

RESTORATION PROTOCOL

(Discussed and noted at a public meeting on 24th June 2015)

1. This paper seeks to discuss how we might approach a staged return to the restoration of Executive authority to Councillors in Rotherham MBC, as part of the Commissioner intervention.

The Commissioners' Mission:

2. This has been agreed by Commissioners as *"To help the Council secure a safe environment for children and ensure good sustainable services and regulation such that healthy democratic leadership and accountability can be restored."*
3. This might imply there should be no restoration until "sufficient" progress has been made to secure a safe environment for children and Rotherham has good sustainable services. This might be an improvement journey of at least two years.
4. However Mr Pickles' statement to the House suggested that some services could be restored before others and that there should be a review *"as soon as practicable after the date of these directions and every three months thereafter of whether it would be appropriate for the exercise of a function to be returned to the Authority."*
5. This needs to be read alongside the definition of the reasons for the intervention:
 - "...delivering improvements in services and outcomes for the people of Rotherham".
 - *"To rebuild the governance capacity of the Authority, addressing the deep seated culture of poor governance and leadership;*
 - *To restore public trust and confidence in Rotherham by putting an end to any of the Authority's activities, practices and omissions which are, or risk being, not compatible with the best value duty.*
 - *To secure as soon as practicable that all of the Authority's functions are exercised in conformity with the best value duty thereby delivering improvements in services and outcomes for the people of Rotherham."*
6. The nub of this is the previous Secretary of State's apparent view that although the Casey report found the culture, systems and leadership of the Council were badly flawed, the Council might be good enough to run some things and given the dramatic nature of the stripping of executive powers then "roll-back" (to use his term) could commence quickly (my word).
7. It might be obvious to both Councillors and the Commissioner team that changing culture and systems takes time.
8. However we need to do our thinking because a question the public and Councillors might reasonably ask is: **"What do we have to do to get our powers back?"**.

9. This paper deals with the restoration of full executive responsibility. This will need to include:-
- (i) "Leadership" – the chairing of multi-agency, officer or Member meetings which set direction or check progress.
 - (ii) Accountability – unambiguous public definition that a Councillor or Councillors is/are responsible for a particular service.
 - (iii) Representation – participating in activities external to the Council that deploy the Council's influence.
 - (iv) Decision making – making formal decisions on officer advice, but informed by other considerations (including for Members, local knowledge, political principle and previous political commitments).
10. Commissioners agree that a staged transfer back to normal democratic leadership and accountability should gradually increase expectations of "leadership" and "representation". In many areas this part of restoration has started but will need to be progressive as Members of the Advisory Cabinet and the new Chair of Licensing are new to their posts and inexperienced.
11. Over time we think decision making can be more shared between Commissioners and (advisory) Cabinet Members with a position nearer the end of intervention where Commissioners only intervene in circumstances where they judge a proposed decision is wholly wrong or unreasonable.
12. Similarly accountability can be shared but to avoid any ambiguity, accountability for decision making cannot be confused. The public and scrutiny Councillors must know who made every decision and the decision maker must be prepared to give an account.
13. In the sequence below we use the term "full restoration" to mean the transfer back to executive Councillors and the Licensing Committee of the full set of powers and responsibilities (i) - (iv) as set out above. All staged progress up to such a full restoration we term "progressive restoration".

Some pre-conditions for full restoration?

14. The Commissioners think there are some pre-conditions we might say ought to be in place before ANY restoration:
- A stable Administration, not immediately at risk of losing a majority.
 - An Administration free from conduct issues.
 - With leading councillors who are demonstrably competent, in good standing.
 - In a Council with an agreed Improvement Plan.
 - Where leading councillors and any major party Group have committed to formal development activities.
 - Where a new local political Code has been agreed to regulate political behaviours.
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- When there has been no outlier behaviour evident for at least 9 months (beginning 27th February 2015).

15. We might then apply certain tests:

- Is there an area of operations that commissioners are confident is adequate or better, with competent officer leadership, in whom we have a well founded belief that they can work well with Members?
- Are commissioners satisfied that scrutiny of this function will be handled well?
- Are commissioners satisfied that there is a development/service plan for this area which Members and Officers will pursue?
- And that a sufficient performance framework exists for the area such that progress/ outcomes/ deliverables can be monitored?

16. Finally we might apply certain sign-offs:

- Do Councillors want to take this function back?
- Do Councillors commit to the mixed Councillor/Commissioner model that might result?
- Does the Expert reference group agree the proposition for restoration is sound and credible?
- Does a reference group of residents agree the proposition for restoration is sound and credible?
- Are Commissioners as a team ready to transfer responsibility?
- Do the relevant Secretaries of State agree?

17. If we were to adopt this set of processes we will need to secure an expert group (potentially some part of the LGA Improvement Board) and a Residents' group (perhaps building on the independent members of the Standards Committee).