

Labour Party Democracy Review

Response to initial proposals presented to NEC in July 2018

Nick Forbes, Leader of Labour Local Government

Introduction

It is quite difficult to comment on the aspects of the Review about locally elected representatives, due to the confused and inconsistent drafting of the chapter related to local government. It is often impossible to differentiate in the paper between the presentation of arguments from the perspective of a particular respondent, and the views of the authors themselves. In many complex areas no arguments or evidence has been presented from any of the differing perspectives, and no attempt has been made to examine whether the ideas presented are workable, affordable, cost effective, or can overcome the clear legal constraints of the Local Government Act – for instance the failure to explore or discuss the desirability, practicalities, and legalities of directly electing council leaders.

Taking the chapter as an incoherent whole, what has been presented betrays a general lack of understanding of local government, and an astonishing lack of respect towards Labour Party members who serve as councillors. Given that the original remit of the Democracy Review was to develop the accountability of Labour local authority elected members, there is no recognition within the document of the current legal and financial frameworks that councillors operate within, nor the fact that councillors are the most accountable - both to the party and to their local community - of all elected representatives. Nor is there any acknowledgement of the significant role that Labour councillors have fulfilled in protecting communities from the worst of austerity, and how Labour in local government will be an essential part of delivering the policy programme of an incoming Labour Government.

Councillors treated as second class party members

It is the theme of councillors being treated as second-class members of the Labour Party that is the most depressing aspect of the Democracy Review. Despite a stated aim of wanting to examine 'how we increase the influence of backbench councillors' it doesn't present a single idea or mechanism as to how this can be achieved, and instead suggests removing the two most important mechanisms of influence they possess – the selection and holding to account of the group leader, and the agreement of the manifesto that they will be implementing. It is suggested that the role of a councillor is not to use their power as an elected representative to determine and deliver the best outcomes for their community, but just to 'report and be accountable to a Local Government Committee', which will oversee all policy development and decisions without the need to consider the legal responsibilities and duties that are placed on councillors.

Under these proposals, councillors will be told to implement a manifesto that they will have no say in influencing or deciding, and be expected to pay for an election campaign that they will have no say in determining. They will be held to a higher standard of campaigning activity, which other members seeking to become candidates will not. Labour in local government's long-standing request for proper representation on the NEC has again been ignored.

In particular, I vehemently disagree with - and councillors will be perplexed and offended by - the assertion that councillors and candidates have a 'conflict of interest' which means that councillors will be excluded from LGC membership and voting rights. No explanation is given as to what this 'conflict of interest' is, or whether there is any validity to this argument. Given that the sole purpose of a Local Government Committee is to provide a forum to discuss a popular Labour policy programme and to plan a campaign that will deliver Labour council seats, what on earth is it that it is imagined Labour councillors want to achieve that is different to that, and therefore deserves their exclusion on the grounds of a 'conflict of interest'? Why would elected councillors be considered to be conflicted, but not, for instance, a party member who is a council employee? A member who is a full-time trade union convenor at the council? A member who owns a business that supplies the council? A member who receives a particular service from the council? The way that councillors have been discounted as having a 'conflict of interest' is deeply insulting - the Review even states

that 'members and affiliates have every right to develop policy for their local council and community' but then seeks to entirely disenfranchise councillors from that right, and downgrades them to a second-class membership. This is completely unacceptable.

No taxation without representation

It is absolutely imperative that the Labour Group's leadership is represented on the LGC, and that councillors can put themselves forward for election as a delegate to the LGC in the same way as all other members. Councillors are members of the Labour Party and have just as much right to stand for any position as any other member, and there is no evidence whatsoever to support the argument that councillors have an automatic conflict of interest. Councillors are hard working party activists, and to exclude and disenfranchise them would be an insult to their hard work and experience. Individual members can use whatever criteria they want when choosing who to vote for as their LGC delegate or officer, and are perfectly capable of making a decision about whether holding office as a councillor would be a benefit or a hindrance.

There is also a simple principle that there should be 'no taxation without representation'. In practical terms, both LCFs and local government election campaigns are largely funded by the Labour Group – with councillors making significant contributions to group funds, over and above the 2% elected members levy that is paid to the national Labour Party. If councillors are to be excluded from any decision making then why would any Labour Group make these donations (at a total value that is conservatively estimated to be several millions of pounds every year)? The requirement to fund the cost of each LGC holding an annual conference and local election campaigns would fall back on the party nationally, a huge additional extra burden that has not been calculated or budgeted for in the Democracy Review papers.

Elected representatives not delegates

Councillors are generally the party members in an area with the deepest knowledge and experience of local government. As the Review states, Labour councillors 'have a leadership role in our party as a link to members, leading local campaigning and as a public face of the Labour Party'. Yet this Review seeks to downgrade their importance, exclude their experience, and subsume their role to that of a mandated delegate. I am baffled as to what purpose this serves other than to reduce the effectiveness of Labour in local government, and to seriously reduce our ability to deliver for the communities that depend on Labour.

Expensive, unworkable and possibly illegal

The paper fails to properly set out and examine any of the arguments presented by respondents to the Review. The section related to the idea of directly-elected leaders is an example of this – nowhere does it outline what the suggested benefits of this approach would be, nor does it set out the reasons put forward by its proponents as to why it might be politically desirable or electorally advantageous. The Review similarly fails to discuss how the numerous practical, legal, and organisational barriers noted in the LGA Labour Group submission might be overcome: for instance, would a ballot take place before local elections (when it won't be clear who will be elected as a councillor) or afterwards (when there would not be sufficient time to carry out a meaningful OMOV ballot before the council's AGM, when a leader must be appointed)? Who will be expected to fund the astronomical costs of running multiple OMOV ballots in 120 ruling Labour Groups every - local parties or the national party? What happens if a directly-elected leader does not have, or goes on to lose, the confidence of their group? What happens if a directly-elected leader loses the confidence of the membership that voted for them? What happens if a leader does not keep the promises they made when elected? Directly-elected leaders would be elected by the membership, but could they also be removed by the membership? What happens if a directly-elected leader refuses to carry out a policy that has been democratically agreed by a vote of councillors in Labour Group? How would we ensure progress on electing more women leaders is not reversed? None of these simple questions have been addressed, and there are many more that need to be, including clear legal advice that it would be in contravention of the Local Government Act. How are NEC members meant to take an informed view on this vital decision if none of this has been properly examined?

There are other examples of ideas being promoted that have clearly not been thought through in terms of practicalities and cost. For instance, the suggestion that ‘the final manifesto should be voted on by every member’. The process of involving every member in a vote on the contents of the manifesto would be incredibly difficult – and is yet another expensive OMOV ballot. In many council areas (over 250) there are elections in three years out of four, and therefore this ballot would need to be conducted almost every year. I am also concerned at the assertion that there should only be reserved BME seats on LGCs only in areas with ‘large BME communities’ - why should all LGCs not have reserved seats for BAME representatives?

The Review suggests that ‘all affiliated trade unions should be able to add candidates to the panel’. It would be wholly positive for more party members who are active trade unionists putting themselves forward as candidates for council selections – but no argument is presented as to why there should be a separate process for them to added to the panel. It would significantly increase the risk of lengthy and complex appeals if members who were rejected through an LGC selection process found that a parallel TU process was not identical. There is no reason whatsoever why candidates identified by TUs should not be interviewed and paneled in the same way as all other members seeking to be candidates. To have a separate process would needlessly undermine the LGC selections process.

Building on progress already made towards greater equality

More positively, several suggestions outlined in the LGA Labour Group submission have been included, which I welcome, including the suggestion that Labour Group leaders provide monthly email updates to members (as many already do), and an Annual Report to the appropriate Local Government Committee. I am also pleased that our suggestion that all Labour Groups should adopt a parental leave policy suggestion – resulting from the ongoing work of the LGA Women’s Taskforce – has been included. The LGA Labour Group have also argued for many years that the Labour Party should take action to ensure there are no three member wards in which all the Labour candidates are male, and I welcome the commitment to eliminate this. Elsewhere in the Review it is suggested that 50% of Cabinet and Committee Chair posts in Labour-run local authorities should be held by women, and I would support this ambition.

However, the section on abolishing trigger ballots for sitting councillors and moving towards open selections for all council selections is contradictory and confusing. The experience from parliamentary selections is that, even if shortlists for a seat are required to be gender balanced, the party membership often chooses men above women. There is no mention within the paper of the process to make decisions about AWS seats and as a result the progress in electing significantly more numbers of women councillors is at risk of being undermined.

A huge missed opportunity and a slap in the face for hardworking Labour councillors

The Democracy Review should be a fantastic opportunity to consider how our party’s rules and processes can be improved to assist councillors and Labour Groups to be effective in delivering for their communities, to be as open and accountable as possible, and to ensure that the role and importance of local government is properly understood and recognised in the party. It could have celebrated and recognised the immense contribution made by 6,500 Labour councillors and over 120 Labour-led councils, adopted progressive approaches to help deepen the wider membership’s understanding of local government, and embrace radical ways for a mass membership party to work in partnership with Labour Groups to develop policy.

Instead, the Review as currently set out presents a confusing cocktail of ideas that have not been properly considered and assertions that are not supported by evidence. It fails to seriously examine and evaluate the differing arguments on any important issue relating to local government. This approach is encapsulated by the apparent recommendation that councillors will be banned from serving on Local Government Committees. The stupidity and self-defeating nature of attempting to exclude those party members who have the deepest knowledge, experience, and responsibilities towards local government, not to mention their breadth of campaigning expertise and financial commitment, is breath-taking. The underlying assumption, manifest throughout the Review, that Labour Party members who are councillors are somehow influenced by differing motivations to

those of their fellow party members, and are therefore 'conflicted' when it comes to local government campaigning and policy development, is deeply insulting and frankly uncomradely.

Nick Forbes
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