for Cllr Byrne), Bagha, Ann Chapman, Susan Emmet, Gallagher, Gordon (Vice-Chair), Gurmit Kaur Mann, Rajinder Mann and Rose.

Also Present

| | |
|---------------|---|
| Tan Afzal | - Neighbourhood Governance Co-ordinator, LBE. |
| Harjeet Bains | - Scrutiny Review Officer, LBE. |
| Dennis Frost | - Neighbourhood Governance Co-ordinator, LBE |
| Evelyn Gloyn | - Neighbourhood Governance Co-ordinator, LBE |
| Kofi Nyamah | - Neighbourhood Governance Co-ordinator, LBE |
| Lee Teasdale | - Democratic Services Officer, LBE. |

1. Apologies for Absence

(Agenda Item 1)

Apologies were received from Cllr Stacey.

2. Urgent Matters

(Agenda Item 2)

There were none.

3. Matters to be considered in Private

(Agenda Item 3)

There were none.

4. Minutes (26.09.2013)

(Agenda Item 4)

Resolved: That the minutes of the previous meeting of the Panel held on 26 September 2013 be agreed as a true and correct record.

5. Declarations of Interest

(Agenda Item 5)

There were none.

6. Neighbourhood Governance

(Agenda Item 6)

The Panel gave consideration to a report led by Dennis Frost, Neighbourhood Governance Co-ordinator which asked the Panel to consider and make recommendations for further improvements to the running of neighbourhood governance within the borough.

A new model for neighbourhood governance had initially been approved by the Cabinet in November 2007. It was agreed that each of Ealing's 23 wards would have a separate ward forum, at which, at least three meetings would take place per year. Each forum was provided with a £40,000 annual budget (which was subsequently reduced to £37,500 in 2012) which could be spent on small scale local projects following the recommendations of the ward councillors and their residents.

The project began with a one year pilot in 2008 which had been considered a significant success. Following a review of the pilot by the Council's Overview and Scrutiny Committee in September 2009, it was recommended, and subsequently approved by Cabinet, that ward forums be made permanent. It was confirmed that since the inauguration of the pilots in 2008, over 12,500 people had attended 361 different forums, averaging out at approximately 35 people per meeting.

Over 1,000 ward funded projects had been undertaken, supported by ward funding totalling £3.7 million. These projects had varied in value from as little as £500 grants, to as much as £50,000 to install a signalised pedestrian crossing.

Ward projects came about through suggestions from residents and ward councillors, and these were then worked up into relevant recommendations by Council Officers. The projects were often linked by a number of common themes; they were often projects that had previously been considered as too small, too difficult or involving too many agencies.

Ward forums were also about listening to and acting upon the views and wishes of local residents. They had developed into conversations with a continuing and developing dialogue between local people and their elected councillors. This had proved to be an especially valuable element in a time of declining monetary resources, where often difficult decisions taken by the Council needed to be relayed in a cohesive discourse with local residents.

The Chair thanked the Neighbourhood Governance Team for their comprehensive report and invited members of the public at the meeting to make brief representations regarding their experience of ward forums and how they felt advances could be made.

The first speaker was Mr Arthur Breens who was representing Kingsdown Residents Association. He expressed concern that the forums were not given enough opportunity to put relevant Officers under scrutiny.

He raised the example of the Corridor 1C plan. This was a Transport for London led initiative in which they had been working in conjunction with Ealing Council to make changes to the West Ealing and Hanwell corridor of the Uxbridge Road. It was felt that Officers had made decisions on the plan without taking into account money saving recommendations made at the forum and without further feedback being provided to the forum attendees, resulting in an impression that the consultation on the plan was purely a 'box ticking exercise'. Because of this, communication was felt to be compromised.

He also stated that three meetings a year were not enough, and that there should be scope to hold meetings more regularly.

The next speaker was Ms Nancy Duin, a resident of the Acton Central Ward. She had many years of experience in attending Acton forums due to her prior involvement in the arrangement of the Acton Christmas Fair.

She stated that the remit of the forums was not made entirely clear. It was felt that this issue could be partly attributed to the nature of the forums changing depending on which political party were in power at the time. Where under Conservative leadership monies were given out without much scrutiny of the projects they were funding, under Labour leadership it was considered that bureaucracy had gone too far in the other direction, with all decisions being made by the Leader of the Council. She felt that there needed to be a compromise between the two approaches.

She expressed reservations about the way the forums were run, with Councillors taking too much of the lead, and without enough 'grass roots' input. A more user friendly and less parliamentary style would be welcomed. There was also concern that in some cases issues important to the area were brought to ward forums too late for the residents to have any say on the matters involved.

Miss Miriam Galena, a resident of the Elthorne Ward was then invited to speak. Her central concerns were focussed around the lack of transparency and accountability in the use of public money.

She was concerned that residents at her local ward forum were not advised of what money had been spent and where. She considered that this left funding open to being abused. It was felt that as this was public money being spent, that the public had a full right to know where it had been spent with fully transparent budgeting.

Councillor Chris Summers was then invited to speak about his experience of his local forum in the Northolt Mandeville Ward. His key concerns focussed around the attendance of his local forum being made up of residents all of a similar demographic background.

Whilst he fully welcomed their attendance and input at each meeting, he considered that as the attendees were largely white, 'middle class' and in the fifty plus age group, significant demographics in the ward did not have their interests represented. More therefore needed to be done to attract people outside of the usual attendees to each meeting.

A final member of the public, Mr Eric Leach of the West Ealing Centre Neighbourhood Forum was invited to speak to the Panel. He also expressed concern that three meetings a year were too few. He considered that it would be beneficial to see residents become more involved in the agenda setting process.

He also expressed concern regarding the structure of the wards, feeling that the shape of some did not lend naturally to dealing appropriately with local issues and caused occasional difficulties. He also considered that whilst the ward forums had some issues, he still considered them to be "better than nothing".

The Chair thanked the members of the public who had registered to speak for their input. He also noted the written representations made by members of the public and included on the Agenda, which had been considered by the Panel. He then invited members of the Panel to comment and ask questions.

Councillor Ann Chapman agreed that ward forums being defined by their ward boundaries rather than 'natural neighbourhoods' often proved problematic. She considered that larger cross-boundary meetings could sometimes prove beneficial, and that a degree of flexibility with regards to the amount of meetings held would be helpful.

She expressed concern regarding certain forums not receiving feedback on how monies were being spent, as she felt that her forum was always kept up to date.

Dennis Frost advised that whilst it could prove problematic from an administrative perspective, it was essentially at the discretion of each forum individually as to how many meetings it wished to hold in a given Council year.

The Chair asked for clarification of the process whereby projects are 'vetted' before decisions are made by forums.

Tan Afzal, Neighbourhood Governance Co-ordinator, explained that there was no 'bidding' system involved, but so that all necessary information about the projects could be accrued, a strict vetting system had to take place.

A comprehensive information pack was provided for the project initiators to complete and return to the Neighbourhood Governance Team who would then forward the information to the audit and legal teams for further vetting before the Leader reviewed the project to consider whether it would contribute to the needs of the organisation.

All money paid out to an organisation as a contribution to their project is first considered by the respective ward councillors. The Neighbourhood Governance team would follow up with the organisation, by inviting them to attend a ward forum meeting, at which a report on the activity was provided by the organiser. In some instances officers, councillors and partners would attend the activity and when possible the organisation was invited to a meeting with the Neighbourhood Governance Coordinator to provide feedback on the project.

The Chair then returned to discussing the main report. He advised that as part of the report, as well as attending several ward forums within the borough, he had also attended some meetings in the Hounslow and Brent boroughs. He had found that meetings were much better attended in Ealing with more vocal and involved attendees.

It was agreed though, that meetings could still have better attendances in most cases, and queried how Officers and Councillors went about promoting their forums.

Councillor Summers stated that if ward forums were to be advertised in print media such as the Ealing Gazette, then the adverts would need to be nearer the front of the paper, as advertisements in the notices section at the back of the paper were often ignored.

Kofi Nyamah, Neighbourhood Governance Co-ordinator, advised that there were approximately 3,700 addresses on the current mailing list for information about forthcoming meetings and consultations. The Chair expressed surprise that there

weren't more on the list, noting that he had 700 addresses on his personal mailing list for his ward alone.

Councillor Gallagher also noted that he and Councillor Sabiers held a large personal list for their South Acton Ward email newsletter.

Tan Afzal advised that in addition to the email addresses, in some wards, particularly those in the Southall area of the borough, a significant proportion of residents were contacted by postal mailings.

Discussion then took place around other ways of promoting forthcoming meetings to the public, including ideas such as posters for meetings being put up in shopping areas, church noticeboards, trees in popular parks etc. A member of the public attending the meeting considered that the forums may draw more people if promotional materials were 'spiced up' with an attractive logo and a less dry presentation.

Councillor Anjum re-emphasised the importance of encouraging all demographics to attend meetings, so that all residents within a ward feel the benefits of the projects that are funded.

Councillor Sue Emmet felt that Councillors themselves needed to take some responsibility for leafleting to promote forthcoming meetings that may be discussing important local topics.

The Chair queried how the publicity for each ward was funded. Dennis Frost advised that each ward was allocated an administration budget each year for publicity and the hire of meeting venues (approximately £1,000). The Chair then asked if members were able to take more control over the publicity budget should they wish to. This was confirmed, with South Acton noted as a ward where this had taken place. Councillor Gallagher advised that some extra monies had been freed up for publicity by moving to a cheaper venue for meetings within the ward.

A brief discussion then took place regarding the cost of venues. Tan Afzal advised that whilst in some wards venues were available free of charge, others could charge up to £350 per meeting for use. It was considered to be unfortunate but unavoidable that some wards were more constrained by choice of venues than others.

The Chair then wished to discuss the recurring complaint that Council officers did not attend the ward forums as often as requested. It was queried whether there was a protocol in place to determine whether they should attend.

Dennis Frost advised there was an understanding that officers did not attend as a matter of routine. He considered that in many cases, the Neighbourhood Governance Co-ordinators themselves had enough seniority to be able to sit and discuss issues with relevant officers before feeding back and providing advice to the forums. He stated that one-off meetings about particular key issues were still attended by senior officers.

The Chair asked whether ward forums could consider paying officers to attend from their budgets. Dennis Frost stated that it could be considered; he also advised that

the Neighbourhood Governance team were considering inviting Envirocrime Officers to attend each forum once a year.

Discussion continued regarding the attendance of officers. A member of the public stated that officers rarely attended meetings at his ward forum. He also felt that the problems of publicity ran deeper than ward forums themselves, as most residents within his ward were not even aware of who their ward councillors were. He considered that email contact lists were not of much use as they would only be sent to be residents who had already attended meetings in the past, meaning that they would see the same faces at each meeting, which in turn led to meetings being 'taken over' by activist groups.

Members of the public stated that parking and planning issues were always likely to attract attention, and officers involving the public from the earliest stages could avert some of the issues that arise. The Chair advised that planning applications often had associated legal issues that stopped them from being discussed in-depth at ward forums.

Councillor Rajinder Mann expressed concern that envirocrime issues could not be discussed fully without the relevant officers present at the meetings.

Councillor Susan Emmet had concerns that some wards appeared to be giving monies to small interest groups that did not benefit everyone in the local community.

Councillor Gallagher stated that the South Acton Ward Forum avoided giving monies to organisations unless they had been agreed with the Council; the 'Garden Project' was referenced as an example of this. He also took the opportunity to thank the members of the public who had come to the meeting and contributed to the feedback requests, stating how helpful and encouraging their input had been.

Councillor Summers, whilst agreeing with the principle, stated that there should not be a blanket ban on small groups receiving funding. He raised the example of the 'Kickz' group within his ward, which whilst not directly benefitting the entire community, was still doing valuable work within the community.

Councillor Gordon, whilst agreeing that ward forums proved significantly more successful than area committees, suggested that the Council consider one-off meetings on an ad-hoc basis between forums who have a shared interest in a project. He queried whether this was practicable.

Councillor Susan Emmet felt that this would not attract people to meetings within her ward, stating that big single issue meetings for the ward alone would be of greater interest.

Evelyn Gloyn, Neighbourhood Governance Co-ordinator, advised that cross-ward meetings could be arranged upon guidance from relevant councillors. Dennis Frost stated that there were precedent examples where this had been arranged in the past.

The Chair then queried how note taking was arranged. He was aware that note takers were often in attendance during yearly budget meetings but it was the responsibility of neighbourhood co-ordinators for the rest of the year. He asked whether this caused difficulties in practice.

It was advised that it made sense to have a separate note taker at some meetings, but at most meetings it was not necessary to have an additional officer taking notes. There was flexibility in place to make arrangements where necessary.

Councillor Noori felt that there should be separate note takers at meetings, as the officers regularly had to speak and give advice, and therefore could miss some of the points raised whilst doing this.

Tan Azfal advised that it was the councillors' responsibility to chair the main body of the meeting and that Co-ordinators took comprehensive notes which were always fed back to the Councillors for input and agreement before publication.

The Chair then asked how long the notes took to be published. It was advised that the aim was to publish the notes within 15 working days of the meeting having taken place. Unfortunately, due to related pressures in other areas of the governance of the ward forums; this did not always prove to be possible.

Before the Chair drew the item to a close, public in attendance queried whether all monies to forums were being spent appropriately, or whether ward forums were now 'grabbing at straws' due to running short of spending ideas.

The Chair advised that this was unlikely and reminded those present that there were certain spending 'grey areas' such as recurrent items that needed regular replacement within the wards that were sometimes forgotten about.

Dennis Frost concluded by thanking all present for their valued input. He stated that the Neighbourhood Governance team would be working towards a more customer focussed delivery, and that issues raised such as those regarding local geography would be addressed.

Resolved: That

- (i) the report be acknowledged;
- (ii) the strong attendance and overwhelming response to the request for input from the public be noted: and

that the following be listed for possible recommendation in the final report:

- (iii) the concept of having a 'local spend' be supported;
- (iv) forums be given more freedom to manage their own affairs;
- (v) a written protocol regarding officer attendance at forums be considered;
- (vi) administration budgets for wards be clarified, with ward councillors having a greater say over how they are used;
- (vii) new ways of publicising meetings be considered, including the possibility of creating a new logo specifically for the ward forums;

- (viii) public notices of forthcoming meetings be posted in a variety of locations including schools, public noticeboards and churches;
- (ix) local leaflets for each ward be considered;
- (x) the current protocol for the filling of forms for project funding be reviewed to analyse whether the process could be simplified;
- (xi) ward forums be reminded that they can set the amount of meetings they wish to hold each Council year;
- (xii) occasional 'single issue' meetings be held if required; and
- (xiii) Neighbourhood Governance Co-ordinators be requested to ensure that the notes from each ward forum be made publicly available within 15 working days after the meeting.

7. Panel Operations in 2013/2014

(Agenda Item 7)

The Chair advised the Panel that interviews were on-going with Officers and Councillors as part of the governance review, results of those that had taken place so far had been included on the Agenda.

The comments raised would be incorporated into the recommendations that would be formulated at the next meeting of the Panel.

Resolved: That the report be received.

8. Date of Next Meeting

(Agenda Item 8)

Resolved: It was noted that the next scheduled meeting of the Panel is to take place on Thursday 6 February 2014.

Councillor Anthony Young, Chair.

The meeting ended at 8:45pm.



Report to Scrutiny

Item Number: 6

Contains Confidential or Exempt Information

No

Subject of Report: Cabinet and Council
Meeting: Scrutiny Review Panel 1.
Thursday 6th February 2014

Service Report Author: Keith Fraser, Head of Scrutiny & Committees
fraserk@ealing.gov.uk
0208 825 7497

Scrutiny Officer: Harjeet Bains

Cabinet Responsibility: N/A

Director Responsibility: Helen Harris Director of Legal & Democratic Services
harrish@ealing.gov.uk
Tel: 020 8825 6175

Brief: To consider the operation of Cabinet and Council meetings.

Recommendations: It is recommended that the Panel consider any recommendations to incorporate into their final report

Cabinet and Council

- 1.1 Cabinet and Council are the two major decision making bodies of the authority. The decisions that these bodies may take are set out in the legislation thus Cabinet cannot take “Council side” decisions and vice-versa. “Cabinet side” decisions are known as executive decisions.

Cabinet

- 1.2 Ealing operates a relatively conventional Leader and Cabinet model. It meets 11 times a year. This is the usual pattern for London though outside London many Cabinets meet weekly or fortnightly, usually in the daytime.
- 1.3 Legislation prescribes that the Cabinet can have no more than 9 members plus the Leader.
- 1.4 Cabinet agendas have to be considered against the scheme of officer delegations as the less is delegated the more has to be considered in full cabinet.
- 1.5 Portfolio holders also take decisions, known as “Individual Cabinet Member Decisions” (ICMDs). For the sake of administrative convenience, Ealing’s ICMDs are usually taken immediately before a Cabinet meeting. Some councils timetable these formally on different days; if this were to be done at Ealing, this could result in 70+ additional decision meetings a year.
- 1.6 As outlined in a previous paper there are no public speaking rights at Cabinet though speakers are sometimes permitted at the discretion of the Leader.
- 1.7 Members of the Shadow Cabinet may speak once on an item relevant to their portfolio if due notice is received by 9.00 am on the day of the meeting.
- 1.8 The Leader of the second minority party also has the right to speak under the same arrangements.
- 1.9 Speakers cannot debate with Cabinet or ask questions of officers
- 1.10 Other Councillors, including those from the majority party, have no right to speak at Cabinet.
- 1.11 Executive decisions are subject to a range of strict legislative publicity requirements. These include publicity of intended decisions at least 28 days in advance (in Ealing, this is done via the Forward Plan), call-in provisions in relation to key decisions, and the requirement to publish all executive decisions taken. OSC members have the right to see executive decision reports and the background papers to those decisions, subject to a few exceptions.

1.12 Issues for discussion

- Formal rights for the public to engage?
- Formalised times for ICMDs?
- Savings agenda: could more decisions be delegated (i.e. either to individual portfolio holders or officers), to reduce the length, frequency, and expense of cabinet meetings and allow those meetings to focus on a few key strategic decisions – with the time for fuller discussion and possibly debate including non-cabinet members?
- More pre scrutiny of the most strategic decisions to be taken by Cabinet?
- Stricter criteria for call-in? For example, should call-in be prohibited where pre scrutiny of the decision has happened?

Council

1.13 Council meets 8 times a year. One meeting is the AGM, a largely formal procedural meeting and, by convention rather than rule, one other meeting focusses on the budget and another on the corporate plan.

1.14 The other 5 meetings take important “Council side decisions” (though these are nearly always agreed after the guillotine falls, and without introduction or debate), deal with a limited number of oral questions, motions for “opposition business” (limited to 30 minutes) and general motions. Motions are dealt with on the agenda in a “first come first put” basis – as received from the day after the meeting. At the time of writing 6 motions were received for the January meeting the next day after the December meeting. Most motions are never debated but dealt with after the guillotine¹

1.15 The public can engage through presenting petitions or asking questions-limited to a maximum of 5 per meeting respectively. Details are shown in **appendix 1**

1.16 Many members do not participate in meetings other than attending and voting.

1.17

Issues for discussion

- Is the meeting time used as efficiently as it could be?
- Should reports be moved up the agenda to ensure that they are debated?
- Should leaders of the largest political groups agree in advance issues of key local significance to be debated by full council at points throughout the year?
- Could the rules on motions be changed such as by having a ballot amongst some or all councillors for motions that will be debated?
- Is there a need for opposition business?
- Is the number of meetings the right number?

¹ Council is the only constituted meeting with defined timings and a usual finish time of 9.30 pm with an occasional extension to 10.00 pm.

- Are the public engaged appropriately?

2. Legal Implications

- 2.1 The Council constitution determines the arrangements for Cabinet and Council within the context of legislative requirements, best practice, and the practical experience of officers and councillors at Ealing.

Financial Implications

- 3.1 There are no direct financial implications arising from this report. Any recommendations that go to Cabinet or Council will have further comments by finance officers on any financial implications

4. Other Implications

- 4.1 There are no other implications arising from this report.

5. Background Papers

- 5.1 Ealing Council's Constitution, available at www2.ealing.gov.uk/services/council/council_constitution/.

Consultation

| Name of Consultee | Department | Date Sent to Consultee | Date Response Received from Consultee | Comments Appear in Report Para: |
|--------------------------|---|-------------------------------|--|--|
| Internal | | | | |
| Helen Harris | Director of Legal and Democratic Services | 8/1/2014 | 17/1/2014 | |
| Cllrs Young & Gordon | Chair & Vice-Chair | 7/1/2014 | 7/1/2014 | |
| | | | | |
| | | | | |
| | | | | |
| External | | | | |
| None | | | | |

Report History

| | | | |
|--------------------------------------|--|-------------------------|--------------------------|
| Decision Type: | | | |
| Non-key decision | | No | |
| Authorised by Cabinet Member: | Date Report Drafted: | Report Deadline: | Date Report Sent: |
| | | | |
| Report No.: | Report Author and Contact for Queries: | | |
| | Keith Fraser, Head of Scrutiny & Committees fraserk@ealing.gov.uk 0208 825 7497 | | |

Appendix 1

PROCEDURE FOR THE PUBLIC TO ASK QUESTIONS AT COUNCIL MEETINGS

The Council welcomes questions and recognises that questions from the public are one of the ways residents can let us know their concerns. This guidance note refers to questions which may be presented to Council.

Alternatively you may wish to raise the matter at your local Ward Forum meeting which is attended by your local ward councillors.
The link below gives further details.

http://www.ealing.gov.uk/info/200916/ward_forums

You may present a question to Council under Council and Committee Procedure Rule Number 9

You, or someone speaking on your behalf, will ask the question that you submitted in advance. The appropriate councillor will then give a response. You may then ask a short supplementary question which will be responded to. The Council will not debate the matter.

The question should be a question and not a speech.

It must relate to something which is the responsibility of the authority, or over which the authority has some influence.

Questions must not be defamatory, frivolous or offensive, be substantially the same as a question considered by the Council in the last six months, require the disclosure of confidential or exempt information or relate to an outstanding licensing or planning application.

No more than five questions from the public may be submitted at any meeting and an individual can only ask one question at a meeting. They will be taken in the order received.

The deadline for giving notice that you wish to submit a question is noon two clear working days before a Council meeting although it helps if it is submitted before this.

The next Council meeting when your question may be considered will be on

Tuesday 28th January 2014 starting at 7.00pm.
Deadline for receipt 12.00 on Thursday 23rd January

In order to ask a question you must fill in the attached form giving your name, address and signature.

Note that it may be decided to defer consideration of a question to the following meeting in view of other business to be considered by the Council. Notice of the intention to present a question must be given in writing, by email or by fax to

Keith Fraser
Head of Scrutiny & Committees
Perceval House
14-16 Uxbridge Road
LONDON
W5 2HL

Tel: 0208 825 7497
Fax: 0298 825 6909
Email: fraserk@ealing.gov.uk

On the evening of the Council meeting you are requested to arrive at Ealing Town Hall at 6.45pm and report to the reception desk. Here you will be met by an officer, normally Hitaishi Vaghela, the Mayor's Secretary, who will accompany you to the Council Chamber and confirm the procedures.

The public gallery of the Council Chamber holds 40 people; for health and safety reasons, this limit cannot be exceeded. These seats are allocated on a "first come, first served basis". There may well be other people seeking to attend the meeting in addition to you and anyone who comes along to support you.

If you have any queries on the above please phone 0208 825 7497

**PRO-FORMA FOR GIVING NOTICE OF SUBMITTING
A QUESTION TO COUNCIL**

| | |
|---------------------------------|--|
| Date to be submitted to Council | |
| Subject of Question | |
| Wording on question | |
| Contact details | |
| Name | |
| Address | |
| Home telephone number | |
| Mobile telephone number | |
| E mail address | |

PROCEDURE FOR THE PUBLIC TO PRESENT PETITIONS TO COUNCIL

The Council welcomes petitions and recognises that petitions are one of the ways residents can let us know their concerns. This guidance note refers to petitions which may be presented to Council.

It does **not** relate to petitions in response to consultations being undertaken by the Council on licensing and planning applications, or those being undertaken statutorily, such as calling for an elected mayor, or calling a senior officer to account.

Further details can be found at the following link

http://www.ealing.gov.uk/info/200627/committees/1090/petition_scheme

Alternatively you may wish to raise the matter at your local Ward Forum meeting which is attended by your local ward councillors.

The link below gives further details.

http://www.ealing.gov.uk/info/200916/ward_forums

There are two types of petitions that you may present to Council:

1. Under Council and Committee Procedure Rule Number 9

The petition organiser, or someone speaking on their behalf, will be allowed up to 3 minutes in which to give some background information and present the petition to the Mayor. The appropriate councillor will then give a response. The Council will not debate the matter.

2. Under the Council's Petitions Scheme

If you want your petition to be reported to, and debated at, a meeting of the Council, it must contain at least 1,500 signatures. The Council will try to consider the petition at its next meeting, although this may not always be possible. The petition organiser, or someone speaking on his/her behalf, will be given up to 5 minutes to address the Council allowing them to give some background information if they so wish and to present the petition. The subject of the petition will then be discussed by the Council for a maximum of 20 minutes. This will include an opportunity towards the end of the debate for the petition organiser, or someone speaking on his/her behalf, to sum up their case. The Council will decide how to respond to the petition at the meeting.

You may also ask one of your ward councillors to present a petition on your behalf.

Petitions should include:

- a clear, concise statement covering the subject of the petition. This must relate to something which is the responsibility of the authority, or over which the authority has some influence and should state what action the petitioners want the Council to take.
- the name, address and signature of any person supporting the application.
- the name and contact details of the petition organiser or someone to whom the organiser would like any correspondence about the petition to be sent.

Petitions must not be defamatory, frivolous or offensive, be substantially the same as a petition considered by the Council in the last six months, require the disclosure of confidential or exempt information or relate to an outstanding licensing or planning application.

The deadline for giving notice that you wish to submit a petition is noon two clear working days before a Council meeting although it helps if it is submitted before this.

The next Council meeting when your petition may be considered will be on

Tuesday 28th January 2014 starting at 7.00pm.
Deadline for receipt 12.00 on 23rd January

Note that it may be decided to defer consideration of a petition to the following meeting in view of other business to be considered by the Council. Notice of the intention to present a petition must be given in writing, by email or by fax to

Keith Fraser
Head of Scrutiny & Committees
Perceval House
14-16 Uxbridge Road
LONDON
W5 2HL

Tel: 0208 825 7497
Fax: 0298 825 6909
Email: fraserk@ealing.gov.uk

On the evening of the Council meeting you are requested to arrive at Ealing Town Hall at 6.45pm and report to the reception desk. Here you will be met by an officer, normally Hitaishi Vaghela, the Mayor's Secretary, who will accompany you to the Council Chamber and confirm the procedures. These do not allow for Powerpoint presentations to be made or handouts to be circulated.

The public gallery of the Council Chamber holds 40 people; for health and safety reasons, this limit cannot be exceeded. These seats are allocated on a "first come, first served basis". There may well be other people seeking to attend the meeting in addition to you and your group.

You and your ward councillors will be notified of the actions taken, if any, as a result of the presentation of your petition to Council.

If you have any queries on the above please phone 0208 825 7497

| PRO-FORMA FOR GIVING NOTICE OF SUBMITTING A PETITION TO COUNCIL | |
|---|--|
| Date to be submitted to Council | |
| Subject of petition | |
| Wording on petition | |
| Anticipated number of signatures | |
| Contact details of petition organiser | |
| Name | |
| Address | |
| Home telephone number | |
| Mobile telephone number | |
| E mail address | |
| Names and contact details of people to speak and present petition if not as above | |

Blank



Report to Scrutiny

Item Number: 7

Contains Confidential or Exempt Information

No

| | |
|---------------------------------|--|
| Subject of Report: | Panel Operations including Draft Final Report and Updated Work Programme |
| Meeting: | Scrutiny Review Panel 1 – 2013/2014: Governance 6 February 2014 |
| Service Report Author: | Harjeet Bains Scrutiny Review Officer bainsh@ealing.gov.uk Tel: 020-8825 7120 |
| Scrutiny Officer: | Harjeet Bains Scrutiny Review Officer bainsh@ealing.gov.uk Tel: 020-8825 7120 |
| Cabinet Responsibility: | Councillor Julian Bell (Leader of the Council and Policy Overview Portfolio) |
| Director Responsibility: | Helen Harris Director of Legal and Democratic Services harrish@ealing.gov.uk Tel: 020-8825 8159 |
| Brief: | To consider the outstanding Councillor interview notes, Draft Final Report and agree the agenda items for the next meeting. |
| Recommendations: | The Panel is asked to: <ul style="list-style-type: none">- consider and comment on the outstanding Councillor interview notes;- consider and comment on the style and content of the Panel's Draft Final Report;- finalise the recommendations for inclusion in the Panel's Final Report; and- agree the agenda items and actions for the next meeting on 3 April 2014. |

1. Panel Operations including Draft Final Report and Updated Work Programme

Interviews – Ealing Council’s Current Governance Arrangements

- 1.1 The Chair (Cllr Anthony Young) and Vice Chair (Cllr Yoel Gordon) have been interviewing key Officers and Councillors/Ex Councillor over the past few months to seek their views on Ealing Council’s current governance arrangements. The notes of the interviews that had been undertaken by the last meeting have been reported to the Panel.
- 1.2 The following Councillors were interviewed after the last meeting:
- Cllr John Ball
 - Cllr Ranjit Dheer
 - Cllr Mark Reen
 - Cllr Brian Reeves
 - Cllr Jason Stacey
- 1.3 Cllr Yvonne Johnson was away so has yet to provide her views.
- 1.4 The notes of the outstanding Councillor interviews are included at **Appendix 1** to the report.
- 1.5 The Panel is asked to consider the feedback presented and make recommendations for further improvements accordingly.

Draft Final Report

- 1.6 The Panel’s Draft Final Report is attached as **Appendix 2** to the report. The purpose of this report is to enable the Panel to make decisions about the content of its final report to the Overview and Scrutiny Committee.
- 1.7 The Panel is asked to:
- review and comment on the proposed content, style and format of the attached draft report at Appendix 2;
 - review the proposed recommendations contained in Section 9.0 of Appendix 2 and finalise the recommendations that should be included in the final report;
 - consider and discuss Members’ own ideas for additions or amendments to the report including any other key learning points for inclusion in the final report; and
 - agree that a final version of the full report be presented to the next meeting on 3 April 2014.

Updated Work Programme

- 1.8 The Updated Work Programme is attached as **Appendix 3** to this report for the Panel’s consideration and agreement.
- 1.9 The forward plan identifies topics to be addressed at each meeting. It is a rolling programme of work that is amended throughout the period. Items can be addressed as and when they arise or come to the attention of the Panel.

- 1.10 An updated Work Programme is presented at each Panel meeting. This allows the Panel, officers and others to know well in advance the topics of enquiry that will be addressed throughout the year; schedule items into the Work Programme accordingly and track the progress of issues.
- 1.11 The next meeting which is also the last meeting of this Panel will consider the ***Final Report of Governance Scrutiny Review Panel***.
- 1.12 The Panel is asked to consider and agree the agenda items and actions for the next meeting on 3 April 2014.

2. Legal Implications

- 2.1 The general scrutiny functions and powers are set out in the Council Constitution.

3. Financial Implications

- 3.1 There are no direct financial implications arising from this report. Support to the Scrutiny Panel is contained within the allocated budget. Value for money will come from having appropriate agenda items on the Work Programme that will help the Panel to achieve the key expected outcomes.

4. Other Implications

- 4.1 There are no other implications arising.

5. Background Papers

- 5.1 Ealing Council's Constitution, available at http://www.ealing.gov.uk/info/200892/decision_making/597/council_constitution

Scrutiny Review Panel 1 – 2013/2014: Governance Terms of Reference, Work Programme, Agendas, Minutes and Reports available at http://ealing.cmis.uk.com/ealing/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/36/Default.aspx

Overview and Scrutiny Committee Agendas, Minutes and Reports, available at http://ealing.cmis.uk.com/ealing/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/34/Default.aspx

For information about Scrutiny in Ealing, including meeting dates and work programmes, go to:

http://www.ealing.gov.uk/info/200892/decision_making/344/scrutiny

Current agendas and reports are available at <http://ealing.cmis.uk.com/ealing/Committees.aspx>

Report Consultation

| <i>Name of Consultee</i> | <i>Department</i> | <i>Date Sent to Consultee</i> | <i>Date Response Received from Consultee</i> | <i>Comments Appear in Report Para</i> |
|--------------------------|---|-------------------------------|--|---------------------------------------|
| <i>Internal</i> | | | | |
| Keith Fraser | Head of Scrutiny and Committees | 15.11.13 | | |
| Helen Harris | Director of Legal and Democratic Services | 03.01.14 | | |
| Jenny Jones | Head of Finance | N/A | | |
| Cllr Anthony Young | Panel Chair | 03.01.14/ 21.01.14 | | |
| Cllr Yoel Gordon | Panel Vice Chair | 03.01.14/ 21.01.14 | | |
| <i>External</i> | | | | |
| None | | | | |

Report History

| | | | |
|---|---|--------------------------------|---------------------------------|
| <i>Decision Type:</i> | | <i>Urgency item?</i> | |
| Non-key Decision | | No | |
| <i>Authorised by Cabinet Member:</i> | <i>Date Report Drafted:</i> | <i>Report Deadline:</i> | <i>Date Report Sent:</i> |
| N/A | 07.01.14 | 28.01.14 | 27.01.14 |
| <i>Report No.:</i> | <i>Report Author and Contact for Queries:</i> | | |
| | Harjeet Bains Scrutiny Review Officer Email: bainsh@ealing.gov.uk Tel: 020-8825 7120 | | |

**SCRUTINY REVIEW PANEL 1 – 2013/2014 – GOVERNANCE
INTERVIEWS – EALING COUNCIL’S CURRENT GOVERNANCE ARRANGEMENTS
NOTES OF OUTSTANDING COUNCILLOR INTERVIEWS**

| | What in your opinion works well? | What in your opinion does not work well? | How is the public engaged? | How would you improve decision making? |
|----|--|---|--|--|
| 1. | <p>General:</p> <ul style="list-style-type: none"> - Was previously a Committee Chair. <p>Cabinet:</p> <ul style="list-style-type: none"> - Came into being in 2000 and has simplified decision making; - Every Member gets the Cabinet papers; - Has broken down the barriers and for Departments to work together rather than separate entities e.g. the previous Education Committee, etc.; - The Leader/Deputy Leader of the Opposition and the Shadow Portfolio Holders can speak at Cabinet; - The Cabinet cannot be seen in isolation as the local authority governance should be seen in totality; - Collective responsibility. <p>Cabinet Roles:</p> <ul style="list-style-type: none"> - It is not difficult for anyone with | <p>Committee System:</p> <ul style="list-style-type: none"> - The old Committees System provided plenty of political theatre/heat as it allowed for a lot of debate but was very time consuming; - The vertical division of local authority work was the opposite of the present joined-up working; - There was a cycle of meetings and then went to Full Council; <p>Cabinet:</p> <ul style="list-style-type: none"> - Limited scope to debate; - Maybe we haven't got everything right but the Cabinet system cannot be seen in isolation; - Need to refine the system by thinking how it can be made live and involving more backbench Members. <p>Cabinet Roles:</p> <ul style="list-style-type: none"> - Deputy – need to develop | <p>General:</p> <ul style="list-style-type: none"> - There are Annual Surveys; - The public can get involved in Cabinet, Scrutiny (evidence), Council (petitions), etc.; - The problem is empathy; - The Localism Act has created further opportunities for the public; - It is the perception of people that the decision making process is remote from them; - Often during canvassing, some people slam the door in the face of the politicians; - People don't come to the meetings; - We are a local authority in name only; - There are arbitrary controls on capital/ ring fencing, etc.; - Local schools, police, etc. should be addressed by the local Portfolio Holder at a local level and not remotely | <p>Cabinet:</p> <ul style="list-style-type: none"> - There should be greater participation of backbench Members. <p>Number of Councillors:</p> <ul style="list-style-type: none"> - Having 3 volunteers in a Ward is a blessing; - Just one volunteer would not be sufficient; - A local authority is not really local; - need better engagement with local people. |

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| | <p>reasonable intelligence to get into this role after a year;</p> <ul style="list-style-type: none"> - Roles as Deputies could be live; - Can get involved in debates within the Groups <p>Council:</p> <ul style="list-style-type: none"> - A lot of debate takes place here and is often seen as ‘theatre’; - It is a vigorous structure; - Ensures accountability; - Complements other parts of the Council’s governance structures. <p>Scrutiny:</p> <ul style="list-style-type: none"> - Works very well; - Scrutiny is more strident than the old Committee System; - A vital and essential structure; - It is a much improved and innovative structure; - Enables ‘blue sky’ thinking; - It involves all entities; - The key stakeholders are consulted on issues. | <p>and refine this role;</p> <ul style="list-style-type: none"> - Whether have access to the same information; - Will help to plug the gap; - Lack of involvement in the process. <p>Overall Governance:</p> <ul style="list-style-type: none"> - A problem emerges if we just take one body in isolation; - Should see this in totality my taking a macro view of the working of the whole borough. <p>Regulatory/Planning Committees:</p> <ul style="list-style-type: none"> - Some decisions can be controversial/very controversial; - Not aware of any gaping holes in the way in which these function. <p>Call-ins:</p> <ul style="list-style-type: none"> - Need to ensure this process is not over-used or abused; - These should be for | <p>by Westminster or Brussels.</p> | |

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| | <p>Call-ins:</p> <ul style="list-style-type: none"> - Attended the one for library issues which were debated at various levels e.g. Cabinet, Scrutiny, Full Council, etc. <p>Regulatory/Planning Committees:</p> <ul style="list-style-type: none"> - These are quasi legal bodies; - Have been a Member of the Planning Committee but not the Regulatory Committee; - Members have to abide by the legal requirements so are not subject to whipping; - These Committees have a large interface with the public in licensing and granting permissions for their homes/ business, etc. <p>Neighbourhood Ward Forums:</p> <ul style="list-style-type: none"> - These are a success story; - Focus in the heart of the community; - Managed and bite size; - Minimal cost per Ward at a budget of £37,500 per annum | <p>pragmatic reasons, in the interest of the borough, etc. and not for political reasons;</p> <ul style="list-style-type: none"> - Voting patterns tend to be along political lines; - The intention of the system was not to be political. | | |

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| | for small projects. | | | |
| 2. | <p>General:</p> <ul style="list-style-type: none"> - Joined in 2002 so have not been on a Council with a Committee System; - Never had any training for being the Leader but luckily had a very good mentor (Simon Milton) from Westminster; - As a Leader, my biggest issue was officers – being able to understand and work with them effectively; - Have not been involved in the Regulatory and Licensing Committees; - Now a humble backbencher on a couple of Committees so no real main role to play. <p>Council:</p> <ul style="list-style-type: none"> - Better debates – more topical; - The public element (petitions) has got better; - The public questions work the best; - Supplementary questions can | <p>Committees:</p> <ul style="list-style-type: none"> - Did observe the previous Transport Committee and found everything then went to Council so decision making became a very slow process. <p>Council:</p> <ul style="list-style-type: none"> - Is the least productive area of the Council; - Lengthy meetings led to the introduction of the guillotine; - Needs to be tidied up; <p>Cabinet:</p> <ul style="list-style-type: none"> - A cross-party body gives a ‘free hit’; - In this Council, we often feel that if earlier pre-scrutiny has not been undertaken then people who attend Cabinet want to make a point; - Ward Councillors not having a right to speak at Cabinet; - One cannot criticise the Cabinet process and then not exercise ones right; | <p>General:</p> <ul style="list-style-type: none"> - There are various avenues for people to get involved; - People have got ‘lives’ so don’t get involved unless they need to. | <p>Cabinet:</p> <ul style="list-style-type: none"> - Mentors for Portfolio Holders would be helpful; - Need to have a clear role for Deputies which should be written in the constitution. <p>Planning:</p> <ul style="list-style-type: none"> - Need to bring in external trainers to train Members; - Need to give a proper reason(s) for why an application is rejected; <p>Ward Forums:</p> <ul style="list-style-type: none"> - Would be useful to look at more strategic things that span several Wards; |

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| | <p>be more challenging;</p> <ul style="list-style-type: none"> - I am surprised more people don't just ask questions as petitions require lots of signatures; - Parts of the Council hold the Administration to account; - The ballot is free of the Whips; - Some important papers e.g. Borough Plan don't get sufficient debate. <p>Cabinet:</p> <ul style="list-style-type: none"> - Cabinet does work when you are in control; - Need to get the business done so it is useful to have such a body; - The present Leader allows people to speak at the meetings; - The quality of the decision is important; - Having Deputies is a good way to assess individuals and for them to learn the way in which the Council works. | <ul style="list-style-type: none"> - Had the Deputies for two years but never quite got this right – some relationships worked well whilst others didn't work as well due to different personalities. However, it can work as other Councils do this quite successfully; <p>Scrutiny:</p> <ul style="list-style-type: none"> - Personalities can play a crucial role. The Chair is often selected on a political basis and not necessarily on ability; <p>Call-ins:</p> <ul style="list-style-type: none"> - Weakness – Members don't always know their stuff; <p>Planning:</p> <ul style="list-style-type: none"> - As of now Planning is in trouble; - The reputation is not good; - The broad perception is that Members rubberstamp the officer recommendations; | | |

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| | <p>Scrutiny:</p> <ul style="list-style-type: none"> - Productive work is done in the Scrutiny Committees; - Enjoyed serving on the Ealing Riots Panel – Members were engaged; - It was a short constructive Panel; - The Overview and Scrutiny Committee works well and is given the due respect; - A good testing ground in assessing whether the Chair can control a meeting, etc.; <p>Call-ins:</p> <ul style="list-style-type: none"> - Do like the Call-in process – at one time we even had a separate Scrutiny Panel dealing with this; - Have to respect this and take it seriously; - Things were not always black and white as one had thought so important that these are picked up at call-in; - Strength – even the Administration accepts to look | <ul style="list-style-type: none"> - The change in membership currently is not the best; - There is a personality problem and a number of people who do not know planning law can make decisions on a whim; - Therefore, officers are very strong; - Internal training sessions are not sufficient; - The Oaks Project, for example, was on the agenda with lots of other items so did not get well debated – had good opposition speakers but went through on vote. So the public was angry at the outcome. <p>Number of Councillors:</p> <ul style="list-style-type: none"> - Presently, there are lots of Councillors who are not engaged; - Perhaps there should be two Councillors per Ward. | | |

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| | <p>at things again;</p> <ul style="list-style-type: none"> - On balance, this Administration has got it right; - The GLA is now moving to have Ad Hoc Panels; - I prefer the Specialist Panels but need to have the right Members on a Panel; - Over the years, some very good stuff has come out of the Scrutiny Panels. <p>Planning:</p> <ul style="list-style-type: none"> - I enjoy Planning; - Cllr Ian Potts and Cllr John Popham are very good on this Committee; - Allowing the public to speak at these meetings is a good thing; - The Chairs have been flexible in allowing people from both sides of the argument to speak; - The Arcadia Centre and Dickens Yard were unpopular decisions but are good examples of issues that were | | | |

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| | <p>well debated.</p> <p>Ward Forums:</p> <ul style="list-style-type: none"> - I like these; - Previously used to get about 40-45 people but nowadays get about 20-25, mostly regulars; - Tend to discuss local matters that are relevant to the Ward; - It does test the Councillors’ knowledge of their areas; - Have not had any groups wanting to takeover. | | | |
| 3. | <p>General:</p> <ul style="list-style-type: none"> - Ealing Council’s strength is its robust political structure, challenge and debate (have been seeing this at Scrutiny and Council). <p>Council:</p> <ul style="list-style-type: none"> - Should retain its debating role; - Best debate was on Council Tax and Budgets; - I enjoy the Shadow Budget Portfolio Speech (10 minutes) as 3 minutes are not sufficient | <p>Council:</p> <ul style="list-style-type: none"> - It doesn’t really work; - Works at a pantomime level; - Limiting speech is a major issue – limiting/guillotining the debate at 3 minutes is meaningless; - Does not make enough decisions – outcomes in terms of policy; - Questions involving the public would change the nature of what Council is all about as there are other | <p>Planning:</p> <ul style="list-style-type: none"> - Could manage large applications better e.g. the Havelock Estate Project is massive (Will have 1,000 homes and take 10 years to complete) yet we only had a visit and an hour’s debate on it; - The Arcadia Project was better debated and involved the public much more; - The public feels disfranchised e.g. for the | <p>Council:</p> <ul style="list-style-type: none"> - To be more effective, the live debate should be televised on the Council’s website, YouTube, etc.; - Should close down at 1.30am; - Need to have shorter more relevant agendas but lengthen the duration for debate. <p>Cabinet:</p> |

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| | <p>for this.</p> <p>Scrutiny:</p> <ul style="list-style-type: none"> - The Overview and Scrutiny Committee is one of the few bodies that half serves it functions; - OSC does work; - Other Panels work well if there is a good Chair and the topic is right e.g. Cllr Phil Taylor was a good Chair of the CPZ Panel which had a lot of public interest so the Panel came up with some very useful recommendations. <p>Ward Forums:</p> <ul style="list-style-type: none"> - Have only been to my own Ward Forum; - The Northfields Ward Forum is well advertised with meetings rotated around the Ward; - The Council and the Ward Councillors widely advertise the meetings to the residents and residents’ associations, residents via email and | <p>means for the public to be involved;</p> <ul style="list-style-type: none"> - Council Questions – with the present format the Portfolio Holders can get away with dodging some questions; - Would be more powerful if one is expected to obey; - The Mayor should exercise more authority to ensure that we get full answers from the Portfolio Holders. <p>Cabinet:</p> <ul style="list-style-type: none"> - From the Opposition’s point of view and anybody outside the Executive, this is a meaningless exercise; - Colleagues tend not to challenge other colleagues; - There is no debate; - It is just a rubberstamping exercise. <p>Scrutiny:</p> <ul style="list-style-type: none"> - The weakness of the Scrutiny Committees is that these are dominated by the majority | <p>Oaks Project about 68 people could not get into the Council Chamber for the meeting.</p> | <ul style="list-style-type: none"> - Should make it into a Joint Committee by joining it up with the Shadow Cabinet; - Could do away with it and go back to the old Committee System where all Committees then go to Council; - Should make Cabinet more competitive as a decision making body; - The Opposition Councillors should get more help from the officers. <p>Scrutiny:</p> <ul style="list-style-type: none"> - Scrutiny should have a reverse proportionality of Members on these Committees to be more effective; - The Chairs should be selected appropriately for the job and not for political reasons; - Scrutiny holds the |

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| | <p>newsletters;</p> <ul style="list-style-type: none"> - It is down to the Councillors to drive up attendance at these meetings – we have got about 700 email addresses; - We usually get about 60 people in attendance at a meeting as we work hard to engage the local people; - We try and make the agendas relevant to the local people e.g. CPZ, planning process, etc. so it is a good formula that works. <p>Planning:</p> <ul style="list-style-type: none"> - I like Planning and think it works well; - It is guided by policy and depends on how good the Committee is; - Can sometimes make controversial decisions. - As a Councillor, my views carry more weight at this Committee than at any other that I sit on. | <p>party;</p> <ul style="list-style-type: none"> - The Chairs are often selected for political reasons. <p>Planning:</p> <ul style="list-style-type: none"> - Criticisms are levelled at the planning reports which can be very poor; - I wish I had more powers as a Councillor but am pleased that my views are held in some esteem on this Committee. | | <p>Executive to account so need to beef up OSC to enable it to do this more efficiently.</p> <p>Ward Forums:</p> <ul style="list-style-type: none"> - Would like to see the S106 monies considered at this level so the community gets to decide where and how it should be spent. <p>Number of Councillors:</p> <ul style="list-style-type: none"> - Most Councillors work full time so to cut the numbers we would need to make the Councillor role full time and pay a proper wage or just take on retired people; - Need to structure the Committees to accommodate the existing number of Councillors e.g. we do a lot less scrutiny now; - Sitting on a Council |

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| | <p>Regulatory/Licensing: - Have not been involved with either of these two Committees.</p> | | | <p>Committee is only about a third of a Councillor’s role as they also attend other meetings e.g. residents associations, hold surgeries, undertake case work, etc.;</p> <ul style="list-style-type: none"> - 3 volunteer people per Ward is adequate; - If the Wards are made larger but have 3 Councillors per Ward then this could work – perhaps there could be 16 larger Wards instead of the present 23; - The Southall Gasworks Development is likely to create a new Ward in the borough; - Proportional representation will be coming to Local Government – the population has increased by about 35,000 in the last 7 years and in the next 5 years is likely to |

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|----|--|---|--|--|
| | | | | increase by another 40,000. |
| 4. | <p>Council:</p> <ul style="list-style-type: none"> - A good opportunity to raise topical issues; - Tends to attract media attention; - Having petitions works quite well; - The mingling of Councillors over a beer in the Mayor’s Parlour after the meetings is a good thing to have. <p>Cabinet:</p> <ul style="list-style-type: none"> - It provides an opportunity to have a grumble but only rarely do things actually get changed. <p>Scrutiny:</p> <ul style="list-style-type: none"> - Some Panels work well and there have been some good outcomes from these; - There is a willingness by the Administration to implement scrutiny recommendations; - Pre-scrutiny can work well. | <p>Council:</p> <ul style="list-style-type: none"> - Harder to get topical items debated; - Motions used to be raised earlier and earlier; - Motions/Questions have no public engagement; - Sometimes the Portfolio Holder does not answer the Councillor Questions or can be too long reading out an officer written response. The Mayor needs to be firmer on this. Could have a time limit of 3 minutes as this would accommodate a political and factual answer; - The Liberal Democrats don’t get sufficient time during the debates although they tend to get the same share of the time in moving a motion. <p>Cabinet:</p> <ul style="list-style-type: none"> - Decisions are mostly made much earlier in the process | <p>Call-in:</p> <ul style="list-style-type: none"> - The public should be given time to speak at these – 3 minutes to get their points across plus additional time for questions and answers seem reasonable. <p>Planning:</p> <ul style="list-style-type: none"> - Having public speaking rights at these meetings is a good thing; - For large development proposals it is good to have several speakers from different aspects e.g. heritage, noise, developer, etc. <p>Ward Forums:</p> <ul style="list-style-type: none"> - Need to try and get more people to these meetings by increasing publicity e.g. leaflets, posters, etc. | <p>Council Structures:</p> <ul style="list-style-type: none"> - The Localism Act allows flexibility in structuring the Council e.g. having a hybrid structure whereby each Portfolio Holder has a cross-party Committee each with a majority of Councillors still from the majority party. <p>Cabinet:</p> <ul style="list-style-type: none"> - The Leader of the Liberal Democrats can ask questions but it would be helpful to also allow other Councillors to do so. <p>Planning:</p> <ul style="list-style-type: none"> - To eradicate the negative perception a solution could be to have a ‘Chinese wall’ within the Planning Department so that the section dealing with the developers, etc. |

**SCRUTINY REVIEW PANEL 1 – 2013/2014 – GOVERNANCE
INTERVIEWS – EALING COUNCIL’S CURRENT GOVERNANCE ARRANGEMENTS
NOTES OF OUTSTANDING COUNCILLOR INTERVIEWS**

| | What in your opinion works well? | What in your opinion does not work well? | How is the public engaged? | How would you improve decision making? |
|--|---|---|-----------------------------------|--|
| | <p>Call-in: - These are mostly for controversial issues; - Sometimes picks up things that the Members of the Majority Party then accept leading to them making changes to their decisions;</p> <p>Planning: - Ward Member speaking works well.</p> <p>Licensing: - Don't sit on this Committee; - Presently, there is a pool of 15 Councillors and meetings are held in the day time so it could be even more difficult to arrange if the number of Councillors is reduced.</p> <p>Ward Forums: - Initially, I was sceptical about getting rid of the previous Area Committees but now find that the Ward Forums work quite</p> | <p>so it is often too late to influence/change them at these meetings; - Very few members of the public have full knowledge of what the Council or Cabinet does; - Only a tiny number of people are aware of what Cabinet does.</p> <p>Scrutiny: - The Liberal Democrats used to get a Vice Chairmanship in the past when there were more Scrutiny Panels but this no longer happens as the Chair/Vice Chair positions are now allocated proportionate to the political set-up.</p> <p>Call-in: - People tend to make comments with their Party hats on.</p> <p>Planning:</p> | | <p>is not the section presenting the report to the Committee; - The officers should not make any recommendations in the reports. These should be left for the Committee to do at the end of their hearing. This happens in some other local authorities; - The Committee should decide the reasons for the refusals and make these explicit especially if the Council then has to defend the position in an Appeal.</p> <p>Number of Councillors: - Reducing the numbers would entail making the Wards larger; - It would make it more difficult for the smaller parties as there would be reduced opportunities and</p> |

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|--|--|---|-----------------------------------|--|
| | <p>well;</p> <ul style="list-style-type: none"> - Generally, more people are engaged at this level than with the Council as a whole; - Not ideal but engages people well compared to some other Council structures; - We tend to rotate the Chairmanship which works well especially as ours is a split Ward. | <ul style="list-style-type: none"> - There are lots of problems with Planning; - The Planning meetings are held in the Council Chamber but for larger projects that are of public interest e.g. the Oaks Development the hearing should be held in a larger room to allow more people to attend the meeting; - Although Councillors are not whipped on Planning issues there often is a tendency that they vote similarly to their Party colleagues; - Public perception is that officers take a long time to explain the reports in trying to support their recommendations whereas the rest get a lot less time which can then appear to be a bias towards the officers; - Public perception is also that the officers are on the side of the Developer. <p>Ward Forums:</p> | | <p>make the larger parties more dominant;</p> <ul style="list-style-type: none"> - It would make the Council less representative. <p>Ward Forums:</p> <ul style="list-style-type: none"> - Some of the mainstream Council functions e.g. street repairs (by scrapping the scoring system), CPZ consultations, etc. should be devolved to Ward level; - Each Ward should then be given 1/23rd of the associated budgets to carry out any such works; - However, a central contingency budget for emergencies should be retained. |

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| | What in your opinion works well? | What in your opinion does not work well? | How is the public engaged? | How would you improve decision making? |
|----|---|---|---|--|
| | | <ul style="list-style-type: none"> - Can often take a long time to make a decision and get it implemented; - The informal process before the formal decision is taken can take a long time depending on which officers are involved. | | |
| 5. | <p>Council:</p> <ul style="list-style-type: none"> - State of the Borough is a good debate; <p>Cabinet:</p> <ul style="list-style-type: none"> - I think it works better than a Committee System as papers are read and debated much better; - Chairs of OSC, Planning, Regulatory and Portfolio Holders get first sight of Cabinet papers. Some papers get pulled at this early stage; - The papers then go to the Full Group for debate; - Rights to speak but not debate; - Cabinet is at the ‘top of the pyramid’ as debate has | <p>Council:</p> <ul style="list-style-type: none"> - Can’t tell you what the purpose of the Full Council is; - Some reports that we nod through are of much more importance; - Some items need more debate; - The public petitions/ questions are often ‘planted’ so loses its value; - I don’t understand why the Opposition has 3 Councillor Questions; - We try to make the motions directly relevant to Council business but sometimes this is not successful; - Have not had a decent debate for a long time on | <p>Cabinet:</p> <ul style="list-style-type: none"> - The present Leader is quite generous compared to the previous Leader in allowing speaking during Questions. <p>Planning Committee:</p> <ul style="list-style-type: none"> - Public perceive it with total lack of interest unless for large projects where these are well orchestrated by people who are against a development. <p>Licensing Committee:</p> <ul style="list-style-type: none"> - Often people don’t understand the strict rules under which we have to operate the Licensing/Planning | <p>Council:</p> <ul style="list-style-type: none"> - I would reduce the number of Council Questions to 4. Answers are prepared by officers and some Councillors go off the script but in the main keep to it. - Reverse proportionality – the Liberal Democrats get more time for their numbers due to the amendments; - Reports should be looked at before motions; - Debate rather than nod the items through at the drop of the guillotine; - Need to get rid of the Mayor (including car, |

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|--|---|--|-----------------------------------|---|
| | <p>happened in the earlier processes. This also brings the items into the public domain so the press can pick these up if necessary;</p> <ul style="list-style-type: none"> - Questions of the Opposition get answered; - Things do get taken back from Cabinet; - There is more challenge of officers in the Cabinet structure. <p>Planning Committee:</p> <ul style="list-style-type: none"> - Is a super Committee and good fun; - As a Councillor can ‘grand stand’ for one’s residents; - Ensuring that the Councillors on the Committee should know the rules and work to these. <p>Licensing Committee:</p> <ul style="list-style-type: none"> - Occasionally get people attending these. <p>Ward Forums:</p> | <p>some issues e.g. transport, housing supply, academies, free schools, etc.;</p> <p>Cabinet:</p> <ul style="list-style-type: none"> - Difficult to have a debate of the numerous items; - The quality and length of the papers is not good. <p>Number of Councillors:</p> <ul style="list-style-type: none"> - I think we have too many Councillors; - However, the Licensing Committee has to have a minimum of 15 Councillors and the meetings take place in the daytime. <p>Committee System:</p> <ul style="list-style-type: none"> - ‘Silo’ mentality as debate only at that Committee. <p>Scrutiny:</p> <ul style="list-style-type: none"> - We don’t seem to make best use of Scrutiny; - The Scrutiny Committees are too big because there are too | <p>Committees.</p> | <p>staff, etc.) as the main purpose is raising money for charity.</p> <ul style="list-style-type: none"> - If Minority Administration/ Coalition Administration then proportionality should be applied; - If Call-in, OSC could refer matters to Council instead of Cabinet. This would give far more purpose to Council. <p>Number of Councillors:</p> <ul style="list-style-type: none"> - We could have 48 Councillors either 3 Councillors per Ward in fewer Wards or 2 Councillors per existing Wards; - The need to find more money for allowances for Councillor attendance at daytime meetings. <p>Scrutiny:</p> <ul style="list-style-type: none"> - Scrutiny Committees should be smaller in size. |

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|--|--|---|-----------------------------------|---|
| | <ul style="list-style-type: none"> - Work far better than the old Area Committees; - Councillors are more involved; - In the main use the money for useful small projects within the Wards. | <p>many backbench Councillors on them;</p> <ul style="list-style-type: none"> - OSC is the final challenge for the Cabinet. <p>Planning Committee:</p> <ul style="list-style-type: none"> - Concern for Councillor safety limits the use of other larger rooms in the Ealing Town Hall. <p>Ward Forums:</p> <ul style="list-style-type: none"> - Can be slow in implementing some of the small projects and the public often don't understand the necessary timescales especially of traffic related projects. | | <p>Planning Committee:</p> <ul style="list-style-type: none"> - Could have these webcamed so that people in other rooms can also view the proceedings. <p>Ward Forums:</p> <ul style="list-style-type: none"> - More devolvement of money on road issues e.g. more money should be spent on the footway rather than on the carriageway; - More money should be devolved from capital to revenue budgets; - Money should just be seen as 'money' and have flexibility on the Ward's priorities e.g. youth projects, etc. |



SCRUTINY REVIEW PANEL 1 – 2013/2014

GOVERNANCE

DRAFT FINAL REPORT

6 February 2014

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CHAIR'S OVERVIEW



***Councillor Anthony Young
(Panel Chair)***

(The Chair to provide the text for this section)

1.0 INTRODUCTION

- 1.1 The main **purpose** of Scrutiny Review Panel 1 – 2013/2014: Governance was to review the existing governance arrangements with a view to making recommendations for the future governance arrangements for Ealing Council.
- 1.2 Since the introduction of the Local Government Act 2000, Ealing Council has been operating a Cabinet and Leader model of governance. Under this system, the majority of decisions are taken by the single-party Executive (or Cabinet) either in the Cabinet meeting or by individual Cabinet Members. The Executive is held to account for their policies and decisions by the cross-party Overview and Scrutiny Committee and Scrutiny Panels.
- 1.3 New legislation (the Localism Act 2011) now allows local authorities to choose which governance system they operate from the following options:
- (a) Executive Arrangements (such as an elected Mayor and Cabinet or a Leader and Cabinet);
 - (b) A Committee System; or
 - (c) Alternative Arrangements (as prescribed by the Secretary of State).

2.0 METHODOLOGY

- 2.1 The Panel received reports and presentations from internal services, external agencies, expert witnesses and residents at their meetings. There were five scheduled meetings in the year that were held in Ealing Town Hall. The Panel also conducted site visits within and outside the Borough.
- 2.2 In addition, the Chair and Vice Chair sought the views of a cross-section of Councillors, ex-Councillors and key officers in one-to-one meetings with them.
- 2.2 The Panel decided against co-opting any additional representatives as it would have been difficult to have a balanced representation from the numerous establishments falling within this remit.

Visits

- 2.3 The following visits were undertaken:

Within the Borough

- Neighbourhood Ward Forums

Outside the Borough

- Isleworth and Brentford Area Forum, London Borough of Hounslow
- Brent Connects Area Forums (Brent Connects Willesden and Brent Connects Kingsbury & Kenton), London Borough of Brent
- Joint Local Government Association and Centre for Public Scrutiny Good Governance Workshop

- 2.4 The Panel's work was publicised in the Council's free magazine, Around Ealing, local websites such as Ealing Council and Ealing Community Network, etc. and direct emails.

3.0 PANEL FOCUS

3.1 The Panel's main focus was to consider the following key areas and make recommendations for the future structure of Ealing Council that will ensure a more efficient and effective decision making:

- The implications of the Localism Act 2011; and
- The Council's Current Governance Arrangements incorporating:
 - Quasi-judicial Bodies
 - Scrutiny Function
 - Public Engagement (including petitions, community calls for action, consultations, etc.)
 - Health and Wellbeing Board
 - Neighbourhood Governance
 - Cabinet and Council

3.2 The Panel endeavoured to ensure that the views of all the major stakeholders were incorporated in the review (e.g. experts, key service officers, Committee Chairs – past and present, charitable and existing groups; public, voluntary and private sectors; etc.)

4.0 DETAILED CONSIDERATIONS

Current Governance Arrangements at Ealing Council

Background

- 4.1 The Local Government Act 2000 (the 2000 Act) radically changed the decision making structures of local government. Central to these reforms was the clear separation between the decision-making and scrutiny roles of local authorities. The 2000 Act required councils to adopt a new governance structure, moving away from decisions being taken by cross party committees and introducing an executive with a wide-ranging leadership role – with a scrutiny function required to be in place to ensure transparency.
- 4.2 At the time, Ealing Council adopted the Leader and Cabinet model of governance and the structures that are still largely in place. The current constitution was also adopted at that time and has been regularly reviewed and updated since then. The largest and most fundamental Ealing governance review since 2000 relates to officer delegated powers, which were fully codified and updated in about 2004.
- 4.3 Part 3 of the Local Government and Public Involvement in Health Act 2007 introduced amendments to the Local Government Act 2000 relating to local authorities' executive arrangements. This implemented the Government's proposals set out in the Department for Communities and Local Government White Paper "*Strong and Prosperous Communities*" published in 2006 and favoured vesting all executive powers in the leader or an elected mayor in order to achieve the aim of securing 'stronger leadership' which it considered to be the most significant driver for change and improvement for local authorities.
- 4.4 In particular, the Act provided for the adoption of either
- A Leader and Cabinet executive or
 - A directly elected Mayor and Cabinet executive model.
- 4.5 A third option, Mayor and Council Manager, originally outlined in the White Paper and which provided for a directly elected executive was dropped during the passage of the Bill through Parliament after it was rejected in the House of Lords.
- 4.6 Prior to adoption of the 2007 Act arrangements the Council was required to 'take reasonable steps to consult electors and other interested persons'. This consultation was undertaken between 20 July and 30 September 2009. 52 responses were received, with 73% in favour of the Leader and Cabinet model and 27% in favour of the elected Mayor and Cabinet model. On 25 December 2009, Full Council adopted the Leader and Cabinet model. The changes from the previous Ealing model were so subtle that few Members or officers would have been aware of them.
- 4.7 Section 63 of the 2007 Act amended the 2000 Act to provide for arrangements for the discharge of executive functions under the new model to be those currently in place under the Mayor and Executive arrangements. In practice this means that the Council's executive functions are now vested

in the Leader and the Leader is responsible for determining how those powers should be discharged not the Cabinet as at present. The Leader appoints Cabinet Portfolio Holder members and these appointments are reported to Full Council. Under the previous arrangement it was Full Council that made these appointments.

- 4.8 The Localism Act 2011 introduced further levels of choice to local government governance via changes to the Local Government Act 2000. In particular, the 2011 Act allows for the possibility of Councils returning to Committee-style governance arrangements (i.e. similar to the pre-2000 arrangements). A Council can return to Committee-Style governance if so wished, pending the passing of a resolution at Full Council which following requisite legal and public notices, would take effect from the following May. If the Council then wishes to change governance arrangements again within 5 years of the decision the Council would have to hold a public referendum on the decision.

Constitution

- 4.9 The responsibilities of Ealing's Cabinet Portfolio Holders are set out in Part 3 of the Council's Constitution. These listed responsibilities do not necessarily conform to the different officer teams. Where a particular area of Executive responsibility is not specified, it will fall within the portfolio of the Leader.
- 4.10 Ealing's governance arrangements are set out in full within the constitution. The Director of Legal and Democratic Services is responsible for keeping the constitution up to date. A non-constituted cross-party group of Councillors (the Constitution Review Group) meets privately, with officer support, three times a year and makes recommendations to Full Council for changes to the constitution. As required by legislation, any changes proposed are advertised on the Council's website before being put to Full Council for approval.

Cabinet

- 4.11 Article 7.03 of the Council's constitution confirms that the Leader is elected by the annual meeting of the Council. Cabinet members are appointed by the Leader and notified to Full Council (see Article 7.06). Portfolios are established by Full Council and it is the responsibility of the Leader to assign these portfolios to Cabinet members.
- 4.12 The Cabinet consists of the Leader (appointed by the Council every four years) and a Cabinet comprising 7 additional members (although the legislation allows for up to 9) appointed by the Leader.

Shadow Cabinet

- 4.13 The Shadow Cabinet is appointed by the Leader of the Opposition and notified to Annual Council. The Shadow Cabinet is a constituted public meeting and has powers to call-in key Executive decisions. There is no legislative requirement for a Shadow Cabinet and many Councils either do not have a Shadow Cabinet at all, do not support it as an official Council meeting, or ascribe no call-in powers to it.

Council-side Committees

- 4.14 Non-executive functions are required to be dealt with by Full Council or (where legislation permits it) by a specified council-side committee. In Ealing, the principal council-side committee is the Regulatory Committee, and that Committee is responsible for any council-side functions not formally delegated to a different committee. Full details of the council-side committees at Ealing and their powers and responsibilities are set out in Part 3 of the Council's Constitution. The manner in which many decisions are to be taken is often tightly prescribed by legislation. For example, the size of Licensing Committee and the timing of hearings by some of its Panels, are specified by the Licensing Act and related regulations.

Scrutiny

- 4.15 Ealing has a very active Scrutiny function, which is required to consider a relatively high number of call-ins of key Executive decisions. The Council also continues to maintain a number of Specialist Scrutiny Panels, although the only one the Council is statutorily required to have is the Panel which scrutinises health functions.

Officer Decisions

- 4.16 In order to ensure that decisions are taken in an efficient and timely way and public meeting time is used effectively, most decisions of the Council (i.e. both Executive and Council side) are delegated to officers. The scheme of officer delegations is fully codified and up to date and set out in Part 8 of the Council's Constitution. In the main, decisions are delegated (i.e. responsibility is given) to Director level. It is then for each Director to determine whether or not to authorise officers in their team to exercise those delegated powers on the Director's behalf. If such authorisation does happen then the Director will still retain responsibility for the decisions taken.

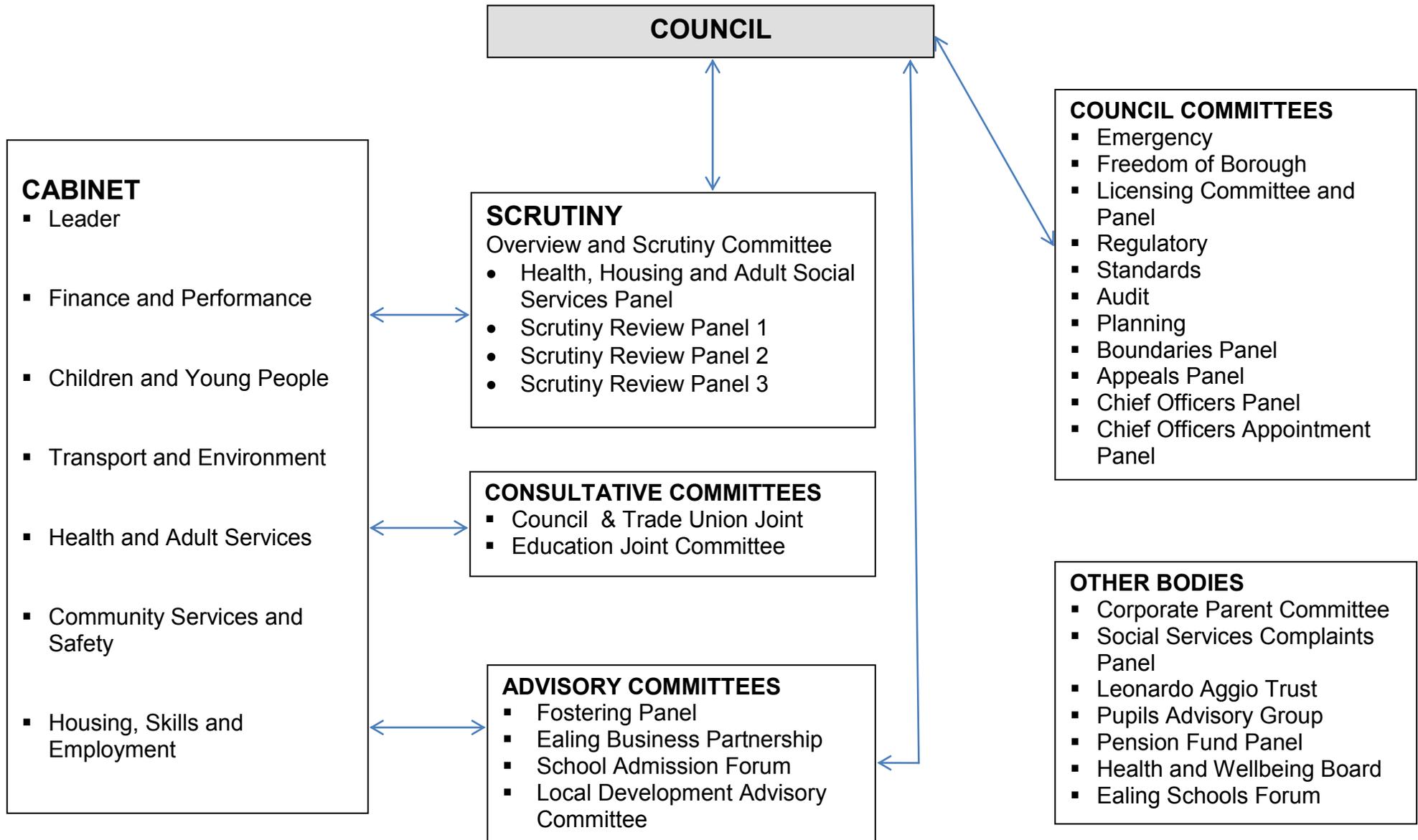
Ward Forums

- 4.17 In November 2007, Cabinet approved a new model of Neighbourhood Governance, to replace the borough's then existing arrangements of seven Area Committees which had existed since the modernisation of local government in 2000. Ealing Council no longer has Area Committees although many Councils do. Instead, Ealing has set up a Ward Forum for each of its 23 Wards. Each Ward has been allocated a budget. Governance of these Forums can legitimately be "light", by reason that the Forums do not actually take any decisions; rather, they make recommendations to the relevant Cabinet Portfolio Holder – which the Portfolio Holder may go along with or not. This arrangement allows each Ward Forum maximum flexibility in the way it organises its business.

Structure

- 4.18 The structure of Ealing Council Member level bodies is summarised in the table below.

EALING COUNCIL – MEMBER LEVEL DECISION MAKING STRUCTURE 2013/2014



Key Issues

- The large sizes of Committees and number of Councillors at the Council should be reviewed for more effectiveness.
- There are legal options to consider reductions in the numbers of Councillors should the Council wish to take that route.
- The Council needs to make its actions more transparent to allow for fuller public understanding of the decision making process.
- The role and usefulness of the Scrutiny function within the governance arrangements.
- The issue of officers being 'cagey' with the release of their reports that has been highlighted through many of the Council's Committees e.g. Planning and Cabinet.
- Consider the feasibility of the Forward Plan to contain more information. The amount of background and contextual information provided on forthcoming Forward Plan items does not always allow for Councillors to understand the full implications of forthcoming items.
- The need for a longer run-in period than the current 28 days, possibly a period of 3 months, should be suggested for the Forward Plan and this should be applied consistently for all items.

Interviews on Ealing Council's Current Governance Arrangements

4.19 The Chair (Cllr Anthony Young) and Vice Chair (Cllr Yoel Gordon) interviewed key officers and Councillors/Ex-Councillor in one-to-one meetings to seek their views on Ealing Council's current governance arrangements. The responses are summarised below.

4.20 **General**

What Works Well

- Greatest strength is Members and Officers working hard and well together with respect for each other.
- Ealing Council's strength is its robust political structure, challenge and debate (have been seeing this at Scrutiny and Council).
- Ealing has effective arrangements in place e.g. priorities, performance, etc. and this is a strength.
- Small 'p' politics.
- Good induction process.
- Have better discussions at some Committees e.g. Audit, Standards and Pensions.
- The number of Councillors should remain 3 per Ward.
- In a Committee System decisions would take longer.
- Cabinet and Scrutiny Model is the best.

What Does Not Work Well

- Don't make best use of backbenchers as they have a lot of enthusiasm and energy.
- There are presently two arms of decision-making – Cabinet and Council.
- Knowledge not always shared.
- Not everyone gets involved or is engaged.
- Some Members may just have been put there to make up the numbers.
- Training is essential especially on Committees such as Audit, Pensions, Licensing, Planning, etc.

- Greater emphasis needs to be placed on the Ealing Borough as a whole rather than just running Council services e.g. the Council's role regarding academies, etc.
- Not everyone participates actively in the discussions.
- We haven't got decisions around staffing matters right.
- Appeals for dismissals should not be going to Members especially as some end up in the Employment Tribunals.
- Jargon/language can be a problem.
- A Mayor can be an issue.
- The vertical division of local authority work in the old Committee System was the opposite of the present joined-up working.
- As a Leader, my biggest issue was officers – being able to understand and work with them effectively.
- Presently, there are lot of Councillors who are not engaged.
- There needs to be a proper and increased governance of partnership working. Need to ensure that Scrutiny is looking at these on a borough-wide and sub-regional level.
- Members could behave better.
- More debate, dialogue is achieved at meetings in the Committee System.
- The old Council System could be boring.
- Old structure – more boring but more worthy.
- We could have 48 Councillors either 3 Councillors per Ward in fewer Wards or 2 Councillors per existing Wards.

4.21 **Cabinet**

What Works Well

- Came into being in 2000 and has simplified decision making.
- This is an efficient way of making decisions.
- This move gave a more joined up working (as a team rather than an individual).
- A cohesive corporate body responsible for all the Council.
- Cabinet system works well.
- Cabinet does work when you are in control.
- The present Leader allows people to speak at the meetings.
- Good Officer/Member relationship.
- Shadow Cabinet can ask questions.
- It provides an opportunity to have a grumble but only rarely do things actually get changed.
- Members of the public are able to attend but not a successful means of engaging the public as no debate takes place.
- Call-in Option is applicable.
- Cabinet gives the Members clarity and policy direction.
- Forward Plan gives Cabinet a flavour of what is coming up and the issues for the Portfolio areas.
- Cabinet system is faster in making decisions than the old Committee System.
- Having Opposition at Cabinet is a good thing in challenging Cabinet decisions.
- Cabinet does not feel like rubber stamping as there is a process that happens beforehand.
- Big decisions need to be made at Cabinet.

- Report writing is reasonable under the present system.
- Has broken down the barriers and for Departments to work together rather than separate entities e.g. the previous Education Committee, etc.
- Rigorous process in place to shape the reports.
- Need to have a decisive body which can make decisions and is accountable.

What Does Not Work Well

- Cabinet is not a Committee so we do not get the same discussion as a Committee.
- Shadow Cabinet should be given the opportunity to discuss and debate matters.
- Councillors represent the public but unable to speak effectively on their behalf.
- Speaking at Cabinet meetings should be formalised as for Council meetings.
- Should make it into a Joint Committee by joining it up with the Shadow Cabinet. However, this could only happen if we move to a Committee System.
- Propose a Cabinet with a Committee to scrutinise the Portfolio Holder – e.g. an Advisory Committee of external experts and key officer e.g. that of the Local Development Framework.
- Could do away with Cabinet and go back to the old Committee system.
- This is very much a ratification process.
- Is a rubber-stamp job.
- Need to be accessible, more human and engaging.
- Once Cabinet has made a decision then it is harder for others to change the decision especially when there is such a big Majority Party.
- Limited scope to debate.
- Deputies – need to develop and refine this role which should be written in the constitution.
- In this Council, we often feel that if earlier pre-scrutiny has not been undertaken then people who attend Cabinet want to make a point.
- More pre-Scrutiny would also reduce the number of Call-ins.
- Could do a pre-scrutiny prior to the meeting to identify the key issues.
- Not enough time to debate as too many Cabinet papers.
- Delayed reports get put back and then go to another meeting making the agendas for subsequent meetings very long.
- The quality of the decision is important.
- A complete waste of time from the Opposition's point of view.
- We tend to use Call-in as the Opposition as does the public.
- Would bring all parties on Cabinet to improve it.
- If a big issue, the present Leader allows people to speak which is a good thing but need to formalise this process in the same way as for petitions in Council.
- Mentors for Portfolio Holders would be helpful.

4.22 **Council**

What Works Well

- A good democratic tool.

- System based on a national template – putting Cabinet Members on the spot.
- A good opportunity to raise topical issues.
- Tends to attract media attention.
- Should retain its debating role.
- A good forum for political debate.
- Better debates – more topical.

What Does Not Work Well

- Meetings are not particularly efficient as works at a pantomime level but then this is quite common in most local authorities.
- Can sometimes be a circus with parties bashing each other.
- Need to have shorter more relevant agendas but lengthen the duration for debate.
- Could reduce the number of motions.
- I would reduce the number of Council Questions to 4. Answers are prepared by officers and some Councillors go off the script but in the main keep to it.
- Not all reports are debated – there should be some discussion on each.
- Reports should be looked at before motions.
- The subject of the debate could be more focussed.
- Pointless having a debate on a decision that has already been taken.
- Is a waste of time these days!
- Greater control of agenda is needed.
- The old Council system could be boring.
- Too many Written Questions, 50-70.
- It is a farce.
- It is more of a Punch and Judy show – entertainment.
- Should allow more public engagement as this is a good thing.
- Most tribal, the two Groups come together and have a fight.
- The public goes when this happens as they don't like tribal politics.
- Need to stop Councillors being tribal.
- Bad place to make decisions.
- Questions are not there to glean information but to trip people up.
- Motions should be more relevant and focus on residents and policy.
- If Call-in, OSC could refer matters to Council instead of Cabinet. This would give far more purpose to Council.
- Need to get rid of the Mayor (including car, staff, etc.) as the main purpose is raising money for charity.
- If Minority Administration/Coalition Administration then proportionality should be applied.

4.23 **Scrutiny**

What Works Well

- Scrutiny is a statutory requirement since 2000 and works well.
- Over the years, quite an effective Scrutiny function has evolved at Ealing.
- Comprehensive set of processes.
- Enables 'blue sky' thinking.
- Scrutiny does have a value.
- Backbenchers engaged in the Scrutiny process.
- Hold the Executive to account.

- Look in detail at policy areas, what is happening elsewhere, best practice, etc.
- At Ealing, this is much focused compare to some Local Authorities.
- Ealing has an open and transparent Scrutiny function to ensure good governance (e.g. Hammersmith has tighter criteria so less challenging).
- It is a much improved and innovative structure
- Provides continuing challenge.
- It is one step removed from decision making.
- The Overview and Scrutiny Committee is one of the few bodies that half serves its functions.
- The public having the opportunity to speak at these meetings is a good thing.
- The public is often quite impressed with the detailed discussions that take place in scrutiny meetings.
- Scrutiny does have an impact.
- External participation is good.
- The key stakeholders are consulted on issues.
- Has more capacity for careful deliberation.
- Call-in – it is quite effective as enables a good debate.
- If a topic is chosen correctly then can work very well. Topics need to be meaty rather than lots of different smaller ones.
- More conducive to partnership working.
- The call-in process is very valuable so need to continue to work on improving this for the future.
- A distinct job in holding the Executive and others to account.
- Member visits – Scrutiny does this in a more focused way which is effective.
- Generally well informed.
- Recommendations normally sensible and coherent.
- The Health/Social Services Scrutiny works well although this is quite unusual.
- Works best at ‘blue sky thinking’ and at holding other bodies to account.
- Scrutiny is more strident than the old Committee System.
- Productive work is done in the Scrutiny Committees.
- The Ealing Riots Panel was a short constructive one and the Members were engaged.
- A good testing ground in assessing whether the Chair can control a meeting, etc.
- Do like the call-in process – at one time we even had a separate Scrutiny Panel dealing with this.
- Strength – even the Administration accepts to look at things again.
- I prefer the Specialist Panels but need to have the right Members on a Panel.
- Over the years, some very good stuff has come out of the Scrutiny Panels.
- The Scrutiny Conference was excellent and I was engaged in the process of scoping the new Panels.
- Good to have a debate on something.
- Call-ins have gone well.
- Like research and working with a good officer to identify gaps, etc.
- Scrutiny brings out the best in Members.

- Got more out of the officers.
- Got some things done.
- Liked to work on some Panels.
- Call-ins – give the public an opportunity to put forward their points to Non-executive Members to shine light on the dark corners.
- It works as have had some long tough evenings at Scrutiny meetings being held accountable.
- No point in having Scrutiny if items are not regularly Called-in.
- These Panels are less hostile.
- Gives the Opposition a forum to have a proper debate including contractors, etc.
- OSC is the final challenge for the Cabinet.

What Does Not Work Well

- More pre-scrutiny of Cabinet reports is required.
- We don't seem to make best use of scrutiny.
- The Scrutiny Committees are too big because there are too many backbench Councillors on them.
- Each Cabinet Member should have a Scrutiny Committee looking at each Portfolio (scrutinise each Cabinet Member).
- Better to do fewer things well than more things not as effectively.
- The weakness of the Scrutiny Committees is that these are dominated by the majority party.
- Finance/Budget process – key proposals should go to the Scrutiny Panel to select the priorities.
- Detailed backing papers are not put in the public domain but Scrutiny could undertake in-depth scrutiny of the budget papers e.g. contracts, structure charts, etc.
- Sometimes some recommendations are not easily implemented due to resource/funding issues.
- Call-in – not sure what value this adds.
- Call-in – need to ensure this process is not over-used or abused.
- Personalities can play a crucial role. The Chair is often selected on a political basis and not necessarily on ability.
- There is presently a tendency to do more post-Scrutiny but see no reason why more pre-Cabinet scrutiny cannot be undertaken.
- Scrutiny Committees should be smaller in size.

4.24 **Planning**

What Works Well

- It is guided by policy and depends on how good the Committee is.
- Members have to abide by the legal requirements so are not subject to whipping.
- These Committees have a large interface with the public in licensing and granting permissions for their homes/business, etc.
- Allowing the public to speak at these meetings is a good thing.
- The Chairs have been flexible in allowing people from both sides of the argument to speak.
- As a Councillor can 'grand stand' for one's residents.

What Does Not Work Well

- Unlike at Scrutiny Panels then cannot ask questions of applicants, objectors or Councillors so have to ask officers;
- Get officer recommendations in reports;
- Better training required.
- Criticisms are levelled at the planning reports which can be very poor.
- The Planning Service does not serve the public well.
- Could manage large applications better.
- Few Councillors are able to attend daytime Panel meetings.
- Some decisions can be controversial/very controversial.
- As of now Planning is in trouble. The reputation is not good.
- The broad perception is that Members rubberstamp the officer recommendations.
- The change in membership currently is not the best.
- There is a personality problem and a number of people who do not know planning law can make decisions on a whim.
- More time spent on some items than others. Should consider all items equally and not just rubberstamp the non-controversial ones;
- If overturn an officer's decision/recommendation then some Members are unable to give a proper explanation but should give a clean reason to move the officer decision.
- Public sometimes have concern over the restriction to 3-minute speaking slot (the applicant and objector each get this whilst the Ward Councillors get 5 minutes).
- Too much politics in the planning process.
- Internal training sessions are not sufficient.
- Need to bring in external trainers to train Members.
- Concern for Councillor safety limits the use of other larger rooms in the Ealing Town Hall.
- Could have these webcammed so that people in other rooms can also view the proceedings.

4.25 **Licensing**

What Works Well

- Daytime meetings as existing licensees are mainly working in the evenings;
- Has training sessions that are useful;
- Has a pool of 15 Councillors to sit on the Sub Committees;
- There are few appeals and not many appealed successfully therefore process deemed to be successful.
- Trying to put more value to it.

What Does Not Work Well

- Meetings can run from 1½-5 hours;
- Planning and licensing applications are not well advertised.
- Whether we can explain the constraints better to the public.
- Daytime meetings – Councillor attendance is more difficult to arrange but is better for applicants, Police, etc.
- The need to find more money for allowances for Councillor Attendance at daytime meetings.
- Has been mainly officer-led in the past.

4.26 **Regulatory Committee**

What Works Well

- Diverse agenda but deals with this quite well.
- Mostly items dealt within one meeting.

What Does Not Work Well

- Limited public involvement.
- Need to get people more interested.

4.27 **Ward Forums**

What Works Well

- Better than the Area Committees.
- These are a success story.
- Useful and work well for both Councillors and officers.
- An improvement from what they were.
- On balance, these work well and are a good way to resolve small local issues.
- It does test the Councillor's knowledge of their areas.
- Light governance as are not decision making bodies.
- Flexibility in that there are 23 different ways to run these.
- Good for local involvement and consultation.
- If a Councillor has a vision, good personality and is engaging then these can be very productive.
- There is a lot of public interaction at these meetings and higher turnout when there is a controversial issue e.g. a CPZ discussed.

What Does Not Work Well

- It is down to the Councillors to drive up attendance at these meetings.
- Would like to see the Section 106 monies considered at this level so that the community gets to decide where and how it should be spent.
- Some Ward Forums in the borough are poorly attended.
- Would be useful to look at more strategic things that span several Wards.
- Would like more young people to go to these as they don't go to institutional structures.
- Area Committees were a disaster.
- More devolvement of money on road issues e.g. more money should be spent on the footway rather than on the carriageway.
- More money should be devolved from capital to revenue budgets.
- Money should just be seen as 'money' and have flexibility on the Ward's priorities e.g. youth projects, etc.
- Can be slow in implementing some of the small projects and the public often don't understand the necessary timescales especially of traffic related projects.

4.28 **Shadow Cabinet**

What Works Well

- This is a great strength in Ealing.
- Right that it is recognised as a body.
- Used to be in private previously but good now that it is a public meeting.
- Have real power in Call-ins.

- Get to read Cabinet papers and receive officer briefings.
- Minority Group meetings are a good thing.

What Does Not Work Well

- Has limited influence.

4.29 **Neighbourhood Planning**

What Works Well

- Good for identifying and promoting projects.
- Neighbourhood Plan – a democratic process and other processes e.g. planning, etc. will help inform this.
- Can get people, other than objectors, involved.
- A referendum helps to bring in the wider views of what the local people want and helps balance conflicting views.

What Does Not Work Well

- Some people have an agenda.

4.30 **Finance/Budget Process**

What Works Well

- Most effective way of doing this as officers/Cabinet work together on this.
- Easy for the Administration to get to grips with this as well informed.

What Does Not Work Well

- Savings Reports get about two lines at the Cabinet meetings.
- Information to other outside the Cabinet process is rather limited as a summarised schedule is put out in the public domain as otherwise there would be too many papers.
- Does not allow pre-Scrutiny due to the timetable constraints.
- Need to think of what processes should be in place for an emergency budget.

4.31 **Health**

What Works Well

- Health Scrutiny product is good as looks at public health and primary care.

What Does Not Work Well

- How do we engage with them?
- Conflicting objectives for Councils and Health.
- Partnership (a merger of services) but who pulls the strings?
- The Health Service presently works so disjointly.
- The Health Panel is a terrible example to an outside body as doctors are not impressed as papers have not been read by some Panel Members.
- I think the Council is the best place to take the decisions.
- There should be questions about quality, resources and priorities.
- Need to get to grips on how to improve the way this works best for the local community in a more joined up way.

4.32 **Public Engagement**

What Works Well

- Given opportunity to speak at Scrutiny meetings.
- Involved at local level in Ward Forums.
- The public is happy when it goes their way.
- I am a great believer in letting people have a say.
- There are Annual Surveys.

What Does Not Work Well

- Public may not understand Cabinet, etc.
- Have conflicting views as most of the public are not engaged because they are not interested (working, etc.).
- People have got 'lives' so don't get involved unless they need to.
- We need to renew the relationship and be more open and visible in showing the public how we work.
- There needs to be more cleverer/sophisticated engagement with residents – what is this Council there for?
- Disappointingly low attendance at public meetings.
- Need to proactively engage more with the public and businesses.
- The need to manage expectations.
- Some people have an agenda.
- The problem is empathy.
- It is the perception of people that the decision making process is remote from them.
- Need to go into schools e.g. primary schools, languages, speak to parents, etc. to identify issues.

4.33 **Other**

What Works Well

- Legal – we have some very good brains in this section and staff get involved in matters as are 'a watch dog' for the organisation to ensure people stay within the rules and work stacks up for the decision;
- Groups – internal politics of the Groups are discussed here.
- Forward Plan – policy-led model is an interesting one and useful tool for – pre-scrutiny items.
- Councillors – there is a lot one can get done as a Councillor which one can't as a non-Councillor.
- An Audit Committee should remain totally independent as the Chair would have an independent role e.g. in fraud cases.
- Finance – Finance staff involved at an earlier stage.

What Does Not Work Well

- Local Strategic Partnership – is this just a talking shop?
- Audit Committee – not sure what additional value the Treasury Management reports add to the work of the Committee.
- Audit Committee – how effective is this in giving assurance that the financial management is working effectively?
- Pension Fund Panel – things happening elsewhere would impact on the work of the Panel.

4.34 **Key Issues:**

- There should be a clear protocol for public engagement.
- Council meetings could be live-streamed.
- Too many items on the Cabinet Agenda – some items could be dealt with as Individual Member Decisions by the relevant Portfolio Holders.
- Call-in – Could a call-in be referred to Council when there is a Minority or Coalition Cabinet?
- Whether Opposition parties should be given the opportunity to debate at Cabinet.
- Employment Appeals Committees should be officer only but this would require a change to officer terms and conditions of employment.

GOVERNANCE AND SCRUTINY ARRANGEMENTS IN LOCAL AUTHORITIES – AN EXTERNAL PERSPECTIVE

4.35 At the Panel's request, the Local Government Association nominated Ed Hammond, Research and Information Manager at the Centre for Public Scrutiny (CfPS) to provide an external perspective on governance and scrutiny arrangements in other local authorities around the country. His briefing was as follows:

Governance Arrangements

Different Governance Models

4.36 The different governance models and some common perceived advantages and disadvantages of each model:

The Committee System

4.37 Under the Committee System decisions are taken by Committees comprising members from all political groups (where there are at least two Councillors in that group). The Council appoints the Committees and sets their Terms of Reference.

4.38 Committees receive briefings and commission reviews to develop Council policy. They are concerned with matters that must be dealt with at Member level and not with the day to day administration of the Council, which is the responsibility of the officers. They can be permanent 'Standing Committees' with a number of 'Sub-Committees'.

| Advantages | Disadvantages |
|---|---|
| <ul style="list-style-type: none">• Can allow more Councillors to be directly involved in making and influencing decisions. | <ul style="list-style-type: none">• There is a risk of decisions being made in silos as cross-cutting issues can be difficult to identify and address.• Widely considered to be inefficient, slow in decision making and overly focused on operational matters rather than policy and results.• This system can require a greater amount of Council officer time to provide briefings and support than has generally been experienced under most Executive Systems. |

Cabinet or Executive System
Leader and Cabinet (or Executive)

4.39 A Leader is elected by the Council.

Elected Mayor and Cabinet (or Executive)

4.40 A Mayor is elected by local residents.

4.41 The Cabinet or Executive makes decisions on key strategic issues and is responsible for implementing the agreed policies of the Council.

4.42 The Councillors in the Cabinet are appointed by the Leader of the Council. At least two and up to nine Councillors can be appointed to the Cabinet. Each Councillor has a portfolio or responsibility for a particular Council function, such as Health and Wellbeing or Economic Development and Regeneration.

4.43 In order to ensure that the Cabinet can be held to account for the decisions it makes, local authorities appoint Overview and Scrutiny Committees. These are made up mainly of Councillors who are not members of the Cabinet (i.e. backbenchers) and sometimes include local representatives such as people from the business sector or other public sector organisations. Their role is to assist the Cabinet with policy development and to scrutinise the decisions that the Cabinet is about to or has already taken. The Overview and Scrutiny Committees often cover those functions which mirror the portfolios assigned to Cabinet Members.

| Advantages | Disadvantages |
|---|--|
| <ul style="list-style-type: none"> • Strategic decisions can be taken in a swifter and more coordinated way. • Easier for partnership organisations to work with a Cabinet rather than a number of committees. • Portfolio Holders offer a clear point of contact within local authorities. This is a mechanism through which partners can access and navigate the organisation and its information. | <ul style="list-style-type: none"> • The political balance on Scrutiny Committees can favour the majority party. • Councillors not on the Cabinet can feel disengaged with the decision making process. • Great deal of responsibility in the hands of a few. |

4.44 Difference between a Leader and Elected Mayor

| Leader and Cabinet | Elected Mayor and Cabinet |
|--|---|
| The Leader is an elected Councillor chosen by the other elected Councillors | The Elected Mayor is elected by local residents. |
| The Leader is elected by the Council for a period of up to four years and can only be removed if there is a vote to do this which is | The Elected Mayor holds office for four years and cannot be removed by the Council. |

| Leader and Cabinet | Elected Mayor and Cabinet |
|--|---|
| supported by the majority of other Councillors | |
| There is no additional cost associated with the election of a Leader which would take place at a meeting of the Council. | The Elected Mayor is chosen every four years by local residents in a formal election. This would be in addition to the local elections that would continue to take place. |
| Each year, the Leader and Cabinet present a budget and major policies to the Council. These can be approved by a simple majority. Any changes proposed by the Council also require a simple majority of the Council. | Each year, the Elected Mayor presents a budget and major policies to the Council. These can be approved by a simple majority but any changes proposed by the Council must have the support of at least two thirds of the Council. |
| The Leader is one of the elected Councillors. | The Mayor is in addition to the elected councillors. |
| | The role of a Mayor and Chief Executive Officer of the Council can be merged. This means that a Mayor would have much more administrative power than a Council Leader. |

An Alternative Arrangement

- 4.45 The new legislation presents an opportunity for local authorities to develop a model of governance that sits outside the Cabinet or Committee system. This is called a 'hybrid model'.
- 4.46 An alternative arrangement could mean that Area Based Committees or the current Neighbourhood Ward Forums are given additional responsibilities in order to better meet the needs of their communities, and deliver services more efficiently and effectively.
- 4.47 An alternative arrangement could also look at how the Council's decision making structures can empower local Members to take decisions and shape the delivery of services in their areas and how local people can actively engage in the decision making process.

Key Issues

- There are no arbitrary pros and cons to any particular governance structure.
- No one structure can be considered as 'better' than any other.
- The correct structure for a Council is established around the culture, relationships, attitudes and values.
- All involved should have shared realistic expectations.
- Cultural issues can be addressed without a change of structure.
- The Councils that have made the change to a Committee system had found it to be a cost neutral exercise – some London boroughs have chosen to return to the Committee system even though it is considered to be a more natural fit for a rural district council.

- Where Councils have chosen to return to a Committee system, they needed to find a way to build Full Council into a proper decision making system.

Scrutiny in Other Local Authorities

- 4.48 The Centre for Public Scrutiny has undertaken ten national annual surveys so far. The latest annual survey shows that resourcing and support for Scrutiny is on a downward trend whilst the impact and effectiveness of the function is managing to bear up. However, there are indications that many authorities are unaware of the overall effectiveness of the function.
- 4.49 Scrutiny works best when the party political element is kept limited. Partnerships are now an increasing part of mainstream Scrutiny work.
- 4.50 In light of the funding issues that are affecting Councils throughout the country, the amount of FTE officers in scrutiny roles had seen a year on year decrease for the past four years. The average per authority now is 2.09 FTE officers. There is also an increasing trend to integrate officers within the Democratic Services function rather than having Scrutiny as a specialist standalone section.
- 4.51 Fewer than 50% of Councils responding had any system in place to monitor and track the acceptance and implementation of scrutiny recommendations. Councils without monitoring systems were not appreciably worse resourced than those with such a system. Councils which have a monitoring system in place are 28.4% more likely than those that do not, to perceive the work they do as having a positive impact on local people. Fewer scrutiny recommendations were being accepted and implemented as a proportion of the total (83.36% accepted/62% implemented).
- 4.52 The average committee size makes no difference to Scrutiny's effectiveness, though it was found that Councils with fewer committees did tend to be more effective. There is no statistically significant impact on effectiveness from proportionate committee chairing. Also, there is no impact on effectiveness from large/small majorities or hung Council or which political party is in power.
- 4.53 It has also become apparent that Councils were increasingly opting for a streamlined Committee structure. The timescales for task and finish groups were becoming shorter, most were now much shorter than a year, with some even taking place within a series of clustered meetings in a few weeks with a quick turnaround of reports to Cabinet.
- 4.54 The recommendations highlighted included:
- Thinking about the 'big trends' locally and nationally, and acting on them. These included welfare reform, commissioning, partnership working and resource constraints.
 - Tightening up internal systems and prioritising work more effectively.
 - Working on developing a culture of openness and honesty, internally and with partners.
 - Focusing on outcomes and impact.

- 4.55 There has been a varying level of success in Scrutiny. Scrutiny Committees at some Councils have influenced significant changes to decisions on key areas e.g. Council Tax levels.
- 4.56 Even without the Scrutiny Committees' recommendations being implemented, it would always be a forum for constructive debate, rather than the more politically minded arguments that can mar debate at Full Council level.
- 4.57 Some Councils have call-ins as a regular part of the process whilst in others the constitution makes it difficult for a call-in to ever take place within an authority.
- 4.58 A call-in process very rarely proves a successful route for implementing changes. Better communication with all Councillors earlier in the reporting process, including the Scrutiny function, leads to fewer Councillors feeling they need to resort to making a call-in.

Key Issues

- Should think about the big local and national trends and act on them.
- Need to tighten up internal systems and prioritise work more effectively.
- Need to work on developing a culture of openness and honesty both internally and with partners.
- The Scrutiny focus should be more on outcomes and impact.

Joint Local Government Association/Centre for Public Scrutiny Workshop

- 4.59 In October 2013, the Chair attended a joint Local Government Association and Centre for Public Scrutiny Workshop on Good Governance. His brief feedback is as follows:
- An attendance of about 25 Councillors and officers.
 - The introduction was short and the most interesting contribution was from Nottinghamshire who had changed from a Cabinet model to a Committee system.
 - The Workshop was a good opportunity to discuss governance with others with different priorities – some wanting to change the other way, others where change was a manifesto commitment.
 - One or two common themes:
 - Committee System – ‘silo’ effect;
 - May be too many Councillors;
 - Quality/quantity of decisions;
 - Partnership working is more difficult in Committee System;
 - Report writing deteriorates in a Cabinet System.

SCRUTINY IN EALING

History

- 4.60 Scrutiny was formed as part of the modern political structures arising from the Local Government Act 2000.
- 4.61 With a Cabinet owning portfolios cutting across directorates, the Scrutiny function was designed to slice across Council activities in a different dimension. This led to four large bodies named respectively, Borough, Community, Council and Individual. There were also a number of Task and Finish Groups. The Ealing constitution was written so that it was relatively easy for items to be called-in and these were handled by the appropriate Committee. Each Committee met eight times a year.
- 4.62 The other key decision taken at the time, and which remains today, was the adoption of a middle way in the involvement of the Opposition in Scrutiny. In many Councils scrutiny bodies are chaired by members of the Majority Party whilst in others the opposition performs this role.
- 4.63 The Ealing approach was to attempt to develop a cross-party structure so that each Committee was chaired by a member of the Opposition Party and Vice Chairs were always of a different party to the Chair.
- 4.64 Chairs of the Committees received the same Special Responsibility Allowance (extra money to Councillors holding positions of particular responsibility) as members of the Cabinet to demonstrate the "Parity of Esteem".
- 4.65 The key strategic decision taken on officer support was to have a small dedicated team supporting Scrutiny rather than the hybrid models developed in many places.
- 4.66 After a few years the structure was revised. This was partly to manage the effort expended, not always usefully, in Task and Finish Groups and also to raise the status of Scrutiny. This could be achieved by making better use of the backbenchers' desire and ability to undertake detailed work through engaging experts, the public and others in properly constituted public meetings.
- 4.67 The random way in which call-ins could pop up at any Committee made managing both individual work programmes difficult and problematic in implementing decisions if the meetings programme was not favourable. Also, from the new powers and duties relating to Health Scrutiny it was clear that this required a dedicated body.
- 4.68 Therefore, from the 2004-2005 municipal year a number of changes were made. An Overview and Scrutiny Committee (OSC) was set up to oversee the Panels, the budget and look strategically at areas not covered by other bodies. The Chair of OSC received an enhanced SRA higher than that of Cabinet members and only lower than that of the Leader. Four Standing Panels were created that could make recommendations directly to Cabinet and other decision makers. Additionally, four or five "Ad Hoc" Panels were

also created to formalise the task and finish activity in a manageable way to review a specific topic in detail over the year. The Ad Hoc Panel reports had to be endorsed by OSC before going to a decision maker. One of the Standing Panels was created entirely to handle Call-ins and another to consider Health matters.

- 4.69 After the elections in 2006 there was a change of administration but the incoming Councillors broadly retained the same Scrutiny structure. The Standing Panels were refreshed to become Education, Leisure and Children's Social Services; Council, Business and Community Partnerships; Health, Housing and Adult Social Services; and Transport & Environment. These largely covered all aspects of the Council's business and beyond. The Ad Hoc Panels were renamed as "Specialist Panels".
- 4.70 The SRA arrangements were reviewed as part of the cost cutting measures and as a result the Chairs of OSC and the Standing Panels were awarded a lower Cabinet level SRA.
- 4.71 This structure remained in place for the whole of the 2006-2010 Administration.

Current Arrangements

- 4.72 In 2010, there was another change of Administration but Scrutiny remained unaltered though with different Members.
- 4.73 However, in 2011/2012 Scrutiny had to bear its share of the savings required of the whole Council. This entailed a reduction in scrutiny support whilst maintaining the principle of dedicated officers. Thus, the support was reduced from 4 fulltime to 2.3 staff.
- 4.74 Attempting to maintain quality rather than quantity, a strategic decision was taken not to attempt covering all the activities of the Council and its partners but focusing on key areas of interest. Consequently, the only Standing Panel that now remains is the Health and Adult Social Services Scrutiny Panel.
- 4.75 There are currently three themed Scrutiny Review Panels which, depending on Members' wishes, either operate by focusing exclusively on a specific topic for a year or take a number of reports around a theme making recommendations as appropriate.
- 4.76 OSC continues to handle Call-ins and picks up key items not dealt with elsewhere.

Principal Characteristics

- 4.77 Although structures have changed over the years there are a number of positive elements that are embedded and help to contribute constructively to the Council's work for residents.
- 4.78 Limited party politics is often noticeable particularly if it is an appropriate topic with tasks for the Members. A good discussion does not enable a

member of the public to distinguish Party allegiance. The three political groups are represented on all Scrutiny bodies. The principle of a member of the opposition chairing a Panel and Vice Chairs being of an opposite party has been maintained. The Members are involved in all aspects of the work.

- 4.79 In many ways this reflects the mature political culture in Ealing where the role of the Opposition is welcomed. For example, Ealing is one of a few authorities which have a fully constituted Shadow Cabinet that can call-in key decisions. This power is also enjoyed by the second minority group and any five Councillors.
- 4.80 Executive co-operation, though invariably mixed, is helped by a Leader who was a former OSC Chair. The Corporate Board takes a keen interest, receives regular reports and is prepared to encourage officer participation in many instances. A typical example of Scrutiny's place in Ealing is that the examination of the riots in the summer of 2011 was undertaken through Scrutiny. Scrutiny's good work on the Riots Review was shortlisted in the Raising the Profile category for the Centre for Public Scrutiny's Good Scrutiny Awards 2012.
- 4.81 Process avoidance is achieved through not having structures that automatically handle Executive or other reports to enable Members to focus on areas of interest but this can sometimes limit relevant pre-scrutiny.

External Involvement

- 4.82 Over the years, public and partner involvement in Scrutiny has been quite successful with a plethora of significant figures appearing before Scrutiny bodies, a large number of relevant co-optees and many useful contributions from the public.
- 4.83 Successful Scrutiny is highly dependent on Members' interests, skills and the desire to drive improvement. Over the years, the majority of Ealing's Scrutiny Panel recommendations have been accepted and implemented by the Executive. The implementation of the Scrutiny recommendations is regularly monitored by the OSC.

Key Issues

- The general consensus at Ealing is that there are too many call-ins and that if reports were better initially with more room given to discussion then the Council would see a considerable drop in the number of call-ins.
- A lot of recent call-ins had just been information seeking exercises that could have been resolved at an earlier stage or even by email exchange. Officers need to recognise at which stage full engagement is advisable.
- Cabinet Members have a responsibility to ensure that any reports going out under their portfolio are sufficiently clear in their prose and detailed enough to allow for Councillors to understand the reasoning behind the decisions being taken.
- Some senior officers view the Scrutiny process as a hindrance rather than making use of its constructive function as a 'critical friend'. This can create a challenging environment and a full understanding of the Scrutiny

function from senior management level downwards is needed to help counteract such issues.

- The issue of officers being 'cagey' with the release of their reports also applies to some of the Council's other Committees e.g. Planning and Cabinet.
- Scrutiny Panels can prove to be very useful but there is a need to make them interesting to allow Councillors to feel fully engaged in the topic being considered.
- Site visits and public engagement are important elements of this process.
- In Health Scrutiny, Ealing Hospital and the 'Shaping a Healthier Future' programme had dominated the agenda for the past several years. Now that the Ealing Clinical Commissioning Group (ECCG) is established, Officers are looking to build a strong relationship with them, in which Ealing Health Scrutiny will form an integral part of their decision making processes. A strong relationship with the ECCG is imperative and Officers need to ensure that Scrutiny has a say as early in the process as it can.
- Encouraging the public to engage more with the scrutiny process can help foster positive perceptions towards its importance within the Council's decision making processes.
- Co-option onto Panels is not appropriate to all Panels but co-optees in many cases have made an insightful and knowledgeable addition to the process.

PUBLIC ENGAGEMENT

4.84 The Council provides many avenues for residents and others to engage with the Council other than through their directly elected representatives. Some of these are through complying with the statutory framework and others are local practice.

4.85 Council Meetings

There is no statutory obligation other than holding meetings open to the public and publishing agendas at least five clear working days in advance. However, Ealing engages with the public in a number of ways:

- (a) Although the obligation to hold a debate at Council if a petition reached a certain threshold (1,500 in Ealing) was removed under the Localism Act, Ealing has kept this provision. It has occasionally been exercised.
- (b) Up to five petitions may be presented by the public to a Council meeting. The petitioner gets a response from the relevant Portfolio Holder and is then dealt with as a piece of correspondence. It is acknowledged by Democratic Services and the respective Department responds in due course.
- (c) Questions from the Public have been part of the engagement mechanism for a while and have recently become more popular. The questioner gets an immediate response from the Portfolio Holder and can then ask a supplementary question. No more than five questions can be asked at a meeting.

- 4.86 The Council also has a statutory facility for the public to create an online petition on the Council website. The Council provides a response to the petition after it has closed. Guidance to potential petitioners and questioners is available on the Council's website.

Cabinet Meetings

- 4.87 There is no facility for the public to engage directly with the Cabinet at these meetings although the Chair does sometimes exercise his discretion on some issues in allowing representatives of organisations and members of the public to speak.
- 4.88 Across the country many Councils take a different approach to engagement at Cabinet. The most common approach seems to be a public question time for between 15-30 minutes at the start of the meeting, usually with elements of submitting them in advance and subsequently publishing answers on the website.
- 4.89 Some allow the public to make statements about agenda items in this time. Less common, but not unusual, is a mechanism for members of the public to make statements or ask questions on specific agenda items – the time allowed for an intervention typically varies from 2-5 minutes.
- 4.90 All these mechanisms are strictly controlled for advance notification. Written submission deadlines are similar to those that Ealing operates for Council meetings.
- 4.91 Less common is the unstructured engagement typified by Swindon's Open Forum as follows:

Cabinet Open Forum

A Cabinet Open Forum is held at 6.00pm prior to the start of each scheduled Cabinet Meeting, and is normally held in the Council Chamber. The Open Forum is similar to the 'public question time' that happens at most Council meetings but without the need for questions. It provides the chance to meet with Cabinet Members as well as Group Directors and Directors to discuss matters relevant to the Cabinet and its responsibilities. It provides an opportunity to raise issues and give views. The Forum will normally close at 6.30 pm and the Cabinet will then reconvene for the start of the formal Cabinet meeting. If the Open Forum completes its business earlier than anticipated then the Cabinet Meeting will commence at 6.15pm or at the Forum's conclusion.

Other Bodies

- 4.92 Engagement protocols differ amongst bodies partly reflecting the subject matter. Thus, Planning with the great interest shown in some issues has very strict protocols. Other bodies generate limited public interest so these have not developed specific protocols. The Local Development Plan Advisory Committee which has intense interest from some groups has developed a strict and detailed protocol for engagement.

Scrutiny

- 4.93 In order to receive evidence from different sources Scrutiny needs public engagement and proactively seeks out engagement. At formal meetings this is sometimes done through co-option and at other times it is through contacting relevant groups to see if they wish to present to, or participate in, a meeting.
- 4.94 Scrutiny does not currently operate formal speaking protocols leaving this to the judgment of the Chair though these protocols are quite common in other authorities.
- 4.95 Scrutiny Members also go out on site visits, hold focus groups or attend activities relevant to a particular topic or review.
- 4.96 Scrutiny also encourages written submissions on certain topics which are all presented to the relevant Panels. Furthermore, from time to time conferences for the public or the voluntary sector are held to both publicise scrutiny and solicit suggestions for topics.
- 4.97 It is also regular practice to solicit suggestions from the public before the work programme for the year is agreed.

Ward Forums

- 4.98 These play a crucial role in Ward Councillors engaging with their communities.

Community/Councillor Call for Action (CCfA)

- 4.99 Community Call for Action is provided for in the Police and Justice Act 2006 (crime and disorder matters) and Councillor Call for Action is a power in the Local Government and Public Involvement in Health Act 2007 (other matters affecting the Borough). The Calls for Action enable Ward Councillors to refer to the Overview and Scrutiny Committee, or any of its Panels, issues of local concern that affect all or part of the electoral area for which the Member is elected or any person who lives or works in that area, for discussion and action where other methods of resolution have been exhausted.
- 4.100 CCfAs came into force in April 2009 and there are processes in place. These have not really taken off nationally and there has never been one in Ealing.
- 4.101 There is also the right to raise a petition to hold an officer to account and to appear before OSC. The text below appears on the Council's website though it has never been used and no one has ever attempted to do so.

Petitions Holding an Officer to Account

Your petition may ask for a senior officer of the Council to give evidence at a public meeting about which he/she is responsible as part of his/her job. If your petition contains at least 3,000 signatures, the relevant senior officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee. The Committee may consider that it would be more

appropriate for another officer to give evidence. The Committee members will ask questions at this meeting but you will be able to suggest questions to the Chair of the Committee by contacting the Head of Scrutiny up to two working days before the meeting. You will also have three minutes to present your petition to the Committee.

Other Methods

- 4.102 Councils have different ways of encouraging public engagement. In addition to the methods outlined above, some Councils operate a mechanism whereby questions to the Leader can be submitted at any time and the answers published on the Council website.

Consultations

- 4.103 Ealing Council is committed to listening to the views of local people when making policies or decisions that impact them.
- 4.104 According to the Best Value Statutory Guidance, “authorities must consult representatives of council tax payers, those who use or are likely to use services provided by the authority, and those appearing to the authority to have an interest in any area within which the authority carries out functions. Authorities should include local voluntary and community organisations and small businesses in such consultation.”
- 4.105 Thus the duty to consult, similar to the earlier ‘duty to involve’, is a statutory obligation applying to specified public bodies, requiring them to consult and involve individuals, groups, businesses or organisations likely to be affected by their actions. The duty to involve was introduced in the 2007 Local Government and Public Involvement in Health Act.
- 4.106 The Council and the Local Strategic Partnership (LSP) partners have also incorporated “Engaging and Enabling” as one of the three overarching values in the Community Strategy. This value calls upon the Council and partners to ensure that “everyone feels involved in their community and is empowered to help develop solutions to issues they face, and has the opportunity to be involved in decisions about the services they receive wherever possible”.
- 4.107 As part of this, the Council and partners will:
- Agree, as partners, how and when we will consult our communities about the decisions we make and ensure that we follow these principles.
 - Have a clear and consistent approach to consultation and engagement and ensure we use each other’s knowledge, networks and opportunities for involvement wherever possible.
 - Ensure that success at involving local people, and services users’ and residents’ perceptions of services and organisations, are key measures of success in our work as partners.
 - Work with residents to understand and set out the relationship between the citizen and the state, through exploring with residents what public services can and will deliver, and what residents can and are expected to contribute themselves, and by supporting local innovation and community organisers.

- Agree a partnership approach to key elements of the Localism Bill, including the Community Right to Buy, Right to Challenge and Neighbourhood Planning.

Current Process

4.108 The Council currently has a robust consultation and engagement process as part of its duty to consult local people in Council policies and decisions.

- (a) Residents are given an opportunity to have a voice in Council decisions through a dedicated 'Have Your Say' section on the Council website, which contains details of different ways in which residents can express their views (e.g. consultations, ward forums, petitions, and the online Residents' Panel).
- (b) The Council regularly consults local people and residents on all of its new (or changes to existing) policies and strategies as well as any instances where a current service is altered in any way. While there is a statutory obligation to consult on changes to certain services (e.g. schools), the Council attempts to consult on all its decisions where possible.

Consultations use a variety of methods, although easy and widespread access to the internet means that online consultations play a predominant role. Online consultations are adequately supplemented with distribution of a paper version where needed. If paper copies are not provided in advance then residents can contact the Council for one.

In cases where face-to-face consultation is needed then this is also organised e.g. with residents in sheltered housing.

- (c) The Council also has a group of residents organised as the Online Residents' Panel. The Panel currently has about 750 members who have signed up to be part of any engagement or consultation activity the Council may wish to consult. The Panel's profile is broadly representative of the borough's population for age, gender, ethnicity and employment structure.

The Panel is regularly emailed consultations that are of a borough-wide scope and importance. Recent examples include the consultation on Ealing's Health and Wellbeing Strategy, Council Tax Empty Property Discount consultation, and the Discretionary Housing Payments Scheme consultation.

Results from consultations with the Panel have shown that this method is able to elicit better response from local residents as compared to the general online consultations on the website.

- (d) Consultations are carried out as per established best practice and guidance from regional and national bodies on stakeholders, methods, questions and timescales.

- (e) In order to improve customer services an ongoing 'Customer Services Satisfaction Survey' has also been instituted on the website whereby all residents coming into contact with the Council (online, face-to-face or telephone) are requested to feedback on their experience. Results from this survey are used to constantly improve Council services. The survey has partly contributed to the recent refresh of the Council website where online forms have been made easier to find and complete.
- (f) The Council also carries out a Staff Survey and a Residents' Survey every two years to hear, respectively, staff views about working at the Council and residents' views on their experiences of living and working in the borough.
- (g) One way (though not direct) of measuring the success of engagement may be through the biennial Residents' Survey, which asks two questions related to this aspect. Results from the last five surveys are as follows:

| The Council... | 2007 | 2008 | 2009 | 2010 | 2012 |
|--|-------------|-------------|-------------|-------------|-------------|
| Involves residents when making | 57% | 60% | 61% | 46% | 49% |
| Listens to concerns of local residents | 53% | 55% | 58% | 50% | 54% |

Challenges

- 4.109 In the past all consultations were logged, carried out or managed by the corporate Research and Consultation team, ensuring consistent quality and standards across the organisation. However, the current team size is now only two full-time staff so there is no overall central control over consultations.
- 4.110 The present team operates according to a devolved model whereby only advice and guidance on consultations is provided to any officer wanting to carry out a consultation. All operational aspects of the consultation are dealt with by the respective Department carrying out the consultation. To enable this, the corporate team provides regular training on SurveyMonkey, a new user-friendly online survey design tool, to other officers across the organisation to carry out their own online consultations. The team plays a more central role in consultations that are wider in scope and consist of important decisions impacting the Council e.g. the Council Tax Support Scheme, Discretionary Housing Payments, etc.
- 4.111 In addition, a comprehensive Consultation Toolkit has been made available on the Intranet (the Council's internal website) for reference of any Council

officer wishing to carry out a consultation. The toolkit draws best practice on consultation from national and specialist sources.

- 4.112 Due to the federated working model, a central database of all Council consultations and details is not maintained centrally. However, the team's records show that it is in the Highways and Transport department where the largest volume of consultations (approximately 3 consultations per month) are carried out on CPZs, road changes, scheme and improvements, etc. Other departments' consultations are less frequent in comparison, averaging about 1-2 consultations every quarter. The Planning and Building Control services also undertake large volumes of consultations but these are conducted directly by the service areas.
- 4.113 Responses to 'online-only' consultations are usually low. This depends on the subject of the consultation e.g. about 4,000 online responses were received for the libraries consultation. Other consultations that are less salient in the public domain, elicit responses ranging from 200-1,000. This again depends on the subject. CPZ and Highways consultations usually elicit a higher number of responses compared to other consultations on broader policies such as licensing and gambling, etc. For example, the Hanwell and West Ealing road improvements and Castlebar and Pitshanger CPZ consultations received more than 500 responses compared to only five online responses to the Gambling Policy Consultation in 2012.
- 4.114 However, a disproportionate level of importance should not be placed on simply the number of responses received as it is more important to ensure that all relevant stakeholders and interested parties have been given sufficient opportunity to have their say.
- 4.115 A further challenge is publicising the consultation widely, largely due to resource constraints. It is not always possible to publicise every online consultation amongst all resident groups. This may partly contribute to low response rates.

Future Improvements

- 4.116 In the near future it is planned to further improve local involvement through featuring key Council consultations on the Ealing Involved (an LSP initiative) website and working more closely with the Ealing Community and Voluntary Services to promote consultations amongst local residents.
- 4.117 The Online Residents Panel is continuously promoted through the website and will also feature on the Ealing Involved website – this is expected to lead to many more residents joining the Panel. The Panel should play a key role in resident engagement and involvement.
- 4.118 Subject to resource availability, the corporate team is also looking to explore the use of social media to promote consultations.

Council's Website – Consultations Section

- 4.119 The Panel members tested the Consultations Section of the Council's website and their main findings were:

- Reasonably easy to locate although no reference to consultations on LBE home page – by using a-z of services, consultations listed under ‘C’ and then offers options of looking at past or current consultations.
- Individual consultations have introduction and then survey to complete. Surveys are clear and easy to complete.
- Content of surveys not brilliant in all cases. This is also an issue for paper based surveys – Councillors have contributed considerable ideas to for example, CPZ and LIP paper consultations in the past to refine officers’ initial suggestions. Not always clear what stage in the process the consultation relates to and what, if any, impact any responses will have in formulating policy or influencing decision making. For example, current LIP consultation (which follows earlier detailed local consultations) just asks for general (free text) feedback. How would this be analysed or used? Listed buildings register survey is very brief and again non-specific.
- I have just used the link. The content is as exciting as paint drying. When I clicked the pages previous consultations did not come up and the residents’ survey took a long time. It was all taking a long time to come up.
- I doubt most people will bother. I am certainly not going to look for a questionnaire taking so long with the introduction.

Questions:

- Why does LBE consult and does our expectation of the process match that of residents?
- What is the best medium for successful engagement?
- Is a conventional webpage enough or should other media such as Facebook be used?
- How do residents get to know about consultations and when they are ‘active’?
- What response rate does the Council get to online consultations?

Key Issues

- Members of the public are impressed with the procedure for presenting petitions and asking questions at meetings of the Council.
- Questions and petitions by the public at Council should be given more time over motions.
- The motions raised are not always directly relevant to the workings of the Council.
- The 5 questions by the public currently allowed has proved sufficient as there has not been a meeting of the Council where the threshold has yet been reached.
- No petitions have been received by Council from the public recently and the most recent ones that had been received were initiated by Councillors.
- The option to petition the Council under this scheme was maybe not advertised clearly enough to the public as a way of engaging with the democratic process.
- The Council website could promote petitions more and a link straight to petitions from the Council homepage would help.

- The current level of 1,500 signatories on a petition for debate at Council should remain.
- It is clear from past experience that 30 minutes have often proven too short to allow for a full debate of the item and recommend that more flexibility is needed.
- Cabinet, as the Council's primary decision making body, needs to remain a 'meeting held in public' rather than a 'public meeting'. There are reservations that the Cabinet could instead turn into a 'mini-Council'.
- When allowing individuals to speak, both sides of the argument should be heard so there should be a proper protocol for speaking at Cabinet meetings.
- Acknowledged that by the time the reports are at the stage of being agreed by Cabinet these are too far in the process to be properly subject to further public scrutiny.
- Portfolio Holders should always be encouraged to involve relevant Ward Councillors and visit affected Ward Forums at earlier stages of the report creation process.
- The Overview and Scrutiny Committee always looks at the Forward Plan for upcoming reports that it felt required further scrutiny and will continue to do so.
- It will not be possible to write the need for Portfolio Holders to attend Ward Forums into the rules for governance but recommend that they attend them where possible, particularly when controversial issues are being considered.
- The current protocols for public participation for both the Licensing and Planning Committees work well and should remain as at present.
- Felt that holding an officer to public account is unreasonable. Where an officer is at fault that should be dealt with as an internal disciplinary matter. As the 'public faces' of the Council it should be the relevant Portfolio Holders who are held to account. The Portfolio Holder should be the person to 'put one's head above the parapet'.
- The current threshold of 3,000 signatures is considered to be too high and to encourage public involvement a lower threshold of 300 should be recommended to act as a stimulus to engagement.
- Public consultations on the Council's website seem dry, dull, jargonistic and 'clunky to use'.
- Councillors should be used as a 'focus group' for important draft consultations to ensure that these are relevant and user-friendly.
- Different departments consulting the public sometimes results in third sector organisations suffering 'consultation fatigue' due to the profusion that are received.
- The quality of consultations can be improved and duplication reduced if a centralised cohort of officers working under the Chief Executive's office lead consultations that affect all Wards within the borough.
- Consultations affecting specific Wards (such as some highways consultations) can still be dealt with at a departmental level.
- An exigency process should be built in for consultations that need to be sent out rapidly.

HEALTH AND WELLBEING BOARD

- 4.120 The Council was required, under the Health & Social Care Act, to set up a formally constituted Health and Wellbeing Board (HWB). This replaced the partnership bodies that had been previously in existence though Ealing, like many other authorities, had been operating the HWB in a shadow form during the last municipal year. In April 2013, Full Council formally constituted the Board and its membership. The Board also has an agreed Terms of Reference.
- 4.121 The HWB has held several meetings since and continues to develop its operating practices.

Health Scrutiny

- 4.122 The Health & Social Care Act also gave Councils greater flexibility in the way they operated Health Scrutiny with the key power of referral to the Secretary of State. This power was given to Full Council meetings. However, Ealing as with many other authorities promptly delegated this power to the Health and Adult Social Services Scrutiny Panel (HASS).
- 4.123 This has left the Council with two bodies looking at related issues so it is important that they play their respective roles without duplication or omission. However, both the bodies will consider the Clinical Commissioning Group Intentions for 2013-2014. The two bodies apply some key principles:
- Reports should not automatically go to both bodies – neither HASS automatically pre-scrutinising HWB reports nor HASS receiving HWB reports.
 - However, this does not preclude either body involving the other should it be an appropriate issue.
 - Both bodies publishing Forward Plans will enable Members to identify items of interest.
 - HASS will scrutinise the work of HWB annually via an update report.

Key Issues

- Although the Health and Adult Social Services Scrutiny Panel could make recommendations to the Health and Wellbeing Board it was felt that this should be made explicit within the terms of reference.
- The Health and Adult Social Services Scrutiny Panel should be made more aware of the work being conducted by the Health and Wellbeing Board by including their Forward Plan as a standing agenda item as this would reduce potential duplication, ensuring they both had individual roles whilst providing the Scrutiny Panel with a wider picture of current issues being considered.

NEIGHBOURHOOD GOVERNANCE

- 4.124 A new model for neighbourhood governance had initially been approved by the Cabinet in November 2007. It was agreed that each of Ealing's 23 Wards would have a separate Ward Forum with at least three meetings a year. Each Forum was provided with a £40,000 annual budget which was subsequently reduced to £37,500 in 2012. This comprises £30,000 capital

and £7,500 revenue funding. The revenue element is funded from the Ealing Civic Improvement Fund. The Ward budget can be spent on small scale local projects following the recommendations of the Ward Councillors and their residents.

- 4.125 The project began with a one year pilot in 2008 which was considered to be a significant success. Following a review of the pilot by the Council's Overview and Scrutiny Committee in September 2009 it was recommended, and subsequently approved by Cabinet, that Ward Forums be made permanent.
- 4.126 The Ward Forums are supported by a team of four Neighbourhood Co-ordinators and four Apprentices, each supporting at least five Wards.
- 4.127 Ward Forums are open to all Ealing residents and meet at least three times a year in informal and accessible local venues in the area. Since the inauguration of the pilots in 2008, over 12,500 people had attended 361 different Forums, averaging out at approximately 35 people per meeting.
- 4.128 There are approximately 3,700 addresses on the current mailing list for information about forthcoming meetings and consultations. In some Wards, particularly in the Southall area, residents are contacted by postal mailings. Each Ward is allocated an annual administration budget (approximately £1,000) for publicity and the hire of meeting venues. Cross-Ward meetings can be arranged upon guidance from relevant Councillors as there are precedent examples where this has been arranged in the past.
- 4.129 The cost of venues for Ward Forum meetings can vary from no charge in some Wards to a charge of up to £350 per meeting for other Wards that are more constrained on the choice of venues.
- 4.130 Separate note takers are present at some meetings e.g. the yearly budget meetings as it is the responsibility of the Neighbourhood Co-ordinators to take notes at the meetings. However, there is flexibility to make other arrangements when necessary. The Team aim to publish the notes of the meeting within 15 working days of the meeting but this is not always achieved.
- 4.131 Councillor attendance at Ward Forum meetings over the years has generally been good ranging from 67% (absences mainly due to ill health, roles as Mayor/Deputy Mayor, etc.) to 100%.
- 4.132 Presently, there is no protocol for Council officers to attend the Ward Forum meetings but one-off meetings about particular key issues are attended by senior officers. However, there is an understanding that officers do not attend as a matter of routine. In many cases, the Neighbourhood Governance Co-ordinators have sufficient seniority to discuss issues with relevant officers before feeding back and providing advice to the Forums. The Neighbourhood Governance team is considering inviting Envirocrime Officers to attend each Forum once a year.

- 4.133 The main areas covered at the meetings include community safety, traffic and transport schemes, parks and street improvements. Planning and licensing applications are not discussed at Ward Forum meetings due to the associated legal issues and tight timescales involved including the risks for Ward Councillors who are also on the Planning Committee. Information on Council services, forthcoming consultations and events that affect each Ward is also provided.
- 4.134 Over 1,000 Ward funded projects have been undertaken, supported by Ward funding totalling £3.7 million. These projects range from small £500 grants to £50,000 to install a signalised pedestrian crossing.
- 4.135 Ward projects come about through suggestions from residents and Ward Councillors. These are then worked up into relevant recommendations by Council Officers. The projects are often linked by a number of common themes and are often projects that have previously been considered to be too small, too difficult or involving too many agencies.
- 4.136 There is no 'bidding' system involved in identifying the Ward projects but a strict vetting system is in place to gather all the relevant information. A comprehensive information pack is provided for the project initiators to complete and return to the Neighbourhood Governance Team. The Team forwards the information to the Audit and Legal teams for further vetting before the Leader reviews the project to consider whether it would contribute to the needs of the organisation.
- 4.137 All money paid out to an organisation as a contribution to their project is first considered by the respective Ward Councillors. The Neighbourhood Governance Team follows this up with the organisation by inviting them to attend a Ward Forum meeting at which a report on the activity is provided by the organiser. In some instances officers, Councillors and partners attend the activity. The organisation is then invited to a meeting with the Neighbourhood Governance Co-ordinator to provide feedback on the project.
- 4.138 Ward Forums are also about listening to and acting upon the views and wishes of the local residents. These have developed into conversations with a continuing and developing dialogue between local people and their elected Councillors. This has proven to be an especially valuable element in a time of declining monetary resources, where often difficult decisions taken by the Council need to be relayed in a cohesive discourse with local residents.
- 4.139 As Ward Forums are increasingly seen as a form of contact with the Council there is now a growing trend for members of the public to complain about Councillors and officers at Ward Forums. They often then feel that their views are not being taken into account or are not getting the outcome they wish.

4.140 The Panel sought residents' views on the Ward Forums. Some residents provided written submissions whilst others attended the Panel meeting. The key comments received are:

- whilst Ward Forums have some issues they are still better than not having anything in place;
- concerned that the Forums are not given enough opportunity to put relevant Officers under scrutiny e.g. the Corridor 1C plan that was a Transport for London led initiative in which they had been working in conjunction with Ealing Council to make changes to the West Ealing and Hanwell corridor of the Uxbridge Road. It was felt that Officers had made decisions on the plan without taking into account money saving recommendations made at the Forum and without further feedback being provided to the Forum attendees, resulting in an impression that the consultation on the plan was purely a 'box ticking exercise'. Therefore, communication was felt to be compromised;
- three meetings a year are not enough so there should be scope to hold meetings more regularly;
- it would be beneficial to see residents become more involved in the agenda setting process;
- the remit of the Forums is not made entirely clear. It is felt that this issue could be partly attributed to the nature of the Forums changing depending on which political party is in power at the time. Under Conservative leadership monies are given out without much scrutiny of the projects they are funding whereas under the Labour leadership it is considered that bureaucracy has gone too far in the other direction with all decisions being made by the Leader of the Council. There needs to be a compromise between the two approaches;
- have reservations about the way the Forums are run with Councillors taking too much lead and less 'grass roots' input.
- a more user friendly and less parliamentary style would be welcomed;
- concerned that in some cases issues important to the area are brought to Ward Forums too late for the residents to have any say on the matters involved;
- lack of transparency and accountability in the use of public money;
- some Ward Forum were not advised of what money has been spent and where. This leaves funding open to abuse. The public has a full right to know where the money is spent with fully transparent budgeting;
- concerned about the structure of the Wards as the shape of some did not lend themselves naturally to dealing appropriately with local issues and caused occasional difficulties;
- although welcomed the attendance and input at each meeting but concerned that attendance at some local Ward Forums is made up of residents all of a similar demographic background – largely white, middle class and in the 50+ age group;
- significant demographics in the Ward do not have their interests represented. More needs to be done to attract people outside of the usual attendees to each meeting;
- if Ward Forums are to be advertised in print media such as the Ealing Gazette then the adverts need to be nearer the front of the paper as

advertisements in the notices section at the back of the paper are often ignored;

- the Forums may draw more people if promotional material is 'spiced up' with an attractive logo and a less dry presentation;
- officers rarely attend meetings in some Ward Forums;
- the problems of publicity run deeper than Ward Forums themselves, as most residents are not even aware of who their Ward Councillors are. Email contact lists are not of much use as these would only be sent to residents who have already attended meetings in the past which is why there are the same faces at each meeting. This in turn leads to meetings being 'taken over' by activist groups;
- parking and planning issues are always likely to attract attention. Officers involving the public from the earliest stages could avert some of the issues that arise;
- there should not be a blanket ban on small groups receiving funding. For example, the 'Kickz' group within the Northolt Mandeville Ward whilst not directly benefitting the entire community is still doing valuable work within the community;
- it is unacceptable that very often the notes of the meetings are not available to the public for a long time after the meeting; and
- whether all monies to Forums are being spent appropriately, or whether Ward Forums are now 'grabbing at straws' due to lack of spending ideas.

Site Visits

4.141 As part of the review of neighbourhood governance, Panel members attended Ward Forum (other than their own) meetings around the borough and in the neighbouring boroughs of Brent and Hounslow. Their main observations are as follows:

- Compared to the other two boroughs, meetings are much better attended in Ealing with more vocal and involved attendees.
- Dormers Wells Ward Forum – Centre Committee was very welcoming; no Police, Environmental Crime Officers or Park Rangers; the outside speaker on the elderly was interesting; confusing discussion on Ward, Southall and national matters.
- Southfield Ward Forum – good attendance; informed debate and good conclusions reached; Residents' Associations tending to monopolise debate.
- Southall Broadway Ward Forum – poor attendance (13 attendees, quite argumentative), poor acoustics; weakly Chaired, meeting dysfunctional and public dissatisfied; meeting ended by public leaving rather than by the Chair.
- Acton Central Ward Forum – Councillors offer a 'mini-surgery' for half/one hour before the meeting to see residents; 28+ local resident attendees, two Councillors, Police, ASB Manager and Health and Safety Officer present; resident contributions from residents who are clearly regular contributors with the majority silent; good engagement by one Councillor taking up particular issues; signing in sheet, envirocrime report, and survey forms for completion by attendees and summary results of previous surveys readily available; comprehensive minutes of previous meeting available; Policing/safer communities agenda item somewhat

confused; hospital update on agenda but did not seem to be of great interest to attendees; Any Other Business – seemed to be the equivalent of the public forum, seven items were put forward at the meeting and not in advance

- Perivale Ward Forum – very good attendance; some members of the public proposing unworkable solutions to problems; more political as split Ward; members of the public more political.
- Hobbayne Ward Forum – there were no signs although other meetings were in progress; an impressive 70+ attendees; 2 Councillors; no Police; people left after the item that had interested them.
- Ealing Broadway Ward Forum – well run for a public meeting; had a clear agenda; meeting dominated by a few voices; Councillors knew the information and understood the local area and were familiar with those who dominated the meeting.
- Brent Connects Willesden Area Forum, London Borough of Brent: More like Ealing's old Area Committees but less formal; meeting chaired for the year by a single Councillor; others may attend – in this case 2 did, 3 sent apologies and some never attend; meeting seemed Officer rather than Member led; about 30 attendees – several regular attendees, some vocal and others just listen; each meeting includes a 'soapbox' slot where any resident/representative of a group can have (nominally) 3 minutes to present on any topic they wish; new ideas were introduced such as 'question time' panels and use of post-it notes to capture residents' views.
- Brent Connects Kingsbury and Kenton Area Forum, London Borough of Brent:
Attendance very low (10) due to venue at Civic Centre; refreshments provided; agenda more generalised than local; late start; 4 Councillors (12 possible) including Chair; planning update; school pupils present – part of local democracy week; microphone passed around; parking charges exorbitant; LIP funding – transport schemes both general and local.
- Isleworth and Brentford Area Forum, London Borough of Hounslow (2 meetings attended)

Meeting 1:

The Forum covers 4 Wards, meeting every 2 months – similar to Ealing's old Area Committees; approximately 50 people attended largely because of the one controversial item; good chairing; the small grants (limited to £500 each) are clearly used for local activities and projects not normally included in Council expenditure – by contrast, Ealing Ward Fora are sometimes asked to provide funding for traditional Council services.

Meeting 2:

Greater number of Councillors (9 of 12 Councillors present) than members of public; format/venue allowed appropriate technical resources – PA and OHP; no Police attendance although there were written reports for each Ward; dealt with both local and borough-wide issues; very long time spent on budget issues so not an appropriate topic for area forum; CPZ consultation reports surprisingly attracted no resident attention;

Key Issues

- Ward Forums being defined by their ward boundaries rather than 'natural neighbourhoods' often prove problematic.

- Larger cross-boundary meetings can sometimes prove beneficial for projects that affect more than one Ward.
- Having a degree of flexibility with the number of meetings held would be helpful.
- Some Forums not receiving feedback on how monies are being spent.
- The importance of encouraging all demographics to attend meetings so that all residents within a Ward feel the benefits of the projects that are funded;
- Surprised at the low number of addresses in the Neighbourhood Governance mailing list as individual Councillors easily have about 700 on their personal mailing lists for the Ward.
- Meetings could still have better attendances in most cases by better promotion of the Forums e.g. posters put up in shopping areas, church noticeboards, trees in popular parks, etc.
- Councillors need to take some responsibility for leafleting to promote forthcoming meetings that may be discussing important local topics.
- Councillors should be able to take more control over the publicity budget should they wish to. The South Acton Ward Councillors already do this and have freed extra monies for more publicity by moving to cheaper venues for their meetings.
- Ward Forums could consider paying officers to attend from their budgets.
- Envirocrime issues cannot be discussed fully without the relevant officers present at the meetings.
- The Police should be encouraged to attend all Forum meetings.
- Most Wards avoid giving monies to organisations unless they have been agreed with the Council. However, some Wards give monies to small interest groups that do not benefit everyone in the local community.
- Ward Forums have proved to be more successful than the previous Area Committees but the Council should still consider, where practical, one-off meetings on an ad hoc basis between Forums who have a shared interest in a project.
- In some Wards a big single issue meeting is preferable to a joint one with other Wards.
- It is the Councillors' responsibility to chair the main body of the meeting and the Co-ordinators expected to take comprehensive notes which are approved by the Councillors before publication.

5.0 **CONCLUSIONS AND RECOMMENDATIONS**

5.1 The Panel determined:

Overall Structure

- 5.2 The Panel considered the various different options of governance structure by discussion, interviews and a detailed presentation from Ed Hammond, Research and Information Manager at the Centre for Public Scrutiny (CfPS). In interviews, some respondents preferred the Committee system, the principal reason being given that new Councillors learn about the different areas of the Council's responsibilities more easily in a Committee system. No-one expressed preference for an Elected Mayor, reasons given being the difficulties if there is a split between the Mayor and elected Councillors, the lack of effective checks and balances, and potential problems with individuals (as for example, in Toronto).
- 5.3 Proponents of the Cabinet system quoted efficiency and clear-cut decision making as a principal reason for their preference. They also claimed that a Committee system encouraged what is often called a 'silo' mentality, whereas a Cabinet system encouraged collective responsibility. Interestingly, proponents claimed that more Councillors were involved in decision-making in the Cabinet system.
- 5.4 Some other Local Authorities have made the change back from a Cabinet to a Committee system. Their claimed experience has been that there has been no additional cost, and that, with careful planning, there is no delay in the decision-making process.
- 5.5 Although Ealing has a Leader and Cabinet system, it should be remembered that there are still some major Council-side Committees such as Planning and Licensing which fulfil a useful, statutory function and are busy in exercising fully delegated powers. Other Committees such as the Audit and Pension Fund Panel perform duties that cannot be exercised by Cabinet.
- 5.6 A few interviewees proposed a hybrid system, with advisory panels for each Portfolio Holder. We do currently have a number of Advisory Committees, such as the Fostering Panel and the Schools Admission Forum. Respondents expressed more support for an increased level of pre-scrutiny, a process which was generally much valued.
- 5.7 One of the concerns expressed was that in a Leader and Cabinet system there is insufficient work for the numbers of Councillors that we have at present. Not everyone held this view, and if the numbers were to be reduced, views varied whether the present three-member system should be retained. If this recommendation is approved in principle, further work should be undertaken on its implementation.
- 5.8 Electoral reviews can be carried out at the request of a local authority to review, for example, the overall number of Councillors. The Council may request that the Local Government Boundary Commission for England (LGBCE) carries out a review of its Councillor numbers. The LGBCE does

this and publishes its report and recommendations. The LGBCE is responsible for implementing any conclusions from a review by statutory instrument; if change is recommended then this will happen at the next scheduled local elections.

| No. | Proposed Recommendation |
|------------|---|
| R1 | That the Council retains its present Leader and Cabinet system. |
| R2 | That the number of Councillors be reduced to 48. |

Council

- 5.9 There was a fairly consistent view that Council was 'theatre' or a 'pantomime'. Mr Hammond (CfPS), in his lecture, said that finding a role for Council had proved difficult anywhere in the country. Interviewees, however, generally saw the need for a public stage for debate. There was a general view that fewer but longer debates, with more speakers, were preferable. It was also pointed out that the third party received a disproportionate amount of speaking time.
- 5.9 The current process of allocating 30 minutes to Opposition Business and of other debates to first-come, first-served was much criticised. An alternative method of allocating debates is proposed.
- 5.10 Public participation at Council was welcomed, and the ability for questions to be put and for petitions to be presented was considered to enhance the proceedings. No changes are proposed in the present arrangements. It was felt, however, that if a public petition generated a Council debate then it should be a full debate and not restricted to 30 minutes, as at present.
- 5.11 Officers said that the answering of written questions on the day of Council was burdensome and interfered with the normal running of the Council's business. Oral questions were liked but there were several comments about the length of responses. More than one interviewee suggested that a webcam recording of Council meetings be put on the Council's website. It was felt that this might give some more purpose to the debates.

| No. | Proposed Recommendation |
|------------|--|
| R3 | Each individual Councillor should only be able to ask one written question. |
| R4 | Two full debates should be permitted at each Council meeting. Opposition business as such, should not continue. If there is a debate on the Budget or on the Corporate Plan then there should be no other debates. A debate generated as a result of a public petition should be a full debate and not restricted to 30 minutes. |
| R5 | The right to propose a motion be allocated to individual Councillors by ballot, by reverse proportionality. Those Councillors allocated a debate may pass on that right to another Councillor, if they so wish. |
| R6 | Seconding of amendments to motions should be formal, with the speaker reserving their right to speak. |

| No. | Proposed Recommendation |
|------------|--|
| R7 | There should be six normal Council meetings a year, plus Annual Council and Budget-making, being eight in total. |
| R8 | There should be a time limit on the response to Council Questions of 3 minutes. |
| R9 | The Council should investigate the use of cameras at Council meetings so that these can be live-streamed from the Council's website. |

Cabinet

- 5.12 There was a clear divergence of views between majority party and minority party members about speaking rights at Cabinet. Leaders and ex-Leaders felt that they had been very lenient in allowing opposition speakers time, however opposition speakers felt constrained by the rules. Several interviewees pointed out that the number of call-ins could be reduced by having more of a debate at Cabinet. Elsewhere in the country, it is considered that the lack of challenge at Cabinet has led to a general reduction in quality of reports for consideration. In other Councils, there are minority representatives on Cabinet with full speaking rights. It is recommended that Ealing adopt this practice.
- 5.13 To overcome possible time constraints, more decisions should be taken by Portfolio Holders individually. It has also been pointed out that Ward Councillors currently have no speaking rights at Cabinet. This should be rectified.
- 5.14 On occasions, members of the public have been allowed to speak at Cabinet at the discretion of the Leader. Some members of the public have not been allowed this privilege. In order to avoid claims of bias, it is recommended that members of the public not be allowed to speak at all at Cabinet.
- 5.15 One of the downsides of a Cabinet system is the lack of natural progression as happened with Chairmen/Vice-chairmen of Committees. At present, the only route of progression is through Scrutiny. Both parties have had mentoring schemes in the past. It is proposed to formalise that process.
- 5.16 Pre-scrutiny is considered to be a valuable tool which should be used more. One of the present constraints is the lack of detail in the forward plan. This could be overcome by requiring the report's abstract to be included in the forward plan. There should also be a constitutional requirement for all strategic or annual plans and policies, as opposed to specific decisions, to be considered by Overview and Scrutiny Committee before being submitted to Cabinet for approval. This would ensure that sufficient time was allowed for pre-scrutiny to happen.

| No. | Proposed Recommendation |
|------------|--|
| R10 | There should be a number of minority party non-voting members of Cabinet, with full speaking rights. |
| R11 | Other Councillors should be able to speak at Cabinet subject to the discretion of the Cabinet. |

| No. | Proposed Recommendation |
|------------|--|
| R12 | Members of the public should not be able to speak at Cabinet. |
| R13 | Wherever possible, decisions should be taken by Portfolio Holder decision, with the right being given to the Shadow Portfolio Holder to require the matter to be considered by full Cabinet instead. |
| R14 | Backbench aides should be formally appointed, one for each Portfolio Holder. They should not receive any special allowance. |
| R15 | The Cabinet forward plan should contain more detail so as to facilitate pre-scrutiny. Specifically, the abstract that heads each report should be included in the forward plan. |
| R16 | There should be a constitutional requirement for all strategic or annual plans and policies, as opposed to specific decisions, to be considered by the Overview and Scrutiny Committee before being submitted to Cabinet or Council for approval unless the Committee decides otherwise. |

Scrutiny

- 5.17 Although custom and practice allows speakers at Scrutiny to speak for some 3 minutes, there is no formal protocol as there is for Planning, for example. It is recommended that a protocol be drawn up for public consumption.
- 5.18 Since the Cabinet system was introduced in Ealing, there has always been a clear majority party. In the past, there has been a minority administration, and in other Boroughs, coalitions. There needs to be a mechanism whereby Council can take the final decision on a controversial item for the Cabinet system still to work. If the Overview and Scrutiny Committee had the ability to refer a call-in to full Council, it would both fulfil this need and give full Council a greater role.
- 5.19 However, the Director of Legal Services has advised that under the present legislation the Council and its Council-side Committees cannot exercise Executive functions and the Cabinet, individual Portfolio Holders and any Cabinet Committees may not exercise Council-side functions. Officers may exercise either Council or Executive functions, provided that the delegation has been made to them.
- 5.20 Budget Scrutiny has been undertaken in a number of different ways, none of which has proved entirely satisfactory. It is recommended that the Overview and Scrutiny Committee should be able to see Budget background papers, as seen by the Star Chamber, once a Cabinet decision has been made.
- 5.21 Call-ins are generally welcomed as a useful process, allowing public participation and general debate. Some respondents considered that there were too many call-ins but no-one suggested restricting the right to call-in. It was considered that more debate at Cabinet could help reduce the number of call-ins. One expressed concern has been that the purpose of call-ins is not always clear, and so it is recommended that call-ins should specify whether or not the Overview and Scrutiny Committee is being asked to refer a decision back to Cabinet or on to Full Council.

| No. | Proposed Recommendation |
|------------|---|
| R17 | There should be a formal protocol for any members of the public speaking at Scrutiny. |
| R18 | The Overview and Scrutiny Committee should be able to see the Budget background papers, as seen by the Star Chamber, once a Cabinet decision has been made so as to allow more effective scrutiny of the Budget. |
| R19 | Call-ins should specify whether or not the Overview and Scrutiny Committee is being asked to refer a decision back to Cabinet or on to Full Council. Otherwise, there should be no change in the current arrangements for call-ins. |

Planning/Regulatory

- 5.22 Little concern was expressed about the Planning and Regulatory side of the Council. Current public engagement was seen as constructive. However, there were some worries about the handling of big applications. It was deemed that the public did not necessarily understand the legal constraints that the Council had when considering Planning and Licensing applications.
- 5.23 The Licensing Panel is held during the daytime and can be quite lengthy. It can be difficult to find members to serve this. It is recommended that those Councillors who undertake this duty should be appropriately recompensed.

| No. | Proposed Recommendation |
|------------|---|
| R20 | A paper should be produced, for public consumption, outlining the legal background for the decision-making process for both Planning and Licensing. |
| R21 | There should be a protocol for planning applications where there is a wide public interest. This should include site visits, speaking rights, venue and video transmission. |
| R22 | Consideration should be given to an attendance allowance for Councillors serving on Licensing Panels. |

Ward Forums

- 5.24 There was a large public response to the consultation on Ward Forums. There appears to be a great deal of public support for the current arrangements, as opposed to the previous Area Committee system. Attendance was much greater at Ward Forums than Area Committees, a view reinforced by visits to neighbouring Boroughs.
- 5.25 Some interviewees raised the problem of capital/revenue spend. Some Wards swapped capital with revenue from other Wards to achieve their expenditure. It is considered that overall, this will even out and that there should be no distinction between capital and revenue spend on Ward Forum expenditure. It has been suggested that there be greater devolution of expenditure, for example roads maintenance, to Ward Forums. Given the amount of capital involved, it is difficult to recommend this step. If it were to be done then the money should be ring-fenced.

- 5.26 There were a number of detailed issues raised and the recommendations seek to address those concerns.

| No. | Proposed Recommendation |
|------------|--|
| R23 | The concept of having a 'local spend' should be supported. There should be no distinction between capital and revenue spend. |
| R24 | Notes of meetings should be taken by the Neighbourhood Governance Co-ordinator. There should not be a separate minute-taker. |
| R25 | The Neighbourhood Governance Co-ordinators should ensure that the notes from each Ward Forum are made publicly available within 15 working days after the meeting. |
| R26 | A code of best practice should be drawn up for publicising meetings. This might include posting public notices of forthcoming meetings in a variety of locations including schools, public noticeboards and churches; creating a new logo specifically for Ward Forums; and targeted leafleting. |
| R27 | The administration budgets for Wards should be clarified and Ward Councillors should have control over these budgets. Full virement should be allowed between the administration budget and 'local spend'. |
| R28 | Ward Forums should be reminded that they can set the number of meetings/joint meetings they wish to hold each Council year, within their administration budget. |
| R29 | The current protocol for the filling of forms for project funding should be reviewed to analyse whether the process can be simplified. Where possible, recipients of funding should report back to the Ward Forum on the outcome of the project. |
| R30 | There should be a requirement for ward-based officers, e.g. Envirocrime, to attend Ward Forums in their area on at least an annual basis. The Ward Forums should consider paying for the officer time involved. |
| R31 | A paper should be produced, for public consumption, outlining the legal background for the decision-making process for Ward Forums. |

Consultations

- 5.27 Panel members looked at current consultations and found that some were easier to understand than others. The number of responses to online consultations is very low and the recommendations seek to address this problem.

- 5.28 It was pointed out that some organisations suffer from 'consultation fatigue'. In order to avoid duplication, it is recommended that all Borough-wide consultations should be brought under centralised control.

| No. | Proposed Recommendation |
|------------|---|
| R32 | Councillors should be used as a form of 'focus group' on Borough-wide consultations to help ensure the relevance and user-friendliness. |

| No. | Proposed Recommendation |
|------------|---|
| R33 | Borough-wide consultations should be brought under centralised control. |

Other

5.29 There were a number of other matters considered. The main consideration was in the operation of the Council's Petitions scheme. It was considered that it was not appropriate for Officers to be the subject of petitions but that the relevant Portfolio Holder should be held to account instead. Also, to encourage public participation the threshold for such a petition should be reduced to 300.

5.30 Section 9.10 of the Council's 'Council and Committee Procedures' allows a Member to propose referring a matter raised in a public question or petition to Cabinet. It would seem sensible to permit a Member to propose referral to the Overview and Scrutiny Committee instead.

| No. | Proposed Recommendation |
|------------|--|
| R34 | The petition to hold an officer to account at a meeting of the Council's Overview and Scrutiny Committee should be replaced with a petition that would instead hold the relevant Portfolio Holder to account. |
| R35 | The threshold for the petitions holding a Portfolio Holder to account at a meeting of the Council's Overview and Scrutiny Committee should be reduced from the 3,000 currently set for holding an officer to account, to 300. |
| R36 | Section 9.10 of the Council's 'Council and Committee Procedures' be amended to permit any Member to move that a matter raised by a public question or petition be referred either to the Cabinet or to the Overview and Scrutiny Committee . |
| R37 | The facility for the Health and Adult Social Services Scrutiny Panel to make recommendations to the Health and Wellbeing Board should be noted within the Board's terms of reference. |
| R38 | A review of the Health and Wellbeing Board's Forward Plan should be made a standing item at each meeting of the Health and Adult Social Services Scrutiny Panel. |

Future Monitoring

5.31 The Panel suggests that an appropriate Scrutiny Panel should undertake the monitoring of the implementation of the recommendations and further ongoing monitoring.

| No. | Proposed Recommendation |
|------------|---|
| R39 | The Overview and Scrutiny Committee ensures that an appropriate scrutiny body undertakes the ongoing monitoring including the implementation of the agreed recommendations. |

6.0 **KEY LEARNING POINTS**

6.1 Some of the key learning points for the Panel were:

- Engaging with the community – seeking the views of the local people through publicity, site visits and their attendance at Panel meetings were a very valuable source of gathering information directly from the key stakeholders.
- Benchmarking exercises provided important comparisons.
- Site visits made a significant difference to the information obtained.
- Established good contacts with some external agencies e.g. groups, providers, etc.
- The difficulty in engaging some external agencies and areas of the community.
- The inevitability of identifying problems in the current provision and making suggestions for improvements.
- Through the meetings, have raised the profile of Scrutiny and the Council in the borough and promoted discussion between organisations.
- Has produced ideas for future development.
- An important element in the success of initiatives is the promotion and communication of activities, opportunities and new initiatives to the widest audience using relevant communication channels.

7.0 MEMBERSHIP AND ATTENDANCE

7.1 The Table below shows the membership and attendance of Panel Members and will be updated after each meeting.

Membership and Attendance at Panel Meetings

| Name | Total Possible | Actual Attendance | Apologies Received |
|-------------------------------|-----------------------|--------------------------|---------------------------|
| Cllr Anthony Young (Chair) | 3 | 3 | - |
| Cllr Yoel Gordon (Vice Chair) | 3 | 3 | - |
| Cllr Tej Ram Bagha | 3 | 3 | - |
| Cllr Theresa Byrne | 3 | 2 | - |
| Cllr Ann Chapman | 3 | 3 | - |
| Cllr Tejinder Singh Dhani | 3 | 3 | - |
| Cllr Susan Emmet | 3 | 3 | - |
| Cllr John Gallagher | 3 | 3 | - |
| Cllr Gurmit Mann | 3 | 2 | 1 |
| Cllr Rajinder Mann | 3 | 3 | - |
| Cllr Zahida Noori | 3 | 1 | - |
| Cllr Harvey Rose | 3 | 3 | 1 |
| Cllr Jason Stacey | 3 | 2 | 1 |

Substitutes and Other Councillors

Meeting 1:

Cllr Andrew Steed substituted for Cllr Harvey Rose.

Meeting 3:

Cllr Sitarah Anjum substituted for Cllr Theresa Byrne.
Councillor Chris Summers

Meeting 4:

Meeting 5:

Other

Centre for Public Scrutiny
Representatives of various Local Organisations
Residents

8.0 BACKGROUND INFORMATION

8.1 Useful Papers

Ealing Council's Constitution, available at

http://www.ealing.gov.uk/info/200892/decision_making/597/council_constitution

Scrutiny Review Panel 1 – 2013/2014: Governance

Terms of Reference; Work Programme; Agenda Papers and Minutes of Meetings are available at

http://ealing.cmis.uk.com/ealing/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/36/Default.aspx

Overview and Scrutiny Committee – 2012/2013: Agenda, Minutes and Reports available at

http://ealing.cmis.uk.com/ealing/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/34/Default.aspx

Other information about Scrutiny at Ealing is available at:

http://www.ealing.gov.uk/info/200892/decision_making/344/scrutiny

Local Government and Public Involvement in Health Act 2007

Localism Act 2011 and Plain English Guide to the Localism Act 2011 (DCLG):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5959/1896534.pdf

8.2 Useful Websites

1. Ealing Council – www.ealing.gov.uk
2. Centre for Public Scrutiny – www.cfps.org.uk
3. Government Services and Information – www.gov.uk
4. Brent Connects Forums, London Borough of Brent – <http://www.brent.gov.uk/your-community/brent-connects/brent-connects-forums/>
5. Isleworth and Brentford Area Forums, London Borough of Hounslow – <http://democraticservices.hounslow.gov.uk/ieListMeetings.aspx?CId=576&Year=2013>

8.3 Further Information

For further information about Scrutiny Review Panel 1 – 2013/2014: Governance, please contact:

Harjeet Bains

Scrutiny Review Officer

Ealing Council

Tel: 020-8825 7120

Email: bainsh@ealing.gov.uk

9.0 PROPOSED RECOMMENDATIONS

| Rec No. | Proposed Recommendation |
|--------------------------|--|
| Overall Structure | |
| R1 | That the Council retains its present Leader and Cabinet system. |
| R2 | That the number of Councillors be reduced to 48. |
| Council | |
| R3 | Each individual Councillor should only be able to ask one written question. |
| R4 | Two full debates should be permitted at each Council meeting. Opposition business as such, should not continue. If there is a debate on the Budget or on the Corporate Plan then there should be no other debates. A debate generated as a result of a public petition should be a full debate and not restricted to 30 minutes. |
| R5 | The right to propose a motion be allocated to individual Councillors by ballot, by reverse proportionality. Those Councillors allocated a debate may pass on that right to another Councillor, if they so wish. |
| R6 | Seconding of amendments to motions should be formal, with the speaker reserving their right to speak. |
| R7 | There should be six normal Council meetings a year plus Annual Council and Budget-making, being eight in total. |
| R8 | There should be a time limit on the response to Council Questions of 3 minutes. |
| R9 | The Council should investigate the use of cameras at Council meetings so that these can be live-streamed from the Council's website. |
| Cabinet | |
| R10 | There should be a number of minority party non-voting members of Cabinet, with full speaking rights. |
| R11 | Other Councillors should be able to speak at Cabinet subject to the discretion of the Cabinet. |
| R12 | Members of the public should not be able to speak at Cabinet. |
| R13 | Wherever possible, decisions should be taken by Portfolio Holder decision, with the right being given to the Shadow Portfolio Holder to require the matter to be considered by full Cabinet instead. |
| R14 | Backbench aides should be formally appointed, one for each Portfolio Holder. They should not receive any special allowance. |
| R15 | The Cabinet forward plan should contain more detail so as to facilitate pre-scrutiny. Specifically, the abstract that heads each report should be included in the forward plan. |
| R16 | There should be a constitutional requirement for all strategic or annual plans and policies, as opposed to specific decisions, to be considered by the Overview and Scrutiny Committee before being submitted to Cabinet for approval. |
| Scrutiny | |
| R17 | There should be a formal protocol for any members of the public speaking at Scrutiny. |
| R18 | The Overview and Scrutiny Committee should be able to see the Budget background papers, as seen by the Star Chamber, |

| Rec No. | Proposed Recommendation |
|-----------------------------------|--|
| | once a Cabinet decision has been made so as to allow more effective scrutiny of the Budget. |
| R19 | Call-ins should specify whether or not Overview and Scrutiny Committee is being asked to refer a decision back to Cabinet. Otherwise, there should be no change in the current arrangements for call-ins. |
| <i>Planning/Regulatory</i> | |
| R20 | A paper should be produced, for public consumption, outlining the legal background for the decision-making process for both Planning and Licensing. |
| R21 | There should be a protocol for planning applications where there is a wide public interest. This should include site visits, speaking rights, venue and video transmission. |
| R22 | Consideration should be given to an attendance allowance for Councillors serving on Licensing Panels. |
| <i>Ward Forums</i> | |
| R23 | The concept of having a 'local spend' should be supported. There should be no distinction between capital and revenue spends. |
| R24 | Notes of meetings should be taken by the Neighbourhood Governance Co-ordinator. There should not be a separate minute-taker. |
| R25 | The Neighbourhood Governance Co-ordinators should ensure that the notes from each Ward Forum are made publicly available within 15 working days after the meeting. |
| R26 | A code of best practice should be drawn up for publicising meetings. This might include posting public notices of forthcoming meetings in a variety of locations including schools, public noticeboards and churches; creating a new logo specifically for Ward Forums; and targeted leafleting. |
| R27 | The administration budgets for Wards should be clarified and Ward Councillors should have control over these budgets. Full virement should be allowed between the administration budget and 'local spend'. |
| R28 | Ward Forums should be reminded that they can set the number of meetings/joint meetings they wish to hold each Council year, within their administration budget. |
| R29 | The current protocol for the filling of forms for project funding should be reviewed to analyse whether the process can be simplified. Where possible, recipients of funding should report back to the Ward Forum on the outcome of the project. |
| R30 | There should be a requirement for ward-based officers, e.g. Envirocrime, to attend Ward Forums in their area on at least an annual basis. The Ward Forums should consider paying for the officer time involved. |
| R31 | A paper should be produced, for public consumption, outlining the legal background for the decision-making process for Ward Forums. |
| <i>Consultations</i> | |
| R32 | Councillors should be used as a form of 'focus group' on Borough-wide consultations to help ensure the relevance and user-friendliness. |

| Rec No. | Proposed Recommendation |
|--------------|--|
| R33 | Borough-wide consultations should be brought under centralised control. |
| Other | |
| R34 | The petition to hold an officer to account at a meeting of the Council's Overview and Scrutiny Committee should be replaced with a petition that would instead hold the relevant Portfolio Holder to account. |
| R35 | The threshold for the petitions holding a Portfolio Holder to account at a meeting of the Council's Overview and Scrutiny Committee should be reduced from the 3,000 currently set for holding an officer to account, to 300. |
| R36 | Section 9.10 of the Council's 'Council and Committee Procedures' be amended to permit any Member to move that a matter raised by a public question or petition be referred either to the Cabinet or to the Overview and Scrutiny Committee . |
| R37 | The facility for the Health and Adult Social Services Scrutiny Panel to make recommendations to the Health and Wellbeing Board should be noted within the Board's terms of reference. |
| R38 | A review of the Health and Wellbeing Board's Forward Plan should be made a standing item at each meeting of the Health and Adult Social Services Scrutiny Panel. |
| R39 | The Overview and Scrutiny Committee ensures that an appropriate scrutiny body undertakes the ongoing monitoring including the implementation of the agreed recommendations. |

10.0 PROPOSED RECOMMENDATIONS WITH OFFICER COMMENTS

(This Table will be completed once the Panel agrees the recommendations for the Final Report)

| Rec No. | Proposed Panel Recommendations | Service Officer Comments <i>(Including any Resource and Legal Implications)</i> | Recommended Cabinet Response <i>(Accept/Reject)</i> |
|---------|--------------------------------|--|--|
| R1 | | | |
| R2 | | | |
| R3 | | | |
| R4 | | | |
| R5 | | | |
| R6 | | | |
| R7 | | | |
| R8 | | | |
| R9 | | | |
| R10 | | | |
| R11 | | | |
| R12 | | | |
| R13 | | | |
| R14 | | | |
| R15 | | | |
| R16 | | | |
| R17 | | | |
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| Rec No. | Proposed Panel Recommendations | Service Officer Comments (Including any Resource and Legal Implications) | Recommended Cabinet Response (Accept/Reject) |
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| R27 | | | |
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Scrutiny Review Panel 1 - 2013/2014 Governance

Work Programme

| Item No. | Item Details | Brief/Comments |
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| Meeting 1 - Tuesday 9 July 2013 | | |
| 1 | Panel Operations in 2013/2014 (<i>Director of Legal and Democratic Services - Helen Harris/Scrutiny Review Officer - Harjeet Bains</i>) | To consider and agree the Terms of Reference for the Panel (including co-option arrangements and external engagement). To consider, plan and agree the agenda items for all the Panel meetings in the year including additional visits. |
| 2 | An Overview on the Council's Current Governance Arrangements (including the quasi-judicial elements) and the Implications of the Localism Act 2011 in respect of Governance (<i>Director of Legal and Democratic Services - Helen Harris</i>) | To consider the current governance arrangements of the Council and the implications of the Localism Act 2011 and identify any areas for further review at future meetings. |
| 3 | Governance Arrangements in Local Authorities - An External Perspective (<i>Presentation by Local Government Association - Ed Hammond, Research and Information Manager, Centre for Public Scrutiny</i>) | The presentation to provide an external perspective on governance arrangements in local authorities. Useful Background Publications for circulation to Panel Members: - Changing Governance Arrangements (Centre for Public Scrutiny - Policy Briefing 4, December 2010) - Musical Chairs (Centre for Public Scrutiny - Practical issues for local authorities in moving to a committee system) plus two Appendices: 1. Showing the different governance options on a spectrum. 2. The case study authorities in detail Available at www.cfps.org.uk/committee-system . |

| Item No. | Item Details | Brief/Comments |
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| 4 | Scrutiny Function <i>(Head of Scrutiny and Committees - Keith Fraser)</i> | To review the current governance arrangements of the function and make recommendations accordingly. |
| Meeting 2 - Thursday 26 September 2013 | | |
| 1 | Public Engagement (including Petitions, Community/Councillor Calls for Action, Consultations, etc.) <i>(Head of Scrutiny and Committees - Keith Fraser/ Research and Consultation Manager - Rajiv Ahlawat)</i> | To review how the Council currently engages with the local community and make proposals for further improvements accordingly. <i>This item is also being covered in the interviews of key Councillors and Officers that are presently being conducted by the Chair and Vice Chair on the Council's current governance arrangements and future direction of governance.</i> <i>In addition, the Panel Members have been asked to undertake a small exercise in reviewing the Consultations Section of the Council's website and provide feedback on their findings.</i> |
| 2 | Health and Wellbeing Board <i>(Acting Director of Public Health - Bal Kaur/Head of Scrutiny and Committees - Keith Fraser)</i> | To review the current governance arrangements of the Board in conjunction with the role of the Health and Adult Social Services Scrutiny Panel and make recommendations accordingly. |
| 3 | Updated Work Programme for Scrutiny Review Panel 1 - 2013/2014: Governance <i>(Director of Legal and Democratic Services - Helen Harris/Scrutiny Review Officer - Harjeet Bains)</i> | To consider and agree the agenda items for the next meeting of the Panel. |
| Meeting 3 - Thursday 28 November 2013 | | |
| 1 | Neighbourhood Governance <i>(Executive Support Manager - Anita Hamilton)</i> | To review and make recommendations on the neighbourhood governance in the borough. <i>As part of this review, actively seek the views of the local community and visit different neighbourhood ward forum meetings both within and outside the borough.</i> |

| Item No. | Item Details | Brief/Comments |
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| 2 | Updated Work Programme for Scrutiny Review Panel 1 - 2013/2014: Governance (Director of Legal and Democratic Services - Helen Harris/Scrutiny Review Officer - Harjeet Bains) | To consider and agree the agenda items for the next meeting of the Panel. |
| Meeting 4 - Thursday 6 February 2014 | | |
| 1 | Cabinet and Council Functions (Director of Legal and Democratic Services - Helen Harris/Head of Scrutiny and Committees - Keith Fraser) | To review in detail the current governance arrangements of these functions and make recommendations accordingly. |
| 2 | Draft Final Report of Scrutiny Review Panel 1 - 2013/2014: Governance (Chair - Cllr Anthony Young/ Vice Chair - Cllr Yoel Gordon) | To consider all the information/knowledge gathered during the course of the year to draw conclusions and make recommendations for inclusion in the Final Report. |
| 3 | Updated Work Programme for Scrutiny Review Panel 1 - 2013/2014: Governance (Director of Legal and Democratic Services - Helen Harris/Scrutiny Review Officer - Harjeet Bains) | To consider and agree the agenda items for the next meeting of the Panel. |
| Meeting 5 - Thursday 3 April 2014 | | |
| 1 | Final Report of Scrutiny Review Panel 1 - 2013/2014: Governance (Director of Legal and Democratic Services - Helen Harris/Scrutiny Review Officer - Harjeet Bains) | To consider and agree, with any amendments, the Panel's final report to the Overview and Scrutiny Committee. |

| Item No. | Item Details | Brief/Comments |
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| Planned Visits | | Comments |
| 1 | Neighbourhood Ward Forums in the London Borough of Ealing | The Panel Members have been provided with the Meetings Timetable for all Ward Forum meetings and asked to attend the Autumn round of meetings outside of their own Wards. |
| 2 | Isleworth and Brentford Area Forum Meetings in London Borough of Hounslow | To be held at 7.30pm in the Brentford Free Church, Boston Manor Road (Half Acre), Brentford, Middlesex, TW8 8DW on: Thursday 19 September and Thursday 21 November 2013. |
| 3 | Brent Connects Area Forums in London Borough of Brent | <p>Brent Connects Harlesden 7.00pm on Tuesday 15 October 2013 in Tavistock Hall, Tavistock Road (next to Burger King drive-thru), Harlesden, NW10.</p> <p>Brent Connects Kilburn and Kensal 7.00pm on Tuesday 1 October 2013 in Kensal Rise Primary School Hall, Harvist Road, Kilburn, NW6.</p> <p>Brent Connects Kingsbury and Kenton 7.00pm on Tuesday 22 October 2013 in Brent Civic Centre, Engineers Way, Wembley, HA9.</p> <p>Brent Connects Wembley 7.00pm on Wednesday 2 October 2013 in Brent Civic Centre, Engineers Way, Wembley, HA9.</p> <p>Brent Connects Willesden 7.00pm on Wednesday 16 October 2013 in College of North West London, Denzil Road, Willesden, NW10.</p> |
| 4 | Joint Local Government Association/Centre for Public Scrutiny Good Governance Workshop | 10.00am on Tuesday 22 October 2013 Local Government House, Smith Square, London, SW1P 3HZ |