Executive Summary

1.1 This paper invites Cabinet to develop the proposals to establish a Democracy and Civic Participation Commission. It will look at participatory democracy in its broadest sense, including examples of best practice from the UK and around the world, and models of system participation in decision making. The Commission will also make recommendations about to enhance the involvement of Newham residents in council processes, in line with the Mayoral pledge to put people at the heart of everything the Council does.

Recommendations

2.1 For the reasons set out in this report, Cabinet is recommended to agree:

2.1.1 to establish a Democracy and Civic Participation Commission, as described in this report.

2.1.2 Subject to recommendation 2.1, that Cabinet agree that the appointment process for the independent Chair begins immediately through an external and transparent selection processes.

2.1.3 The scope of the Commission set out in para 4.3.

2.1.4 Subject to recommendation 2.1, delegate to the Chief Executive, in consultation with the Mayor and Cabinet Member for Finance, the arrangements for recruitment of Commission Chair and members and the arrangements for supporting and resourcing the Commission.

Background

3.1 The Mayor pledged to establish a Democracy and Civic Participation Commission which, amongst other things, will consider ways to give all residents a voice in Council decision-making.
3.2 On 26 November 2018 the Full Council considered a report on the proposals. They agreed to note that the Mayor would be establishing an independently chaired Commission in 2019, reporting within 12 months; and that members would receive more detailed, costed proposals and a detailed timetable in the new year. Members also passed a motion at the meeting to hold a referendum on the Council’s governance arrangements by May 2020 with the alternative model of the Leader and Cabinet model. This motion, however, was only an indicative vote and does not constitute the start of the formal process for holding a referendum. A report will be brought back to Council in March setting out the statutory process and it is noted that the decision to hold a referendum is one reserved to full Council.

3.3 Democracy and governance in Newham need to become more representative and participatory to engage and represent all our communities more effectively. Participation in democratic decision-making contributes to citizens feeling part of their community and therefore greater shared responsibility for public decisions. It contributes to the legitimacy of decisions, and public confidence in elected representatives.

3.4 National and international uncertainties such as increasing inequality and Brexit are leading to polarisation towards extremes and rejection by citizens of the democratic establishment where they think it has failed them. This is a particular concern for minority groups who tend to be marginalised in the decision making process. In Newham, as elsewhere, we know that voter turnout is low. Moreover, traditionally young people aged 18-24 are significantly less likely to vote than those aged 65+, as are voters from minority ethnic backgrounds.

3.5 The Council has already made significant progress through greater openness and participation in Council meetings, and the successful introduction of citizen assemblies at neighbourhood level and for young people. But we need to go much further to achieve genuinely open and participatory democracy in the Borough.

4 Key Considerations & Proposals

Democracy and Civic Participation Commission

4.1 The Commission will be tasked to consider how the Council can achieve participatory democracy in its broadest sense and recommend changes to the Council’s governance arrangements. It will be tasked to report within 6 months of its establishment.

4.2 The Council needs to have decision-making arrangements that are enabling, coordinated, agile and take place at the right level. These arrangements must be transparent and accountable with the right checks and balances in place.

4.3 The Council received a description of the Commission’s scope and remit in its paper on 26 November, which it noted. This paper takes into account Council’s views. The Commission will be tasked to address the following questions in its terms of reference.
• How we ensure we have decision making arrangements that are enabling, clear, co-ordinated, agile and take place at the right level.
• How we ensure transparency, accountability are in place in relation to the balance between resident and member democracy.
• How we understand and resolve the tensions and opportunities between representative and participatory democracy.
• How we improve the representative role whilst facilitating and enabling wider participation.
• What the role of the councillor is in the context of communities doing more themselves.
• The most appropriate models of governance to meet the Council’s aspirations.

4.4 These questions will form the basis for the draft terms of reference. The Chair and Commissioners will agree the final terms of reference at the first meeting.

4.5 The Commission will decide its working approach; but evidence-gathering is expected to include online places for resident engagement, local roadshows, evidence sessions with young people, youth organisations, voluntary sector organisations, academics, Ministry of Housing, Communities and Local Government (MHCLG), Local Government Association (LGA), London Councils, Shadow Cabinet, other councils, members and think tanks; resident, staff and member surveys, and engagement with political parties.

4.6 The Commission will have a communications plan including website, social media, live streaming of meetings and citizen science platforms.

4.7 The Council will learn from the experience of other councils in the UK who have already held such Commissions. They include Kirklees Council who held an independently chaired commission in 2016 exploring the role of councillors in a representative and participatory democracy. Other councils who have held democracy commissions include Birmingham, Cornwall, Liverpool, Cambridgeshire, Cheshire East, and Lambeth. Lewisham is currently holding a commission which reports in 2019. The Commission will also draw on the best available evidence internationally of what works in developing more effective participatory democracy and civic participation.

4.8 The Commission will also look at the Netherlands for good practice in participatory policy making. Eindhoven and Groningen both have extensive programmes set up by local government to promote citizen involvement. In Eindhoven, policy decisions are prepared via a process of collaborative governance, and in Groningen, citizens and other stakeholders are involved through participatory budgeting. Eindhoven has also adopted a smart citizen approach as part of their smart cities agenda.

4.9 International stakeholders other than the Dutch worth engaging in this work include the Incubator for Participatory Democracy, based on an alliance of democracy innovators, brought together by the Council of Europe at the World Forum for Democracy.
4.10 An independent chair will be appointed for the Commission together with up to four additional members. The Mayor will appoint the chair of the Commission following from a short list of suitably qualified and experienced candidates, with advice being provided by the Chief Executive. Other members will be appointed by the Mayor in consultation with the independent Chair.

4.11 It is estimated that panel members will contribute 12 days each over the next six months although the Chair may need an additional 10 days to allow for planning and report follow-up.

Local government governance models

4.12 Three different governance models are available to local authorities under existing legislation: (1) executive arrangements comprising of a Leader and Cabinet or an Elected Mayor and Cabinet; (2) a Committee system or (3) Prescribed arrangements. In addition, councils can adopt hybrid arrangements under each of the three models such as area committees.

4.13 “Prescribed arrangements” are new arrangements proposed by a council which require the approval of the Secretary of State and the making of new regulations. Any new arrangements will only be approved if they are appropriate for other councils too, not just Newham. MHCLG has confirmed no other council has sought approval for prescribed arrangements to date. This option carries greater risk and uncertainty and would inevitably take longer to progress with the practical reality that Central Government is focussed almost entirely on Brexit at the moment.

4.14 Proposed changes to the existing political management arrangements are required to be approved by the public in a referendum. Such a referendum is subject to a separate statutory process which will be considered by Full Council on 18 March 2019. The Commission will need to align its recommendations to any decisions of full Council.

5 Alternatives considered

5.1 The previous proposal for a 12 month reporting time is not viable to allow the Commission’s findings to be considered as part of a referendum to take place by May 2020.

5.2 The Commission is discretionary activity but delivers a Mayoral priority identified in her manifesto.

6 Consultation

6.1 Name of Lead Member consulted: Rokhsana Fiaz, Elected Mayor

7 Implications

7.1 Financial Implications

A budget of £60k is proposed to cover the costs of the chair, and evidence programme. This cost is based on those in other councils.
7.2 **Legal Implications**

7.2.1 The Council has a general power of competence under s.1 of the Localism Act 2011 to do anything that an individual can do and this would include establishing this Commission and paying the independent Chair for the services they provide. None of the restrictions that apply to s.1 prohibit this decision.

7.2.2 A change to the Council’s Mayor & Cabinet model of executive can only be made through a referendum under the Local Government Act 2000, as amended, as the model was introduced by a referendum in 2002. The commencement referendum process requires a formal resolution of full Council meeting specific statutory criteria and it is strongly recommended that it is preceded by a public consultation exercise.

7.2.3 Within any model of models of executive arrangements are powers to allow for the establishment of geographically based area committees with delegated powers, individual ward member decision making and the powers to appoint non-councillors to committees (but not the executive).

7.2.4 The Commission is not a formal committee of the Council and so the statutory governance requirements will not apply to its meetings or work. The Freedom of Information Act 2000 and other information governance legislation will apply and it is the Council’s expectation that the work of the Commission and its report will be publicly available.

7.3 **Equalities Implications**

7.3.1 The establishment of the Commission has no equalities implications. The work of the Commission will need to ensure that its work enables participation from all groups. The external selection process will need to ensure it complies with any applicable requirements of the Equality Act 2010.