DMU LGRU and MJ Councillor Commission

Interim Report
October 2016

Drafted on behalf of the commission by Colin Copus and Rachel Wall

What is the Councillor Commission?

The quality and effectiveness of local government and local democracy rests on the contributionmade to both by councillors as elected representatives. The office of councillor is one of the most fundamental political positions in any democracy and it is the political office through which localities, and the communities within them, are able to govern themselves. Councillors live in close proximity to those they govern, represent and serve and they are part of the communities about whom and for whom they make political decisions that will have lasting consequences for local well-being.

The Local Government Research Unit, in partnership with The Municipal Journal launched a Councillor Commission to conduct an independent review of the role and work of the councillor and of the contribution made by councillors to the governance of their communities and the country. The work of the Commission is being supported by Clive Betts, MP, Chair of the House of Commons Communities and Local Government Committee. Although the Commission is independent of the committee it will submit its final report to the chair of the committee for consideration.

Thanks

We would like to thank all those councillors who have given up their time to attend the workshops or to submitted written evidence to date. Your input to, and enthusiasm for, the work of the commission is greatly appreciated. We would also like to thank those council officers and people from other organisations, who gave up their time to arrange and support our workshops. The final report will contain a full list of all those who attended the workshops and submitted written evidence. Thanks have to go to the National Association of Local Councils for their hard work and support in ensuring that parish councillors are able to be fully engaged in the commission's research. We would also like to thank #DMULocal for the financial support provided for the work of the commission, which was invaluable in completing our research to date.

Our aims

The Commission's aim is to provide policy-makers, that take decisions about the structure, function, role and purpose of local government and democracy, with a better understanding of the office of councillor and of the contribution councillors make to their communities. Its aim is also to further public and policy debate and understanding about local government and local democracy. To explore and consider the roles, functions, tasks, responsibilities and powers of the councillor so as to assess their relevance and effectiveness in enabling councillors to sustain a viable system of local democracy, local leadership and local government. It examined the daily experiences of the councillor in their office as a politician and representative, to understand how far and to what effect councillors can shape their communities and the actions, activities and polices of private and public organisations operating within and beyond the boundaries of the council. The commission examined councillors' views about the quality of support they received from their councils in conducting their activities and examine ways of strengthening and enhancing the role and status of the office of councillor.

Who are we?

Colin Copus **(Chair)**
(Professor of Local Politics, De Montfort University)

Heather Jameson
(Editor, Municipal Journal)

Lord Gary Porter
(Chairman of the Local Government Association)

Sir Merrick Cockell
(Chairman, UK Municipal Bonds Agency plc and London Pensions Fund Authority)

Anthony Zacharzewski
(Director, Democratic Society)

Jessica Crowe
(London Borough of Sutton Executive Head of Customers, Commissioning and Governance)

Councillor Mike Evans
(Chairman of Whiteley Town Council, Vice-chairman of Hampshire Association of Local Councils) nominated by the National Association of Local Councils

Jacqui Mckinley
(Chief Executive, Centre for Public Scrutiny)

Rachel Wall
(*Researcher to the Commission, De Montfort University)*

What's happened so far?

The Commission has been collecting evidence since January 2016, through both roundtable discussions with groups of councillors, and through the collection of evidence from councillors (past and present) and those who work with councillors.

So far, there have been 20 roundtables all over England with both principal authorities and parish councils:

- Barnsley Metropolitan Borough Council
- East Midlands Councils
- Leeds City Council
- Kirklees Metropolitan Borough Council
- Association of Democratic Services Officers
- Staffordshire County Council
- West Suffolk Council
- London Borough of Sutton
- London Member Development Network
- Shawbury Parish Council
- Test Valley Borough Council
- Wakefield Council
- Leicester City Council
- Hampshire Association of Local Councils
- Surrey Association of Local Councils
- Essex Association of Local Councils
- Kent Association of Local Councils
- Cumbria Association of Local Councils
- Luton Borough Council
- West Suffolk Council

We have had 147 written submissions so far in response to our call for evidence. In addition to this, we have been engaging with councillors via a Twitter chat using the #CllrCommission.

Initial Findings

Introduction

The section reports the initial, headline, findings of the Commission's work so far and sets out the key themes that have emerged. It briefly explores the consequence of the findings and what they mean for our current understanding of the roles, functions and tasks of councillors and indicates the frustrations and complexities experienced by councillors and how, where possible, they seek to overcome them. The Commission explored the work of councillors on both principal and parish and town councils as part of a consideration of the similarities in the roles. The final report will draw out specific distinctions between the two groups of councillors which are not explored in this report.

The interim report is designed to stimulate a response from councillors and from others concerned with the work of local government so as to inform the remaining work of the commission. As a consequence it does not present full data, or an in-depth exploration of that data using elaborative quotes from our respondent councillors. Rather, at the end of the research in December 2016 a final report will be produced and published in January 2017 which will provide a detailed analysis of our findings and what they mean for the office of councillor and the work councillors carry out.

Reflections on the Modern Day Councillor: "No one has ever asked us before!"

The section sets out, under three broad headings which reflect the messages we received from councillors: The Changing role of the councillor; the relationships councillors have with organisations beyond the council and public accountability; and, how the office of councillor should develop to meet the current challenges all councillors experience. Each of these issues are briefly explored in the sections below (a full analysis of the points will be provided in our final report). The suffix to the title of this section – *No one has ever asked us before* – is a comment one of our roundtable participants made when giving evidence when she simply made the point that the commission's research was the first time an inquiry has focused on what councillors have to say about their work, rather than addressing pre-defined questions.

Exploring the role of the councillor

While councillors clearly see themselves in the traditional role of an elected political representative with a focus on making or being involved in making council decisions, the need to balance the tensions between council-wide representation and representing the needs of a ward or division shape that process. It does not appear however, that the advent of a separation of the executive from the main body of councillors has eased that tension, especially for majority group councillors. But, all councillors - majority and minority groups – express their roles in very similar ways and particularly when that came to the broad relationship they had with their communities, which were seen as being too:

- Empower
- Enfranchise
- Excite and motivate
- Lead
- Support and advise

- Create a dialogue and shared vision
- Channel messages and views from the community to the council and to other bodies
- Mediate conflicts over local issues
- Promote, protect and defend the interests of a specific ward or division or of specific communities within those wards
- Promote, protect and defend the interests of a specific community (or interest) across the entire council area

When it comes to the broad process of local representation there is little to distinguish between the experiences of councillors on types of councils (including parish and town councils) executive members and councillors from all parties and none. On every type of council and from all parties and none councillors displayed an acute fondness of the broad representative role. 'I represent…' (the public, the party, the community) or 'my ward'. Indeed, it is not surprising, given that 90 per cent of councillors in England are members of either the Conservative and Labour Parties or the Liberal Democrats, that party looms large in the reasons why councillors initially stand for election and continue to seek re-election. In these, cases councillors are using representation to express closeness or a loyalty to the subject being represented.

It is the case that the political party of which the councillor is a member forms an important motivator for councillors seeking office, to represent and pursue the polices and interests of the party. Party loyalty, discipline and cohesion are part and parcel of the day-to-day running of councils and the work of the councillor. It appears from some of our evidence however, that councillors in some cases are beginning to resent where group discipline and control of councillor activity is applied with too heavy a hand. Equally, scrutiny does appear to be a setting in which party politics can be put to one side - especially if a review is focusing on services or a body outside of the council.

Where councillors do report a change in the nature of the relationship they have with their communities is where there is a developing expectation among local people that, in the right circumstances, they will be able to work closely with councillors and councils by having an input into policy development and service delivery. It is however, on specific issues that such input from the public is demanded but councillors are now facing a new element to traditional representative democratic processes. Often such input is around issues such as changes to a town centre, redevelopment of public space, interaction with small businesses or negotiating with community groups over specific projects.

Councillors are engaged in dialogue with communities and individual citizens which links to but extends far beyond those debates and deliberations that take place within the council. It remains the case however, that the degree to which councillors undertake this activity rests with the preference of the member and the external pressures to which they are exposed.

Given that the link to the public is still seen by councillors as a vital element of their work councillors however feel that their work is often impeded by what they see as a lack of public and media understanding of their role, office and particularly what they are able to achieve. It is the latter point that generates particular frustrations for members as public expectations that councillors can 'fix' personal and local problems with one quick phone call to the council. Indeed, for councillors, the very idea that they have 'power' to make things happen was, for all but the most senior members, reduced to the ability to 'open doors' rather than make things happen. Linked to these frustrations was the

relationship councillors have with officers who were not seen as always able to respond to the issues councillors raise for their constituents in the way councillors want, need or expect.

While councillors clearly and enthusiastically recognise the 10 bullet point roles that they conduct and embrace these as part and parcel of being a representative, they are far less enthusiastic about having the resources or support to be effective in those roles. Councillors themselves, and not just their constituents, have perceptions of their role and expectations that they will be able to achieve them. But, there is a mismatch, which councillors identify, between expecting to achieve and achieving any one given role.

When it comes to the workings of the council there is a similar clear recognition of roles councillors play but also similar frustrations which display themselves when it comes to achieving those roles. Moreover, since 2002 and the advent of executives into local political decision-making, councillors outside of the executive are still displaying the feeling of a distance between themselves and where and how policy is made. Interestingly, such a distance is displayed among majority group members, as well as minority group members, when the former have an input into policy through the meetings of their own party groups.

The view councillors have of their roles in relation to the council of which they are a member can be summarised as follows:

- Executive member
- Scrutineer (executive)
- Scrutineer (council management)
- Goal-shaper
- Policy-maker / developer
- Policy entrepreneur (promoting and developing new ideas)
- Service enabler
- Council Spokesperson (explaining council decisions or policy)
- Community Spokesperson (channelling community or interest group views into council decision processes)
- Party member

One of the main distinctions of how councillors articulate their roles in regard to the council is that between those focused on broad policy-issues and those focused on the needs of public services generally, or a particular service area. While it is true that those councillors taking a broad, across the board, policy orientation, also express interest in the quality and effectiveness of public services, those focusing more on services, or a particular service, are less inclined to worry about broad brush policy issues.

While also undertaking most of the roles above (excluding being an executive member and scrutineer) councillors also report that they have preferences for specialising in particular council focused roles. But, what is a source of frustration for many members is that they are unable to contribute as much, or as effectively, as they might like, to their preferred approach. Those that experience such a frustration the least are executive councillors and leaders, thus enhancing the distance between leadership and other councillors.

Another frustration for councillors generally, is the increasing workload and time commitments that their duties demand. It is becoming more and more difficult for councillors – especially leading councillors – to sustain council membership alongside full-time employment. One of the main barriers to encouraging new and often younger people to stand for election as councillors is seen by existing councillors, as the time demands of their office. It is certainly the case that councillors see the benefit of attracting younger people to stand for election but recognise that unless considerable support is provided then the demands of employment and council duties will always clash. Even simple changes to when councils meet – during the day/evenings – may not provide sufficient flexibility for people who are in full-time work and raising families to be able to take part in formal council processes.

In seeking 'new blood' among council members, our respondents also express a view that new councillors would bring fresh ideas about the role and how it could best be conducted. But that does not imply that our councillors are not willing to experiment with new methods of working, new ideas for linking the council to the community and with social media. Indeed, the relish with which many councillors have adopted and adapted to the social media world indicates rather than a staleness of approach, a desire to experiment with new tools for engagement and interaction. Indeed, social media presents not only councillors with new ways of communicating with the public, but also provides the public with more tools with which to reach out to elected members.

Councillors describe their role as a 24-hour-a-day job, a job about which the public, media, party and council itself recognise few if any boundaries. As well as employment, it is increasingly difficult, but not yet impossible, for councillors to maintain a private and social life or to operate on a normal day-to-day basis without their community and council role, spilling over into other facets of their life. The proximity councillors have to the communities they represent is a special feature of their office and one which brings with it a relationship to the community not shared by elected representatives operating at other levels. As a consequence, the relative ease with which councillors can be approached, by either constituents or the council of which they are a member, serves to increase the workload and the time commitment, in an often unrecognised fashion.

What is also clear from what councillors tell us is that the demands on the time they must commit to their duties is not constrained to council and community work and that a new role is emerging as councils are faced with the demands of interacting with a host of external organisations beyond the council. That role can best be described as local governor and that is explored more fully in the next section.

Councillors: External Relationships and Accountability

A new and developing feature of the role of the councillor is the increasing need with which they are required to interact in complex networks of organisations beyond the council as well as the changing face of service delivery at the local level.

Another aspect that affects the ability of councillors to make things happen is the complexity of the networks within which they have to operate. There is, for councillors, two dimensions to the interactions with governance networks: first interacting with networks of public, private and third sector bodies that operate within the councillors ward or division and doing so on ward or division based local affairs; and, second, interacting with networks of public, private and third sector bodies that operate across the whole council area and beyond that area.

The way councillors operate in governance networks is developing as a specific requirement of the role and at the same time is placing greater demands on councillors to engage with and shape the activities of other bodies. The role emerging here is distinct to council appointments to outside bodies, which is a more a more functional aspect of the councillor's role. In conducting external relationships as an ambassador or statesman of the council, councillors find themselves in a position of negotiating, developing agreements and influencing the decisions, policies and priorities of a range or organisations.

At the level of the ward or division councillors engaging in network activities are focused on bringing together those organisations – often community groups or local groups, as well as interacting with organisations that operate across the authority and beyond. The purpose is to develop local problem solving or resource capacity or to generate community interaction and exchange – a local community leadership role. But a role which demands that the councillor directs, shapes and influences what these locally focused activities aim to achieve and how they aim to achieve it.

A similar process of interaction and exerting influence in order to shape the preferences of external organisations takes place, by councillors, with those bodies that operate at a local-authority and supra-local authority level. Such interaction is not confined to leading councillors only, but increasingly all councillors report that they are attempting to negotiate with larger organisations to shape their activities. Leading councillors recognise that the activities they conduct in seeking to influence and shape the agenda of external organisations is becoming a way in which they can govern their areas beyond the constraints of the roles and powers of the council itself.

In addition to influencing what such organisations do, the plans they develop and the polices they enact, councillors, at all levels are also engaged in questioning, challenging, debating with, scrutinizing, seeking justifications from and in effect holding such bodies to account. Councillor interaction with external public, private and third sector bodies then serves two purposes: shaping and influencing the preferences of those bodies and holding them to account for what they do.

It is fair to say, from our evidence so far, the role of external governor is something that councillors are coming to terms with gradually and that leading councillors are ahead in recognising and responding to this developing role. The same can be said for holding such bodies to account: it is leading councillors that are engaging with this new role, more so than other councillors. But, there is a clear recognition that councillors do have a role, and given their electoral mandate, a right, to interact with organisations that spend public money and make public policy decisions that affect the well-being of the communities they represent.

So, operationally and strategically we see councillors using their office to interact with bodies such as:

- The Police
- The health service and its various organisational manifestations
- Public utilities
- Housing Associations
- Transport companies
- Charities and voluntary bodies

As well as holding official positions on trusts, LEPs and other strategic bodies.

Thus councillors play two roles, one as an external representative attempting to influence and negotiate with a body and second as an official council representative playing the role of a member of the organising and decision-making committee of such a body.

What is clear is that while this governing role is certainly developing and being recognised by councillors, the support available to councillors to undertake these dual roles is scattered. In some councils an officer contact is assigned to provide briefings and other support. But where this does occur it tends to be available to those councillors that are official council representatives. Those councillors at ward or division level seeking to influence bodies for the benefit of their communities, or those seeking to develop the governing role of their office, beyond an official external appointment, do so largely unsupported by their councils.

As local government becomes less and less a direct provider of services and is confronted more and more by a wide-range of public and private bodies with which it must interact, councillors interacting with such bodies as official representatives on boards or trusts, or as elected representatives seeking to influence or challenge such bodies, will grow as a responsibility. As a consequence, the need for councils to support councillors in this role will also need to grow if such governing activity is to be successful.

What should change?

We now turn our attention to those ideas for change in or strengthening of, the role, functions and powers of councillors and those of their councils that have come from our conversations with councillors and the written evidence they have submitted. The section provides an insight into the changes councillors wish to see not just in their office but also changes involving government, the public and the media. In the view of councillors such changes are needed to ensure those holding the office of councillor are able to effectively govern their areas and they will be explored and discussed in detail in the final report. It is important to remember that in what follows when the term 'government' is used councillors were more often than not referring to all governments, the civil service and the centre generally.

Access to Information

A theme which runs through all our research is the frustration members feel as a result of the restrictions that exist on their access to information – either legal or from difficulties obtaining material from their own councils. Examples exist where councillors have used Freedom of Information requests to secure information that they have been denied access to by their own councils. Councillors require full access to any and all information held by their councils.

External relations: Duty to reply and engage

Linked to the above point is the need for all public private and third sector organisations to recognise the mandate granted to councillors. Councillors' work would be strengthened if external bodies recognised that their office entitles councillors to act on behalf of constituents and as a legitimate partner in policy development and decision-making. In a development of the 'duty to co-operate'

councillors suggest a duty to *respond and engage* that would rest with all bodies external to the council where by a legal duty to respond to councillors' enquiries and involve them in policy-making, would exist.

Research support

There remains across local government a scattered pattern of the support councillors receive either in their constituency work or their policy work, with the weight of resources, understandably, being focused on executive members and leading councillors, or through often under-resourced scrutiny offices. Access to policy and research support and councillor access to policy staff has been requested by councillors across types of councils and parties.

Government Perceptions

Reflecting one of the aims of the commission in contributing to the government understanding of the office of councillor, councillors are highly critical of the perceptions held by government (politicians and civil service) of their role, their office and what is seen to be the centre's perceptions of them as individuals. It is widely felt that a misunderstanding of the role of the councillor and a negative view of what the office should be able to do permeates government thinking, policy and legislation. A view that was constantly expressed was that the inaccurate understanding of councillors held by government transfers to local government as a collective – the centre does not understand councillors or local government.

Government regulations and control

There is considerable frustration among councillors about the degree of intrusiveness of government controls over what they, and local government, can and cannot do and the frequency with which such controls and regulations are changed. Councillors are seeking a period of stability in the legislative framework within which they operate. It was clear that councillors feel that the degree of government control they experience is not only a reflection of our highly centralised political system but also symptomatic of a lack of trust at the centre at the ability of councillors to govern their areas effectively. Councillors are seeking a period of restraint by government in introducing additional regulations and a lightening of the regulatory load. Moreover, government consultation over policy change is often seen to be mechanistic, based on overly brief timescales and lacking in authenticity.

Austerity

Councillors of all parties recognise they are facing a period of sustained austerity. They are coming to terms with the consequences not only of making difficult decisions about public services, but also with the short and long-term effects of those decisions. While councillors are struggling with the need to reduce expenditure they are also making decisions about re-shaping public finances and the role of their own councils. Austerity has meant that councillors must explore new ways of generating income and indeed some councils are considering how they can become financially autonomous. Councillors however, express frustrations that the legislative and financial framework within which they operate mean they are hamstrung when trying to explore alternative financing models. While there is much councillors can do in this regard, there is also constraints on the room for manoeuvre. As with the last

section concerning government regulation generally, councillors seek greater freedom when it comes to dealing with the big questions such as austerity and financial autonomy.

Clarifying and continuing the devolution agenda

Link to the policy concerns over austerity are concerns expressed by councillors about the devolution agenda. Even before the change of government councillors were expressing reservations about the overall purpose and direction of devolution. While councillors are overwhelmingly enthusiastic about the prospect of enhanced local decision-making, accountability and control over the direction of public services, scepticism is often expressed, across the party spectrum, about the intentions of devolution and more importantly, as was often quoted: what the centre gives, the centre can take away.

Public and media Perceptions

Similarly reflecting another of the commission's aims of contributing to public understanding of the office of councillor, the councillors we spoke to are very aware that the public and media misunderstand their role and what they can achieve, especially for their own constituents. Public lack of awareness of what it is councillors can do and what it is they can achieve, undermines local democracy and public confidence in their locally elected representatives. Social media and its use by councillors and the public is seen as a specific area where councillors are able to communicate about policy debate and specific concerns, with their voters and a way by which they could take control over public and media perceptions. It is recognised however, that social media brings with it its own problem areas about usage and that it has limitations as a tool for shaping interactions with others. A much wider focus on shifting public perceptions is required.

Conclusion and the next stages of the Commission

The report has set out our initial findings of the evidence we have received from councillors, both from our round table discussions and from the written evidence submitted by councillors, and those who work closely with councillors, about their roles and work and the complexity of the changing environment within which they find themselves. It is clear that there are constant themes with which councillors are continually engaging and deciding the best response: relationships with constituents, their political and policy role and tasks at the council, time commitments and the demands on them generated by their proximity to those they represent and govern and the council of which they are a member.

The world that the councillor inhabits is a turbulent one and as well as the constant themes, new and emerging challenges develop which test old assumptions and working practices. Austerity, devolution, government policy change and the demands on councillors to engage in complex networks of public, private and third sectors bodies at the level of the ward or at a strategically at the level of the council and beyond – are all reshaping expectations on councillors and their expectations they hold of their office. It is this emerging role as a network governor – that all councillors are being confronted with.

Councillors do not expect or want the public, the media or the government to love them. Councillors are reasonable however, in demanding that the public, the media or the government have a clear understanding of the roles, powers, functions and tasks councillors are required to undertake and the resources and support they have to undertake them. The support and resources made available to

councillors in either their constituency work, their work in governance networks, or their work as policy-makers or policy-overseers (in scrutiny) is a vital component in enabling councillors to meet the challenges they currently face and to plan for future changes and challenges. In times of austerity however, providing councillors with resources to conduct their work is an easy target for reduction which would inevitably be a false economy.

Next Stages

All members of the Councillor Commission have been involved in the round tables and we have all been impressed with the dedication, commitment, hard work and ability to meet increasing demands in times of constrained resources that has been demonstrated by the councillors we have met.

The commission is taking evidence until the end of the year and offers of round table discussions with councillors are still being received. We will meet all those requests. Currently, another five round tables are planned and written evidence is still being received. Indeed, we have twice had to extend the period over which we will continue to take evidence and now have a definitive end of evidence period of 31st December 2016.

A final report will be produced at the end of January 2017 and that report will be agreed by the commissioners and then forwarded to Clive Betts, chair of the Communities and Local Government Committee after which it will be presented to the Communities and Local Government Committee. A copy will be emailed to all those who attended round table discussions or submitted written evidence.

We will then organise a series of regional events at which councillors will be invited explore with the commission our findings. We will be promoting our report with local and national media, community groups, third sector bodies, public bodies and with policy-makers nationally so as to generate an ongoing debate about the work councillors undertake, how it is changing and how it could be strengthened.

A full range of events to publicise the report and as part of stimulating a public debate about councillors as part of the governing fabric of the nation, will be detailed in our final report.


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