

Developing a Bath and North East Somerset Position for the Local Government Boundary Commission for England – Technical Report on the number of councillors.

V0.4 – 21/04/2017

1. Background

The Local Government Boundary Commission for England (LGBC) is conducting an electoral review of Bath and North East Somerset Council (B&NES). The last review was conducted in 1997, shortly after the local authority was formed.

The review has two aims, which are to identify:

- The correct number of councillors for the Council.
- Where the boundaries should be set for this number (and the names of any created/revised wards).

This report seeks to make representations as to **council size** on behalf of the Council as a corporate body by considering the following technical factors:

- Arrangements for current and future decision making,
- Scrutiny and Partnership requirements.
- Democratic Accountability.

There have been a number of notable changes to governance arrangements between the 1997 review of electoral arrangements and now. These are outlined in tables following each section.

Evidence has been gathered through published and internal documentation and through a Councillor survey conducted in March 2017¹. The Council has published underlying data to support the development of this case at www.bathnes.gov.uk/local-boundary-review.

2. Decision Making and Governance

2.1. Leadership and Decision Making

The Council operates a Cabinet/Executive model comprised of a Leader with eight Cabinet Members. The role of Council Leader is considered equivalent to a full time role. The Proposed Members' Allowances scheme works on the basis of Leader 60 hours per week, Deputy Leader and Cabinet Members 40 hours p/w, Scrutiny Chairs 20 hours per week.

Cabinet meets seven times a year plus special meetings. Over a six month period, Cabinet considered 11 items compared to approx. 30 taken as Single Member decisions. The level of delegation to single Member has varied according to political make-up of the Council.

Delegation schemes included in the Constitution are:

¹ http://www.bathnes.gov.uk/sites/default/files/siteimages/Your-Council/Local-Research-Statistics/2017_boundary_review_members_survey_results.pdf

- Planning (Development Management Committee meets 12x p.a.)
- Environmental Services (Licensing Committee meets 12-16 x p.a.)
- Housing Services
- Public Rights of Way. (Committee rarely meets)

40 councillors currently sit on constituted committees and membership is standing. Most committee meetings are scheduled in advance except for urgent business. Inquoracy has only very rarely resulted in meetings not taking place or being cut short.

2.2. Budget position

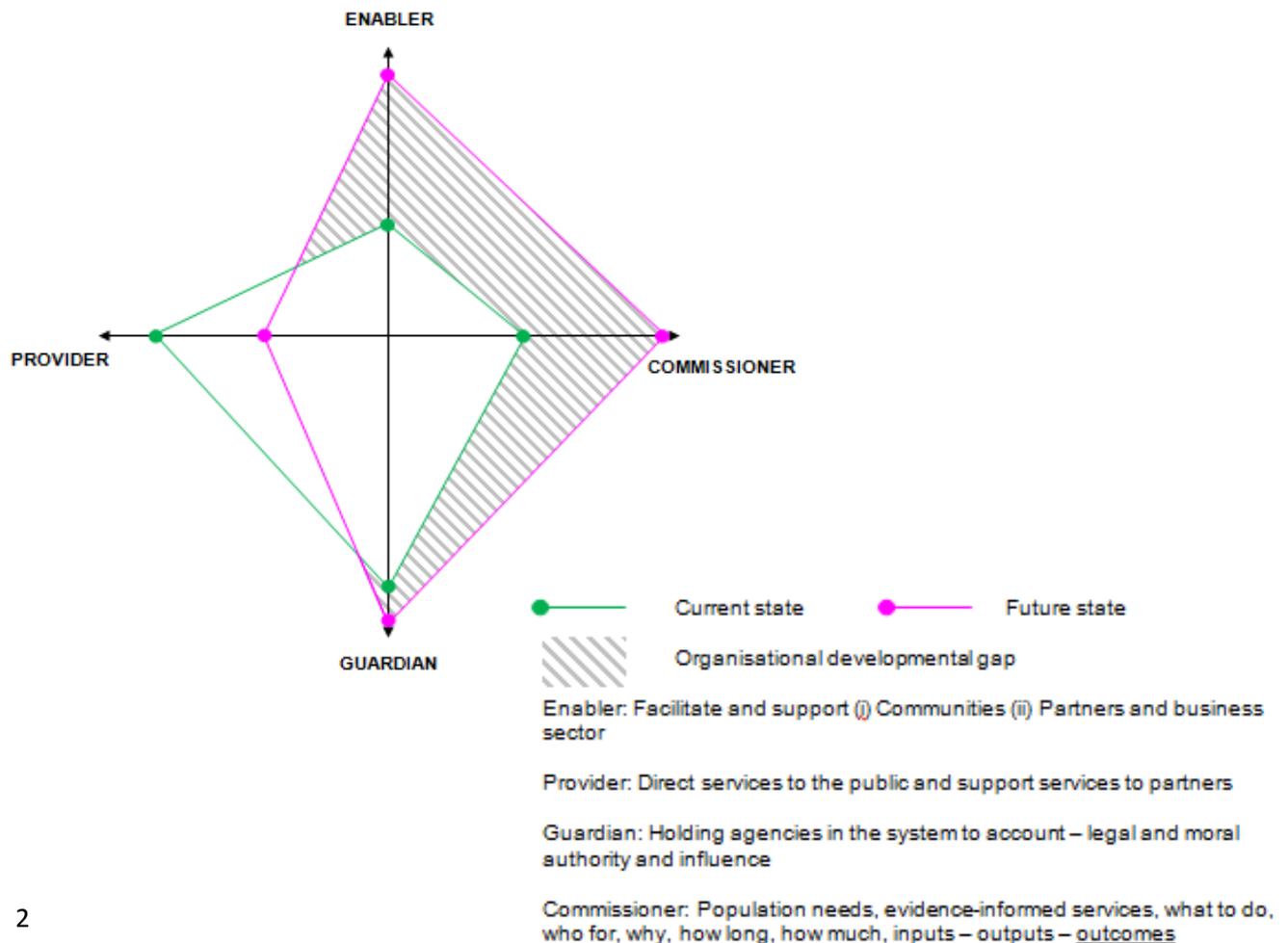
The 2016/17 Budget included proposals to meet the £49m savings required to balance the budget to 2019/20. These are in addition to £33m saved from 2012 onwards. These savings have been required through a combination of increases in demand from factors such as an ageing population as well as a reduction in government grants.

In an unprompted question 34% of respondents to the councillor survey highlighted budget reductions as the single issue which would have the largest impact on their role as a councillor in the next five years (the greatest response to a single issue).

2.3. The Council's Transformation approach

In acknowledgement of the changing role of the Council and the ongoing financial challenges, a transformation approach is emerging within the authority. Fig 1 demonstrates, visually, the nature of this change.

Fig 1 – B&NES Transformation Approach



2.4. Table 1 – Summary of key changes to decision making

Position in 1998	Date of Main Change	Position in 2017	Future trends
Council and Committee structure	2002	Leader and Cabinet arrangements introduced in 2002	
A number of joint arrangements in place particularly relating to structure planning and strategic transport	2017	West of England Combined Authority established in 2017 with devolved budgets	Potential for future phases of devolution deals
Council structure comprising Chief Executive and six Directorates	2013	Council structure comprising Chief Executive and three Directorates	
44 Parish and 2 town councils	2011	48 parish and town councils, alongside 3 parish meetings. Two new town councils (Midsomer Norton and Radstock) and one new parish council (Westfield) created from the dissolution of the existing Norton Radstock Town Council following a community governance review.	
Council primarily a provider of all services within unitary authority set of functions	2013	New Local Engagement Framework established in 2013: significant number of local initiatives in place including asset transfers (e.g. Beacon Hall), community libraries and local projects such as Community@67	The Council will increasingly act as an enabler with plans for community libraries and helping communities do more for themselves- e.g. local litterpicks, A Community Empowerment Fund has also been established to help support parish councils and the Bath City Forum to do more for their areas. A revised Parish Charter setting out devolution principles is currently being developed jointly with parish and town councils.
Bath Tourist Information Centre managed “in-house”	2003	Bath Tourism Plus established as separate body in 2003	Council taking over ownership of Bath Tourism Plus as a wholly owned company.

Leisure services operated in-house	2003	External provider operating leisure facilities since 2003 Greenwich Leisure Limited (GLL) operating Council leisure facilities from 2015	
Separate arrangements for health and social care Community Health and social care services provided directly by Council and Primary Care Trust	2006 2009 2011 2012 2017	Commissioning of Child Health services transfers to Council using Section 113 Local Government Act 1972 Integrated team of adult commissioners, with Clinical Commissioning Group (CCG), in place for adult health, social care and housing commissioning. Community Health & Social Care Services transferred to Sirona Care and Health CIC (Community Interest Company) Health and Social Care act moves Public Health into Local Authority Control and creates Health and Wellbeing Board. Services within scope of “Your Care Your Way” transferred to Virgin Care in April, creating a new “Prime Provider” model for the delivery of Community Health and Social Care, taking a more strategic oversight for the delivery of these services.	The expectation is that further integration will occur.
Local government powers restricted to specific functions established through	2011	Power of general competence introduced under Localism Act 2011	

legislation			
Council- retained housing stock and housing management functions	1999	Somer Community Housing Trust (latterly Curo) established in 1999 following the transfer of housing stock from Bath & North East Somerset Council	
Local Education Authority role for Council operating through Local Management of Schools	2010 (Academies Act) 2017	40 schools are now academies. LA role reduced to cover sufficiency, Place Planning, Admission coordination, Exclusion, SEN and Disabilities and Home to School Transport Final Move to “national” school Funding Formula – LA role in determining formula removed.	More academies expected
Limited commercial interests	1997	ADL established, Audit West, Brunel Pension in place. LA Commercial Estate and Heritage Services managed as commercial operations to generate income for Council. Aequus Developments Ltd, Audit West established. Aequus Construction, Brunel Pensions established. Bath Tourism Plus becomes LA controlled company	Adoption West, Bath Tourism Plus shortly to be established as Council commercial bodies and further commercial interests expected. Further commercial operations to be established including Adoption West.

2.5. Support to elected members

No formal councillor job description has ever existed in the Council. All councillors receive mandatory training on Code of Conduct, Health and Safety, Information security, Safeguarding responsibilities, plus a range of Service specific briefings. Councillors sitting on Licensing and Planning Committees receive specific training for this role, and briefings are arranged as necessary for other Committees such as Employment Committee, Pensions etc.

2.5.1. Training

All Councillors receive mandatory training on Code of Conduct, Health & Safety, Information security and safeguarding responsibilities. The three Directorates also provide service-specific briefings.

Councillors sitting on Licensing and Planning Committees receive specific training for this role and briefings are arranged as necessary for other Committees such as Employment Committee and Pensions.

Policy Development and Scrutiny Panels have undertaken development activity in different ways and at different times. The PDSP Chairs and Vice Chairs meeting has recently agreed to pilot a more standardised approach to agenda planning and pre-panel briefing in order to standardise operation of each panel and manage workload.

2.5.2 Political Assistants

Since its creation, the Council has offered each of the Political Groups which qualify the support of a Political Research Assistant. These are Officers who are specifically recruited to give political support and advice directly to members of the group. They hold fixed term contracts and their terms of office expire on the day of the annual general meeting of the Council in a year of ordinary election.

The current position is that there are two full time Political Research Assistants assigned to the two major political parties and two part time Support Assistants, who support the two minority parties. The Political Research Assistants and Support Assistants provide the same research and organisational support in relation to casework and the councillors' representational roles.

2.5.3 The Future

This review presents an opportunity to develop a Role Profile/Job Description for all Councillors and for the specific additional roles which exist within the democratic structure.

The review also presents an opportunity for the Council as a corporate body to think about how it can support Councillors in their constituency duties e.g. Resident issues/complaints etc.

2.6. Summary of changes around leadership and decision making

The role and functions of the Council have shifted significantly since its establishment. This reflects the major legislative changes enabled by various Governments over that period. It also reflects local decisions to respond to legislative and other changes to the landscape within which the Council operates. Examples of local decisions relate to (i) general power of competence (ii) Rate support Grant reductions (iii) local partnership arrangements e.g. other local Councils, local NHS organisations.

The main legislative thrust over recent years has been to remove local “bureaucratic” controls. This is evident in local government e.g Academies Act, Childcare Sufficiency and in the NHS e.g. Removal of Community Health Services from Primary Care Trusts, NHS Foundation Trust Status. Emphasis has been on local control at an individual institution level matched with individual relationships with central Government.

At the same time, local authorities have acquired a general power of competence and powers and duties in relation to place-making and community wellbeing. Again the intention behind the legislation is less about “direct delivery” and more about a commissioning approach and enablement.

Given these functional changes, the form of the Council has also changed. There are fewer functions and fewer staff and fewer Directorates. Emphasis has been placed on maintaining “frontline” services although capacity has reduced. Reduced capacity does mean that the governance of the Council also has to change.

Implications of these findings:

The majority of these changes demonstrate an overall shift in the role of the Council from the principle agency delivering services in the local area, to one which plays a more strategic role with fewer direct responsibilities and less direct service delivery. This means that a smaller number of councillors are required now than were in 1997 to provide representation for this activity.

3. Scrutiny and Partnerships

3.1. Policy Development and Scrutiny Panels

The current scrutiny model includes; 4 Policy Development & Scrutiny Panels and 1 Health & Wellbeing Select Committee:-

- Planning, Housing, & Economic Development PD&S Panel (Designated Flood Risk Management scrutiny Panel)
- Communities Transport & Environment PD&S Panel (statutory Crime Panel)
- Resources PD&S Panel
- Children & Young People PD&S Panel (Designated Curriculum Complaints Panel)
- Health & Wellbeing Select Committee (Statutory Health scrutiny Panel)

There are, on average, seven members per panel except for Communities, Transport & Environment which has nine. All Panels have a Chair & Vice Chair and the Health Select Committee just has a chair. The CYP Panel has four co-opted members.

The agendas of each of the Panels and Select Committee are often long and when they do appear short, the item has a large remit of discussion at that meeting. The Panels have attempted to move away from items 'to note' or updates. Currently the detailed engagement work that the Scrutiny Panels deliver is of good quality and has meaningful results.

On average, panels undertake two Scrutiny Inquiry Days a year, one Task & Finish Group and/ or one full review or one call-in meeting. There are smaller research projects that on average take one to two weeks to pull together. (Each of the above will involve on average three to four weeks scoping, analysing and reporting meetings and one public meeting- all separate from the formal Panel meetings)

Members will also attend regular agenda planning meetings and Chairs will attend the Chairs & Vice Chairs Meeting which is quarterly. There is difficulty in balancing the amount of focused scrutiny work that a panel is able to undertake and providing the right level of support and resources to deliver the number of Panel meetings effectively. The current structure is resource intensive which includes the planning for four panels and one committee plus agenda planning for each. The Officer support to the scrutiny function now equates to 1.0 FTE post.

Panel/Committee meetings also vary in length ranging between 2 and 5 hours. If agendas are not well planned and meetings adroitly chaired, then large numbers of officers from the Council and partner organisations can be kept waiting representing a significant drain on capacity.

A piece of work has been undertaken recently to review the number of scrutiny panels and meetings and will be consulted upon with Group Leaders and political groups.

3.2. Membership of External Bodies

Excluding Cabinet Members, 31 appointments are covered by 18 councillors. Typically bodies meet between four/five times a year. This is following work to review and reduce Membership of outside bodies. A survey of elected members identified that 40% of respondents were members of outside bodies.

3.3. Table 2 – Summary of key changes to scrutiny and partnership arrangements

Position in 1998	Date of Main Change	Position in 2017	Future trends
No Overview and Scrutiny arrangements	2002	Scrutiny Panels in place.	Review of Panels.
	2011	Remit changed to Policy Development and Scrutiny.	West of England Scrutiny requirements.
No strategic partnerships in place	Community Strategy published 2004, Sustainable Community Strategy 2009	Local Strategic Partnership and latterly Public Services Board established setting vision and strategy for the area, chaired by Council leader	

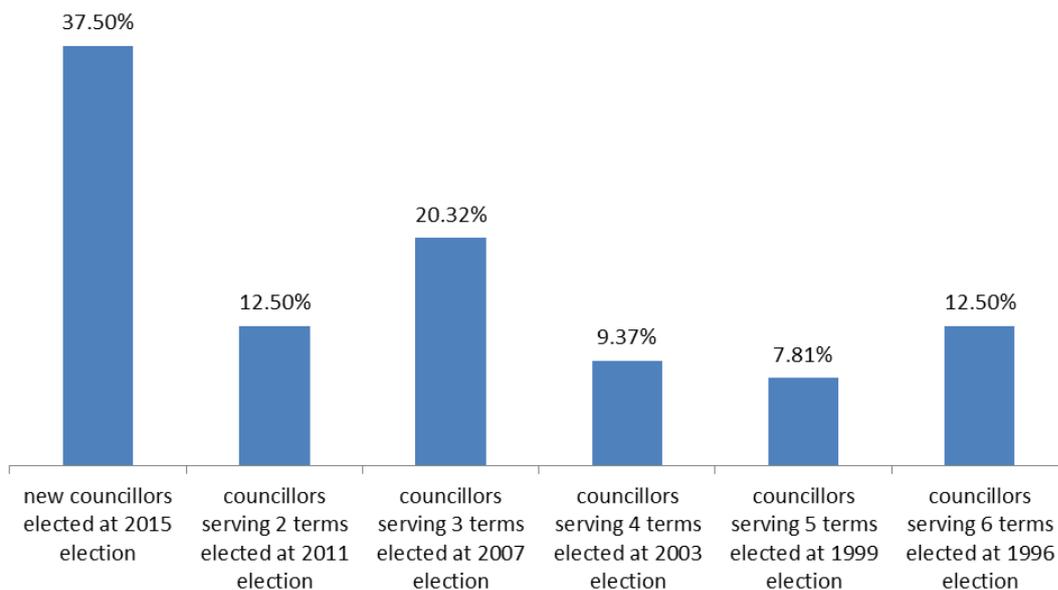
	2012 Health & Wellbeing Board established	HWB reformed and expanded	Impact of sustainability and Transformation Planning on local NHS form and relationships.
Audit Commission Indicators in place	2010	National indicator set obligations removed in 2010, although scrutiny on certain strategic areas, such as Safeguarding Children & Young people has increased.	

4. Representational Considerations

4.1. Member Retention

The Council has never had an unchallenged seat since its formation. Fig 2 demonstrates the makeup of the Council at March 2017 in terms of the year in which councillors are first elected².

Fig 2 - % Current councillors elected at each election since 1996.



Nearly 40% of councillors were new in 2015, with existing members having served on average 2.7 terms.

4.2. "Ward Work"

71% of respondents to the councillor survey said that they responded to casework from constituents on an almost daily basis, with all respondents saying that this activity was carried out at least monthly. 44% said that they went out and about in their ward to see

² http://www.bathnes.gov.uk/sites/default/files/siteimages/Your-Council/Local-Research-Statistics/march_2017_list_of_bnes_councillors_and_year_of_first_election.xlsx

what's going on almost every day, with all respondents saying that they had done this within the last six months.

In an unprompted question, 25% of respondents highlighted an increasing workload as the single issue that would have the biggest impact on their role as a councillor in the next five years.

Respondents also noted the impact of social media and modern technology on their role; 82% said it makes it easier for them to engage with their constituents, 82% said it helps them more easily resolve queries with council services and 70% said it makes it easier for them to manage their time.

Implication of these findings

With the current number of councillors, it is clear that 'ward work' in their local area is an activity which takes up a considerable amount of time and a number of councillors believe that this will increase. These factors may be mitigated in part by the role of social media and modern technology in making it easier to engage with local residents and resolve queries.

The Council needs to consider how to support Councillors when they inquire on behalf of constituents – this could save time and resource.

4.3. "Connecting Communities"

The Connecting Communities programme is designed to help public services and local residents to work better together to address the areas of local concern in our communities. To achieve this, the Council has worked with partners, parishes and councillors to establish Area Forums to streamline and simplify local engagement.

Area Forums are made up of Bath & North East Somerset elected members representing the wards within the Area, Parish Councils and representatives of local groups. The Forums set their own priorities based on an understanding of local needs. The Forums have produced area-based Action Plans, bringing together commitments from a wide range of partners such as the Police and Curo (the largest Registered Social Landlord in the area).

The Forums also provides an increasingly useful channel for residents to raise concerns with partners such as the Police, and each Forum has an open session at the start of each meeting where specific issues can be raised.

The Area Forum meetings are open for any member of the community to attend. At times the meeting agendas will have items included for which the Chair will limit speakers to members from the Forum only.

Under the Connecting Communities framework, Area Forums have been established for the whole of Bath and North East Somerset. In the unparished area a Bath City Forum has been

established with co-opted members sitting alongside elected members drawn from Bath City wards. Information on the composition of these Forums is available as supporting evidence³.

4.4. Geographical Variation

The population of Bath and North East Somerset is split, almost 50/50 between the City of Bath and the North East Somerset area. North East Somerset comprises a diverse mix of market towns (Keynsham, Radstock and Midsomer Norton) as well as a large number of dispersed rural villages. This creates a significant variation in population distribution amongst the existing wards. Fig 3 shows this distribution using the December 2016 electorate.

Fig 3 – Ward Electorate Population Density 2016

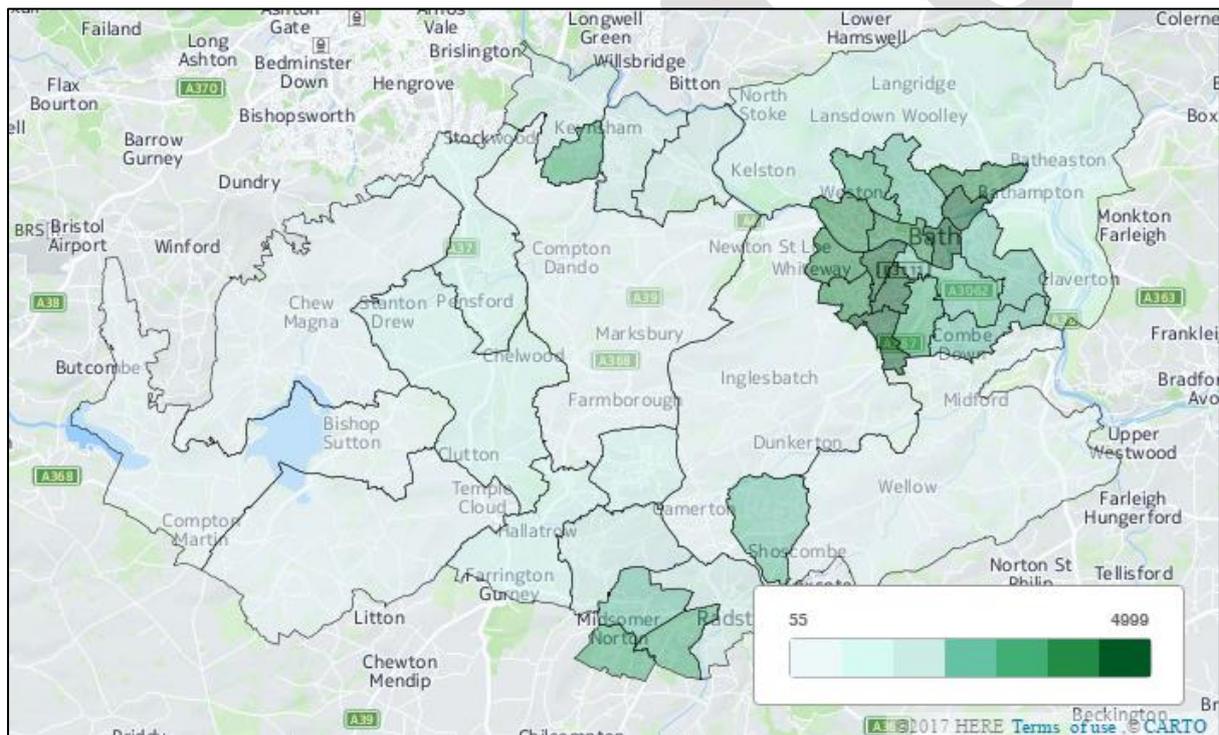


Fig. 3 demonstrates that electorate population density⁴ varies significantly between Bathavon West Ward (55 electors per SqKm) and Walcot Ward (4,999 electors per SqKM).

This demonstrates a significant need to provide effective geographic balance in any proposal.

³ http://www.bathnes.gov.uk/sites/default/files/siteimages/Your-Council/Local-Research-Statistics/parishes_to_connecting_communities_forum.xlsx

⁴ http://www.bathnes.gov.uk/sites/default/files/siteimages/Your-Council/Local-Research-Statistics/december_2016_electorate_population_density.xlsx

4.5. Parish Arrangements

The Bath City area is unparished with the 35 elected members for City wards acting as Charter Trustees⁵ for the City. The remainder of the district is covered by a mixture of town and parish councils which range from Keynsham Town Council being comprised of three wards, to Bathavon North, South and West with six parishes each within their area. The full breakdown of parishes and wards is published as supporting evidence⁶.

It should be noted, however, that the lack of a formal member job description means that no requirement is currently made on councillors regarding levels of engagement with Parish and Town Councils.

Implications of these findings:

This significant demographic variation means that any changes to councillor/elector ratio will need to be appropriately mitigated to allow for effective rural representation.

4.6. Table 3 – Summary of key changes to representational considerations

Position in 1998	Date of Main Change	Position in 2017	Future trends
No locality-based structure NB we did have some local committees but these were ineffective – should we reference these?	2015	Connecting Communities Forums for Somer Valley, Keynsham area, Chew Valley and Bathavon established.	
No specific representational structure for Bath (other than Charter Trustees role)	2015	Bath City Forum established in 2015.	
No local budgets for elected members	2011	Ward Councillors Initiative established in 2011 allocating small “pots” for local members to improve their areas	To be decided Pilot Community Empowerment Fund established 2017 to support Council/Parish Council Forum collaborative working.
Static Council website in place: 20 Council offices	2012 (Bath one stop shop)	Council established three one stop shops and adopted a Council Connect system to manage customer enquiries	More online transactional capability will be put in place through the Council’s Digital Strategy. Can include Ward Councillor/Resident interface to Council?
No use of social media	2006 (Twitter launched)	All councillors e-enabled Webcasting	Further use of social media and technology to ease communications

⁵ <http://www.mayorofbath.co.uk/the-charter-trustees-of-the-city-of-bath>

⁶ http://www.bathnes.gov.uk/sites/default/files/siteimages/Your-Council/Local-Research-Statistics/wards_with_parishes.xlsx

		introduced. Council Services using Social Media to inform and engage the public.	
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Implication of these findings:

If successfully achieved, the aspiration of the Council to make it more straightforward for members of the public to find solutions to local problems and for local areas to do more for themselves should reduce demand on councillors time and further support the case for a reduction.

5. Determining an appropriate number of councillors

The number of councillors required purely to conduct statutory business at present has been identified by the Council’s democratic services team as 40, excluding the Leader, Cabinet and Scrutiny (although many councillors will ‘double up’ between statutory committees and scrutiny panels).

At December 2015, there were 2,037 electors per councillor. This compares to an average of 2,877 electors per councillor for the statistically most similar local authorities⁷. This number should not be considered directive, but can provide a useful starting point for assessing numbers.

The LGBCE require local authorities to produce electorate forecasts as part of the review. The current draft position, suggests that there are likely to be 139,508 electors in the area by 22/23.

Were the ratio of electors to councillors change to the most similar authority, then Bath and North East Somerset would require 48 councillors.

Although statistically similar authorities might prove a useful starting point; some are markedly less rural than Bath and North East Somerset, this number is very close to the current minimum required for statutory business. It is suggested that a broadly half-way position between the current and most similar elector/councillor number can be determined. This accounts for similar authorities and the changing strategic role of the organisation, whilst also reflecting the more rural nature of much of the authority.

This would create an average of **2,365** electors per councillor and result in an adjusted position of **59** councillors.

6. General Conclusion and Recommendation

The view of the working group is that the changing role of the Council in terms of Leadership, Scrutiny and Partnerships and political representation can be taken together to create a case for a **reduction** in the number of members to 59.

⁷ http://www.bathnes.gov.uk/sites/default/files/siteimages/Your-Council/Local-Research-Statistics/electoral_arrangements_cipfa_nearest_neighbours_2015_electorate.xlsx

Whilst it must be acknowledged that the workload for some councillors may increase, this may be mitigated by the broader changes in the role of the councillor described in the report.

Draft