

LGBCE review of LB Bromley – submission on council numbers from Bromley Labour Group

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Section 1: General Introduction

The Local Government Boundary Commission for England (LGBCE) is undertaking a review of the London Borough of Bromley's electoral arrangements. The outcome of the review will be implemented for the May 2022 Council elections.

The review will cover the entire borough. The statutory criteria that the LGBCE will apply when making its proposals are:

- Electoral equality (a consistent number of electors per Councillor)
- Community identity (strong ward boundaries that reflect communities)
- Effective and convenient local government (coherent wards with good internal transport links)

The review was initiated in February 2018 and the preliminary stage of the review will determine the future Council size.

The provisional decision on Council size by the Boundary Commission will then inform the next stage of the review, which will consider size and numbers of wards, ward boundaries and the number of councillors to represent each ward.

The Commission will form its view about the right Council size for an authority by considering the following four areas:

- The governance arrangements of the Council and how it takes decisions across the broad range of its responsibilities
- The Council's scrutiny functions relating to its own decision making and the Council's responsibilities to outside bodies
- The representational role of Councillors in the local community and how they engage with people, conduct casework and represent the Council on local partner organisations
- A view on how the role and operation of the council has changed since 1999 and the new and different challenges faced by elected members

Members of the Labour Group were not invited to contribute to the Council's submission to the Commission, other than by way of the report sent to General Purposes & Licensing on 16 May 2019, and subsequently to full council on 22 May 2019. We assume that discussions took place within the Conservative Group meetings.

By this point however, we felt that the administration had made its decision on the number of councillors to be recommended, that our views were not likely to influence the formal submission being made, and that an alternative submission would be required.

This alternative submission from the Labour Group will present evidence in relation to the criteria set by the LGBCE and proposes a reduction in the number of Councillors from the current number of 60 to 58. The submission also has the support of the officers of the 3.5 Constituency Labour Parties that constitute the Bromley Borough.

Section 2: Background information relating to the Borough and its electors

2.1 Current Council

The Council currently comprises sixty Councillors elected from twenty-two wards.

All Councillors are elected for a four-year term.

The current political party composition is:

- Conservative 50
- Labour 8
- Independent (former Conservative) 2

With the one [v1]exception of a period of no overall control (Lab-LibDem coalition 1997-2000) the council has been controlled by the Conservative Group since its formation in 1965.

Liberal Democrats were represented on the council until 2014; in 2014-18 UKIP were represented by two members.

As outlined in the Council's submission, Bromley is a geographically large Borough with an increasing population, particularly in the older age cohort. It also displays something of a north-south divide in terms of both socio-economic and BAME populations. The most deprived and ethnically diverse wards (Crystal Palace and Penge & Cator) are represented by Labour councillors.

2.2. Current and predicted electoral numbers

The Labour Group broadly accepts the information provided in the Council's submission and sees no need to duplicate this.

Where we disagree with information provided is explained in section 7 of this submission.

2.3 Officer management

Since 1999 the council has seen a reduction in the number of senior officers employed.

The filling of vacant posts at all levels of the council is generally either delayed or the posts removed in order to reduce the revenue budget of the council.

There has also been a general trend to reduce staff numbers at all levels of the organisation as a consequence of increasing commissioning of services.

Members are not consulted on these vacancies and generally not informed when senior members of staff leave. Several interim Directors have recently been appointed, which has not required the involvement of the Appointments Panel.

Whilst this is largely a matter for the Chief Executive, it does result in problems and delays for both councillors and the public when trying to communicate with officers who have already left the organisation.

As was observed by OFSTED during their inspection of Children's Services in 2016, there is a culture amongst councillors of cutting budgets with insufficient regard for the impact on staff and service levels. This is, in our view, something of serious concern as regards governance and effective scrutiny of the council and its decision-making processes. Whilst having more councillors will not address this issue, nor would having a substantial reduction in numbers as in, for example, LB Bexley.

Section 3: how the council works

As the council works to the "Strong Leader & Executive model", decisions are made either by the Leader or Executive members, or by officers under the scheme of delegated

authority. Major decisions receive some scrutiny from the relevant PDS (policy development and scrutiny) committee.

A forward plan of key decisions is published by officers and circulated to all councillors. It is also available to the public but is not particularly easy to find on the council website, nor is it an easy document for the public to understand. This does not assist in the general principles of transparency and accountability.

The Council is committed to the principle of being a commissioning authority and has been so since the 1980s. Over this time, the number of directly employed staff has decreased dramatically. The council currently employs approximately 2000 FTE and anticipates reducing this to around 300 over the next few years.

The Council has transferred its housing stock to housing associations and, since 1999, virtually all schools now have Academy or independent status.

The following services are provided by contractors:

- Residential care
- Adoption & Fostering
- Mental health / learning difficulties
- ICT
- Parking
- Libraries
- Waste collection & disposal
- Street cleansing
- Grounds & parks maintenance
- Exchequer Services
- Housing & Council Tax benefit administration
- Reablement & domiciliary care
- Facilities Management
- CCTV

The council currently retains direct provision of:

- Early Years
- Two children's centres/ nurseries
- Planning & land searches
- Legal Services
- Adult & Children's Social Care (partial)
- Democratic Services
- Electoral services
- Registrar's services
- Housing / homelessness prevention
- Trading standards and community safety (partial)

The council also works in partnership with Bromley Clinical Commissioning Group, Kings College Hospital NHS Foundation Trust and Oxleas NHS Foundation Trust and is moving towards joint provision of social care etc.

Councillors are involved in partnership working via the Health and Wellbeing Board. This is a collaboration between Bromley Council and various partner agencies whose role is to understand their local community's needs, agree priorities and encourage commissioners to work in a more joined up way. As a result, patients and the public should experience more joined-up services from the NHS and the Council in the future

Commissioning in the Council

Shortly after the 2014 elections, the Council established a Contracts Working Party to oversee the commissioning process in the council and to address immediate problems and risks in the commissioning processes.

The work of this group led to the setting up of a contracts database and to substantial improvements in management of commissioning and in training of both members and officers on the processes involved. A Director of Commissioning was also appointed to lead this work.

Given the fact that the council has been a major commissioner of services since the 1980s the Labour Group is of the view that these developments could be seen as somewhat belated.

In 2017-18 the contracts working party was replaced by the Contracts & Commissioning Sub-committee, answerable to its parent committee, Executive & Resources Policy Development & Scrutiny. [v2]

PDS Committees now receive copies of the contracts register for their areas of work on a monthly basis; these receive mixed levels of scrutiny. On the recommendation of the Contracts Sub Committee, internal audit reports are now brought to the attention of the relevant portfolio holder and PDS Committee Chair.

The recent appointment of the Interim Chief Executive has seen the departure of the Director of Commissioning and the suspension of the Commissioning Board. Temporary replacement structures/processes are in place and we expect a long-term proposal to come from the current Transformation Plan being led by the Interim [v3]Chief Exec. (see section 5).

As of the 2019-21 municipal year, the Contracts & Commissioning Sub Committee has been disbanded. Executive and Resources PDS Committee is now Executive, Resources & Commissioning PDS Committee, but with no clarity about its remit for scrutinising the commissioning process. [v4]

Section 4: Future plans and developments

The Council has recently appointed a new Interim Chief Executive who is currently leading a transformation project to try to address forthcoming financial pressures and an anticipated budget gap of £30m in 2020.

Our understanding is that the approach will be one of radically reviewing how council services can be provided within financial limitations and whilst continuing to meet at least statutory requirements^[v5]. Given the continuing substantial reduction of central government funding, service levels are likely to drop in the foreseeable future.

At the time of writing, details of the Transformation Plan are not known to the Labour Group; we can therefore only make recommendations based on the current staffing structures. It does not take a genius however to predict that the range and volume (if not the quality) of services will be declining in future years and there is no foreseeable reason why this will not result in a decrease in workload for councillors

5. Proposal and evidence for change to council size

Whilst Bromley is, like all London Boroughs, growing in population the Labour Group does not believe there is any need, using the Commission's criteria to increase the council size to 62.

Our proposal is based on the following points:

a) Impact of the Executive model

As the Commission is aware, the current Council size was determined by the previous review in 1999, which was before the introduction in the Local Government Act 2000 of Executive Arrangements.

This change from a committee-based council to the Executive/ Cabinet model led to streamlining of the local authorities' political management arrangements; it also **significantly reduced the number of committees and related duties that Councillors are required to perform.**

This very reduction was, of course, one of the main arguments for adoption of the Executive model. What we now have is a structure where major decisions are taken by Executive members, the role for committee members (other than on regulatory committees) is much less onerous than it used to be. Members of PDS committees are not responsible for making decisions as these are taken by the Executive. The role of PDS committee members is to be reactive in terms of scrutiny responsibility; there is no real scope for proactive policy making as this function is carried out by the Executive and by officers.

Excluding Executive members, some councillors sit on only two committees; eight councillors sit on three committees; two councillors sit on ten committees. A more

equitable division of committee places would see a fairer sharing out of workload if there are councillors who feel this is needed.

Within the principles of proportionality in distribution of committee places, Labour Councillors all sit on at least one main regulatory or PDS committee.

It is also worth noting that some committee meetings regularly do not last more than 1 hour; the meeting of General Purposes & Licensing on 16 May lasted for less than 20 minutes despite there being 15 items on the agenda.

b) Electoral representation

Council officers have calculated that current representation per councillor is 4036 electors, and that projected population figures would result in a ratio of 4132 per councillor by 2024. This is an increase of just 96 electors per councillor.

A reduction in council size to 58 would lead to an additional increase of 142 to 4274 electors.

c) Governance and decision making and scrutiny of decisions and responsibilities to other bodies

If one accepts the principle that Executive councillors are financially compensated for additional time spent working on their portfolio of council services, then the main duties to be considered are committee and council meetings, community engagement and casework.

The 2018 Local Government Census revealed that the average councillor spends 22 hours a week on council duty.

It should be borne in mind that two of the wards we represent have the highest levels of deprivation in the Borough and, as is recognised in the Council's submission, it is probable that we these wards generate [v6] more casework (and more complicated casework) than most other wards. To our knowledge, there have been [v7] no complaints to the council of any Labour Councillor not dealing competently with casework. In as much as there is ever a 'personal vote', the elections in 2018 suggest that electors in our wards are satisfied that we represent them well.

One of the major changes since 1999 has been the rapid development of IT, most notably use of email and the internet. We believe that the net effect of this has been to greatly reduce the amount of time spent on tasks such as writing hard copy letters, visiting the civic centre to obtain information which is now available online via the intranet or internet etc.

Whilst one of our three wards has, to date, held the traditional periodic councillor surgeries, this has proven to be a decreasingly popular way for the public to contact their councillors as people now use email and/or mobile phones as part of every day life.

Our experience is that people do not wish to wait a few weeks to see their councillor at a surgery; they now expect a much faster response. All Labour councillors will visit residents in their homes or meet them at a neutral location in order to provide a rapid and appropriate response to problems. Time is no longer spent sitting at a monthly surgery with no one attending.

It is also the case that, despite additional allowances still being paid to members of Plans Sub Committees, very few (if any) members undertake site visits anymore; most make use of Google Earth or equivalent in order to access images of a site proposed for development.

Over recent years, in response to political commitment to becoming a 'commissioning council', and in response to financial pressures due to reductions in central government funding, the Council has seen a substantial overall reduction in directly employed staff.

With the transfer of management and administration of LEA schools to Academies and free schools, there has been a general reduction in the workload for councillors in terms of education provision within the Borough. This is reflected also in the reduction of LEA governors on school governing bodies.

As an opposition group, we have minimal responsibilities as council appointees to external bodies; however, we have seen little evidence which shows that councillors on external bodies find this work time consuming or onerous. Indeed, there is evidence historically of low attendance by those appointed. The Whips report to London Councils shows that Bromley's Leader attended 54% of meetings in 2018-19.

We believe there is no public appetite for increased numbers of elected councillors, particularly against a climate of reduced funding for local government. Whilst this is not one of the criteria laid out by the LGBEC, credibility and public trust are necessary to the health of democracy more generally.

5. Financial Impact of Council Size

Most of the cost of councillors is payment of the basic and special responsibility allowances. In Bromley these are lower than in many London Boroughs, but some £2k per head, per annum higher than in Bexley.

Savings from reducing the council size to 58 are therefore minimal, but also twice the saving of an increase to 62 councillors.

Para 4.27 of the council's submission states that more than 50% of Bromley councillors have special responsibilities. This is counter to the recommendation of the independent Remuneration of Councillors in London Report 2018 commissioned last year by London Councils.

6. Comments in direct response to Council submission

Section 1 no substantial disagreement or comment

Section 2

- a) *Para 2.7 “Reducing the number of councillors would put an unacceptable pressure on the workload...”*

We dispute this; no evidence is provided by the council.

Five members of the Labour Group kept a diary for two weeks in February which provided the following information:

| Councillor | Average hours / week |
|-------------------|-----------------------------|
| Group Leader | 25 |
| Cllr 1 | 23 |
| Cllr 2 | 14 |
| Cllr 3 | 12 |
| Cllr 4 | 12 |

As stated already, the 2018 Local Government Census revealed that the average councillor spends 22 hours a week on council duty.

It is also worth noting the ward represented by the Labour Group Leader is currently >10% above the average electoral representation per councillor.

Cllr 1 is retired and undertakes more casework than her fellow ward councillors for this reason.

- b) *Para 2.8 “The increase would make it difficult for members to effectively represent the needs and views of their communities”*

No evidence is produced for this claim. By contrast, given the impact and increasing use of social media, we contend that it is easier now than ever to test and gauge public opinion and so to represent resident’s needs and views.

- c) *Para 2.9 “Since 2010 fewer than 10 opposition councillors have been returned....there is a material risk that a reduction in the number of councillors will have an impact on the number of opposition councillors returned which will impact on voter choice and the effectiveness of the opposition on the council”*

[NB There is a factual error in this paragraph: in 2018, ten opposition councillors were elected not nine.]

“Voter choice” only applies at an election; for so long as parties successfully nominate candidates, voters make their choice on polling day. Except where there is a ‘mixed’ ward with more than one party elected (currently none, 2 in 2014 – 18) [v9], electors have no subsequent choices as casework and community engagement are undertaken only by councillors in the relevant ward.

The statement “..a material risk that a reduction in the number of councillors will have an impact on the number of opposition councillors returned...” is speculative. It is also flawed in that it does not take account of the principle of political proportionality which applies to the number of committee places opposition parties are allocated.

Whilst a better balance between majority and opposition councillors could well be desirable in a number of councils, if a council is concerned about this imbalance it can make internal adjustments eg. elect an opposition councillor to the chair of a scrutiny committee or provide administrative support for the opposition group (s).

Section 3

d) Para 3.3 Presumed error: “Table 3 breaks the figures down by polling *directives*”

Conclusion

In summary, other than identifying a relatively small increase in electoral representation, we believe that the submission from the council is an inadequate and unsubstantiated argument for increasing the council size to 62.

The council has provided no substantial responses to the four criteria established by the LGBEC (para 1.6 of the council’s submission), nor has it provided evidence as to why these four criteria will be better met by an increase in council size.

Furthermore, in a climate of austerity, severe and ongoing cuts in government funding and increasing (and perhaps understandable) distrust from electors in the democratic process at large, we believe that to expand the council size is likely to damage the reputation of the authority itself.

We are therefore recommending a reduced council size of 58.