

**IMPLEMENTING THE 2000 ACT WITH RESPECT TO
NEW COUNCIL CONSTITUTIONS AND THE ETHICAL
FRAMEWORK: FIRST REPORT.**

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About ELG

Evaluating Local Governance: New Constitutions and Ethics (ELG) is the name of a research project which is conducting a five year evaluation of the new council constitutions and ethical frameworks for the Office of the Deputy Prime Minister.

The project involves a collaboration between the Department of Government, University of Manchester with Birkbeck College, Goldsmiths College and the SURF Centre at Salford University. The members of the research team are Professor Gerry Stoker and Dr Francesca Gains (University of Manchester), Professor Peter John (Birkbeck College), Professor Nirmala Rao (Goldsmiths College) and Professor Alan Harding (Salford University).

Further details about the project and current activities can be found on our website www.elgnce.org.uk

Implementing the 2000 Act with respect to New Council Constitutions and the Ethical Framework: First Report.

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1. Executive Summary and Introduction

The Local Government Act 2000

This report examines how local authorities have implemented the Local Government Act 2000. The Local Government Act 2000 put in train the Government's intention to modernise local authorities, with a broad-ranging scheme to promote democratic renewal. Specifically, Part II of the Act provided for new constitutions offering four options for the establishment of executive arrangements including two forms of elected mayors, the cabinet form and a streamlined committee system for smaller authorities. Part II also provided for the establishment of overview and scrutiny committees, while Part III set out provisions for a new ethical framework. The Act makes it a requirement to change from a system of council and committee decision-making to a mayoral, or cabinet system of local leadership or to adopt alternative arrangements. To ensure that local authorities are equipped to function in this new era, the wholesale modernisation of political structures was mandated, together with measures to promote a greater degree of trust in councils. Appropriate management structures were seen as crucial in making councils more responsive and accountable to their local communities.

The ELG Evaluation

This report marks the first milestone in a five year evaluation of new political management arrangements in local authorities. The key task in the first year of the evaluation, which we report on here, is to document the approaches local authorities have adopted in implementing the Local Government Act 2000. As local authorities were offered four options for change, and there is the possibility for local flexibility in the development of processes, it is necessary to identify and map the differential approaches taken to develop an appropriate evaluation framework. The data provides a picture of implementation and a baseline for further work.

In future years the evaluation task will move on to examine what processes have been adopted in implementing the Act. Finally the task will be to consider the outcomes and impact of the Act in terms of the overall policymakers' objectives of increasing efficiency, transparency and accountability in local authority governance, as well as trust, consistency and clarity in governance relationships. Therefore as well as picking up data on how authorities have implemented the Act, we are also concerned to identify how the Act itself is working and whether there are issues which affect how well practitioners are able to operate and work to the new council constitutional arrangements.

The information base for our findings

Our findings here are drawn primarily from our survey of all English local authorities and from one day site visits to a representative sample of 40 local authorities. In addition we have held discussions with policy makers and local government specialists at the centre, and have met with local authority leaders and pressuregroup officials. In June 2002 a questionnaire was sent to all English local authority chief executives. The questionnaire explored the extent to which Councils were adopting new arrangements in response to the Local Government Act 2000, including decision making structures, overview and scrutiny provisions, and standards of conduct. The census survey of all English authorities, together with an inspection of local authority websites, was intended to provide a baseline for tracking future changes, and establish the population for the site visits and more detailed sample survey which is to follow. A total of 289 responses were received, constituting 75 per cent of those surveyed. Of these, two proved unusable, making for a usable response rate of 74 per cent. Table 10 in the Appendix 1 presents the responses by type of council, region, political control and constitutional form. Responses in each category, compared with the population of authorities at large, indicate that there was no non-response bias. Appendix 3 presents a copy of the questionnaire we used.

We visited the 40 local authorities between November 2002 and April 2003, a sample of over 10 per cent of all authorities in England. We are not able to draw any statistical inferences from our site visit data but use it to illustrate the different and diverse

arrangements adopted in local authorities in response to the Act. Appendix 2 gives some general details of the crosssection of local authorities we visited for our case studies and an outline of the interview frame and the range of people that we contacted.

The structure of the report

The focus of the report is on the key themes emerging from the changes that the 2000 Act has set in motion. The report has three broad parts. First, we provide some context setting and begin with a brief review of the background to the problem of political management of local authorities and the recurrent attempts to modernise the traditional committee system. We note some of the key ideas behind the reform as set out above, and the atmosphere of opposition that surrounded the change process (at least from many local authority councillors). The report presents some initial thoughts about how to understand the processes of institutional change that we are witnessing at the beginning of the first phase of the evaluation. Different theories offer alternative perspectives on how institutions might change. Path dependency models suggest that organisational actors look to recreate some past practice. Rational choice models expect institutional actors to respond to new opportunities and incentives. Normative theorists try to discover whether particular institutional values are driving the response to change.

The second part of the report provides a general account of the process of implementation drawing on the survey findings and the case study visits. It deals with the initial experience of all local authorities in implementing the Local Government Act 2000, the functioning of overview and scrutiny systems, the establishment of standards arrangements and the role taken by area decision-making. We also focus on the operation of executives in the 81 per cent of authorities operating the leader cabinet form.¹ The analysis of local government sees councils as being about local representatives making decisions in the best interests of local people. The third part of

¹ This report must be read in conjunction with our earlier and more detailed report on our survey findings which is available at the ELG website www.elgnce.org.uk (Stoker, 2002). This earlier report provides more detail for example about the operation of mayoral and alternative arrangement authorities.

our report seeks to move beyond a description to an evaluation of the way the system is working. The analytical framework we develop here should be regarded as aimed at exploration rather than being definitive. The aim is to spark thought and discussion. We outline different broad responses to new political management based on the strength of leadership and scrutiny arrangements. We examine connections between the approach of local authorities to political management and data on their performance. We conclude by relating our findings to wider understandings of the processes of institutional change.

Our findings

- *Experience of implementation*

Our survey mirrored the national picture showing that most authorities have opted for the leader cabinet form. Nationally 316, or (81 per cent) have chosen this option. Many authorities with populations below 85,000 (59 authorities) have opted for a system of alternative arrangements although approximately a third of these smaller authorities also opted for the leader cabinet form. There are ten mayor-cabinet authorities and one mayor-council manager authority. The mayoral authorities constitute a very small proportion of the new political management arrangements adopted by councils at just over 3 per cent. Just over one third (36 per cent) reported that the new arrangements had been implemented easily or very easily, 63 per cent reporting some difficulty and just 5 authorities reporting great difficulty. Respondents reported the principal advantages were more efficient and quicker decision-making (111 authorities), clearer and more accountable decision-making (64 authorities) and stronger and more focused leadership (41 authorities). The principal disadvantages were reported to be non executive members disengaged (109 authorities) and confusion over the scrutiny role (34 authorities).

- *The frequency of meetings in leader cabinet councils*

We compared the frequency of meetings of the executive with the frequency of committee meetings under the old system. Our survey findings suggest that cabinets

meet more frequently than the average committee under the old system. Our site visits provided a similar picture suggesting more frequent but shorter meetings. Within the leader and cabinet form, over half the executive cabinets meet monthly or less often (54 per cent) and one in ten (11 per cent) met on a three weekly cycle. A large group (35 per cent) meets fortnightly or more often. However, although our survey provides a good baseline for the frequency of executive cabinet meetings, it may not provide a valid measure of the continuity of attention or total time given to council affairs by leading councillors under either system.

- *The size and composition of the executive*

The findings of the census survey are that the average size of cabinets is close to the statutory maximum of ten in all but district authorities, perhaps reflecting the different functional range of different types of authorities. Within the leader and cabinet form, the average size of a cabinet is 7; it is 8.7 in unitaries and exceeds 9 in metropolitan, London and county authorities. The vast majority of authorities under the control of a single party have a cabinet drawn from that party (95 per cent Labour, 96 per cent Conservative and 90 per cent Liberal Democrat). Our site visits revealed the significant and diverse changes which have occurred in authorities with no overall control, where the establishment of an executive has encouraged the formation of formal or semi-formal coalitions.

The average age of leaders is 55 years, (close to the average of all councillors), and the average age of cabinet members of 48 years. Just 17 per cent of leaders are women. Party differences are apparent, with the Liberal Democrats having both the highest proportion of women leaders (39 per cent) and the youngest average age of cabinet members (40 years). Although on our site visits concerns were expressed about the 'greying' of local government it was not generally held that the new political management arrangements had made matters better or worse.

- *The practice of executives*

The way in which executives operate varies greatly depending upon the degree of delegation to leaders, portfolio holders and officers, formal and informal practices for meetings and decision making and the extent to which both officers and portfolio holders have adapted to their new roles. Using our survey data we used three indicators of the formal distribution of decision making power in local authorities. Firstly, whether the leader can take decisions alone, secondly, whether the leader can appoint cabinet members and thirdly, whether the leader can allocate portfolios. Our site visits suggested these aspects were strongly linked to party traditions and history.

In leader cabinet authorities we suggest that when leaders have all three powers they have a ‘concentrated’ power and this was the case for only 16 per cent of leader cabinet authorities. Where a leader exercised none of these decision making powers we described the form of leadership as ‘de-concentrated’; this was the case for 27 per cent of authorities, with many other authorities falling in between. The concentrated form of leadership is more likely to be found in Conservative authorities.

- *The organisation of overview and scrutiny functions*

Our survey found that there was no uniformity in the way in which councils organise their overview and scrutiny functions. The average number of committees is 3.7 but 1 in 5 authorities maintain only one committee, whilst 38 per cent have five or more. Scrutiny committees have an average membership of 12 councillors on each committee and an average of 2 independent members. Nearly 2 in 5 authorities (39 per cent) report that pre-party meetings are held prior to scrutiny committee meetings, and nearly 1 in 10 authorities (9 per cent) report that committee decisions were subject to a party whip. Our site visits suggested that dissent is still more likely to be aired through internal party meetings.

- *The development of the scrutiny function*

Our site visits suggest that there were several factors which encouraged the development of the scrutiny function. Firstly, the involvement of councillors in a successful scrutiny

activity for example task and finish groups. Secondly, effective and committed chairing was important. Thirdly, good officer support was key in assisting the development of a work plan and understanding the scope of the scrutiny function.

Our survey showed the range of activities being undertaken by scrutiny committees with 87 per cent being involved in reviewing service outcomes, 66 per cent exploring innovative forms of service delivery, a similar number (68 per cent) involving external stakeholders in their deliberations and 2 in 5 (42 per cent) investigating non-local authority service providers. Our site visits also pointed to great variety in the balance between policy development, overview of the forward plan, post decisional scrutiny, policy monitoring and performance management. In some authorities scrutiny had concentrated on examining best value work. In others, scrutiny activity had focused on post-decisional scrutiny. Finally in others (largely majority councils) scrutiny had focused on pre-decisional policy development work. Almost uniformly there were attempts now that scrutiny was 'bedding down' to move to have a more balanced work plan. Call-in powers appear to have been used responsibly in all but one of our site visits although we noted some potential constraints on its use arising through institutional and party factors.

- *Adapting to new roles in relation to scrutiny*

The introduction of overview and scrutiny in local authorities represents a huge change of role for the majority of non-executive councillors and for officers. Our survey invited respondents to identify advantages and disadvantages of the new arrangements. The most common disadvantage cited was non-executive dissatisfaction. This experience was not uniform however, and our site visits suggested that levels of dissatisfaction were less where members had been involved in a successful scrutiny activity and where there had been an influx of newer members. Officers too had had to adapt, for example, changing the way they write and present reports however this was not reported as problematic in our site visits.

- *Standards of Conduct*

Our survey showed the size of standards committees varied from 2 members in 2 authorities to 19 (in 1 authority). The average number of elected members, independent members and parish representatives is 4, 2 and 1 respectively. Half the committees were chaired by the independent member (51 per cent). Our site visits revealed greatly varying frequency of meetings and activities by standards committees. However, nearly all were frustrated however by the delay in bringing forward regulations which would allow standards committees to consider misconduct cases.

- *Area committees*

The legislation did not require local authorities to set up area committees, and in many places they already existed, but we found that in half (51 per cent) of all leader-council systems, area committees were operating. District councils were slightly more likely to set up area committees than other councils (60 per cent) and in Conservative controlled councils nearly two thirds had area committees (61 per cent), roughly twice the proportion of Labour councils with area committees (35 per cent). Where they existed in Labour authorities over half of all area committees were simply consultative (52 per cent), whereas in Conservative-controlled councils with area committees nearly three-quarters had decision-making responsibilities (72 per cent). The Liberal Democrats were also more prone to giving power to their area committees than were Labour authorities, with 75 per cent having decision making responsibilities.

- *The emergence of a strong leadership and strong scrutiny model*

We argue that in response to the Local Government Act there is the potential for local authorities to be independently strong² or weak along two dimensions of change – leadership and scrutiny. Leadership autonomy and independence of scrutiny can either be strong or weak, creating four possible types of response. A ‘*fusion model*’ is where authorities have both weak leadership and weak scrutiny and we would see them as resistors to change. We have termed authorities with weak leadership and strong scrutiny

² By referring to strong leadership we are referring to the constitutional position of the leader rather than personal qualities.

'*collective accountability model*' and we see them as adapting the Act but not adopting all the reforms. Likewise we have termed authorities where there is strong leadership and weak scrutiny the '*executive autonomy model*', as parts of the Act have been adopted but not all. Finally we have termed authorities where there is strong leadership and strong scrutiny the '*separation of powers model*'. Authorities who have adopted this model can be seen as adopters of the spirit and principles of the reform advocates.

We were able to use data from our survey to attempt to identify the numbers of authorities who would fit in the quadrants of the model. Using the three indicators for leadership autonomy identified earlier (leader taking decisions alone, leader appointing cabinet members and leader allocating portfolios) authorities who scored none or one were classified as having weak leadership and those authorities who scored two or three were classified as having strong leadership.

We used three questions from our survey to establish indicators for the independence of the overview and scrutiny function. The first was whether pre-party meetings are held prior to committees, the second was if councils provided officer/expert support for committees or a special officer unit, and the third is whether committees explore innovative forms of service delivery. Scoring on two or three of these indicators gave a high independence score or strong scrutiny, and scoring on none or one gave a low scrutiny independence score or weak scrutiny.

We were therefore able to identify that councils have implemented the new political management arrangements in a variety of ways. Relatively few councils (17 per cent of majority party councils, and 16 per cent of all councils) can be seen as having strong scrutiny and strong leadership and fitting the *separation of powers model*. The most common model is a relatively collectivist or weak pattern of leadership with strong scrutiny – the *collective accountability model* (32 per cent majority control councils and 33 per cent all councils). Less popular are councils who fit the *executive autonomy model* where there is high executive control but weak checks on executive action (28 per cent majority control councils and 25 per cent all councils). Finally, around a quarter of all

councils are operating like the *fusion model* where there is weak leadership and weak scrutiny (23 per cent in majority control councils and 26 per cent all councils).

We find that there is a significant association between type of authority and political management arrangement. More London authorities are in the *fusion* group. It is the unitary authorities which have developed *executive autonomy* and the metropolitan and county authorities are more likely to correspond to the *collective accountability* form. Party differences are also apparent: the Conservatives favour stronger patterns of leadership, Labour authorities tend to have high scrutiny scores and low leadership - as do Liberal Democrat authorities.

- *Political management and the performance of councils*

We explore the extent to which political management arrangements make any difference to the performance of the council by correlating the Government's Comprehensive Performance Assessment (CPA) against our leadership-scrutiny typology. This suggests that there is a high and statistically significant relationship between authorities who belong in the *separation of powers* or strong leadership/scrutiny box and an excellent CPA score. We found the association was strong enough to make it clear that the relationship between strong leadership/scrutiny and an excellent CPA rating could not be due to chance. The correlation also suggests that a system of low scrutiny and low leadership is negatively correlated with a good CPA score. This suggests that councils with low leadership and scrutiny capacity have a more than random chance of not getting an excellent CPA rating although the strength of that relationship is not as strong.

Conclusions

This report presents information on the way in which local authorities have implemented the Local Government Act 2000. Our survey and site visit evidence suggests that a significant structural change in the legal and institutional framework of local authority decision-making has occurred, and has produced a variety of responses. We conclude that the current situation is fluid and represents only a snapshot. The 2000 Act allows

considerable scope for choice and experimentation in implementation which local authorities have utilised to the full, and the responses of both members and officers has varied from grieving for the committee system to seizing and exploiting new opportunities.

We have found examples of both constraints and opportunities for further change. As a constraint, we find institutional path dependency in the way that party loyalties still constrain the operation of overview and scrutiny, and councillors and officers with long experience under previous arrangements are finding it difficult to develop new patterns of working. Equally, we find some support for the rational choice model in that there is evidence of cabinet members, non-executive councillors and officers using the new structures to take decisions in different ways and undertake a range of new activities. Here it would appear that party traditions have encouraged, especially in Conservative councils, a willingness to experiment with more concentrated forms of leadership. We found little evidence of substantially new normative ideals to guide institutional actors. The new rules and roles have yet to be fully formulated and internalised by institutional actors. However this is not surprising given the early state of the reform.

2. The Context for Change

The rise of party decision-making

In recent decades, most local authorities have been managed on party lines with the councillors forming the largest single group usually taking control of business. This is not an entirely new phenomenon, as party conflict was widespread in the nineteenth century not only in the boroughs but also initially in the new county councils. In these authorities, and often in the Boards of Guardians and School Boards, candidates adopted party labels – sometimes, but not always, corresponding with those of national parties – for the purpose of contesting the election. In many cases, party conflict was intense, even rancorous.

It would be a mistake, however, to imagine that the impact of party a century ago was anything like that today. With the exception of the London County Council and very few other authorities, party conflict did not extend into the council chamber itself. Over time, a progressive politicisation of local government occurred (Gyford 1985; Young, 1986). Councillors progressed from merely fighting elections to sitting in party enclaves within the council chamber. Beyond this emerged a system of voting as a bloc. This pattern was facilitated by holding private party meetings to determine the line to be taken, and reinforced by a disciplinary regime operated by whips. Under such a system of party government, key decisions are *made* behind closed doors by the majority group, before being presented to committee and council to be formally *taken*. Yet the committee system remained a procedural, if not a political, reality for all local authorities. Only in the most politicized authorities did this practice of pre-determining how votes would be cast spill over from the council chamber to the committee room. In parallel with this development arose the practice of the majority party taking key positions of committee chairmanships and the majority of committee seats and – prior to 1972 aldermanic vacancies – instituting a system of the spoils of office (Bulpitt, 1967).

Within this system of party government, councils recognised the position of leader, usually the most influential person among the majority party members. There were, however, marked party differences in the power and authority of leaders. The standing orders for Labour groups emphasised, since the 1960s, a collective form of decision-making over appointment of chairmanships and the allocation of other posts, while Conservative leaders have traditionally been granted more freedom of action, appointing their own nominees to chairmanships (Gyford, Leach and Game, 1989). This consolidation of control, when focused by the office of leader and the creation of a policy committee, represented a new high point of the political management of local authorities.

Nevertheless, considerable variations remained across the country both in leadership style and in the presence of party politics itself. The smaller and less urbanized authorities tended to have a more relaxed form of party government and in the rural areas might be run entirely in independent lines. Following the local government reorganisation in 1974, almost all authorities came to be run on party lines. The Widdicombe Committee of 1985/6 undertook extensive research into the political management of local authorities (Widdicombe, 1986). Its report affirmed the pervasiveness and inevitability of party politics in local government and portrayed the process of politicisation as one of a 'rising tide', which would, over time, engulf all authorities. On this analysis, local authorities were converging towards a common model of party government. Although the committee conceded that differences existed, it saw these as being eroded by the process of homogenisation. Subsequent research conducted for the Joseph Rowntree Foundation in the early 1990s cast doubt on this 'rising tide' hypothesis, arguing instead that political change had differential impact on local authorities, often deepening differences and producing a more varied landscape of local politics (Young and Davies, 1990).

The pattern of political management in different authorities is also affected by the large proportion of councils (between a quarter and a third) that have no political majority. Hung or balanced councils varied in the politics according to whether an informal or even formal coalition developed between party groups, giving them the combined voting strength to get through their programmes. Some local authorities were seen to run

minority administrations where one party took all the committee chairs and given the tacit supported of at least one other party (or perhaps a group of independents) to do so. Another way forward was for power-sharing, where two or more parties agreed to share out committee chairs, although usually without any formal coalition. The other option was in effect a 'no administration' option where no permanent chairs were held and positions were rotated from meeting to meeting. Wilson and Game (2002, p. 310) estimate that around a third of hung councils in the late 1990s had a minority administration, about half had an informal power-sharing arrangement, and the remainder had no administration.

The committee system and its critics

Traditionally, the British system of local government, with its nineteenth century roots, has been a system of 'government by committee'. Councils progressed decisions through their committees, and all councillors, including those from the minority parties, have been able, at least formally, to participate in decision-making. While this system had the virtue of being inclusive and open to participation, it had major weaknesses. The tendency for councillors to become involved in detailed administration, and the reluctance of councillors to delegate matters to officers, impeded quick and efficient decision-making. The Maud Committee reported in 1967 that the participation of the members in so much detail was 'the root cause of local government's administrative troubles.'

Local authorities have long sought to remedy these admitted shortcomings through streamlining their decision-taking structures, reducing the number of committees, their size, and the frequency of their meetings. For the Maud committee, the solution lay in the concentration of power within a management board of five to nine members whose task was to set policy, while committees were relegated to merely advisory and representative roles. While these proposals were overwhelmingly rejected by local authorities, the debate was re-opened twenty years later when the Widdicombe Committee once again considered the feasibility of introducing a Maud-style management board. Widdicombe conceded the advantages of this model in terms of

sharpening accountability and speedier and more effective decision-taking, but found against the scheme on grounds of the split loyalties that it would require from officers. Traditionally the servants of the council as a whole, officers would be required to work to the management board, thus isolating the 'backbench' councillors. Widdicombe concluded that the traditional council and committee system was the most appropriate, as it gave a significant role to every councillor.

By the early 1990s, concerns about the inefficiency of the committee system re-surfaced. (Department of the Environment, 1991) Secretary of State Michael Heseltine's bold proposals to reform the internal management of local authorities called for a 'cabinet' system of decision making while also advocating an even more radical option of a directly elected executive mayor. However, the approach was permissive, and relied on local authorities to take up reform proposals if they chose to do so. In 1993 a joint working party (Department of the Environment 1993) of government and local authority officials produced a set of suggestions about how incremental and evolutionary changes in the established system could be encouraged by allowing for experiments that stepped outside the existing legislative framework. Overall Stewart (1995) argues that the Government at that time was unwilling to impose legislative change.

The road to the 2000 Act

The Commission for Local Democracy, an independent review of the state of local democracy in Britain, was instrumental in bringing the issue of reform of the decision-making structures back into focus in its final report published in 1995 (Commission for Local Democracy 1995, Pratchett and Wilson 1996). It argued that the accountability of local government was undermined by a decision-making system that obscured where decisions were made and where the leaders remained 'informal' and impossible to hold to account. In particular it proposed the introduction of separately elected executive mayors to be matched by a strong and challenging assembly of a wider body of councillors.

The Commission for Local Democracy's report was largely ignored by the Conservative Government, but some of its ideas aroused interest in the then opposition Labour Party. Both

Tony Blair as leader of the opposition and Hilary Armstrong as shadow local government minister expressed interest in the mayoral idea and in the wider package of reforms proposed by the Commission. The idea of an elected mayor for Greater London was canvassed by Blair from 1996 onwards (Pimlott and Rao 2002). On forming the Government in May 1997 the policy debate within New Labour developed in earnest and a pamphlet by Blair (1998) set out the general case for reform. A Bill introduced by Lord Hunt trailed some of the options for reform but never reached the statute. The Government also went ahead with plans for an elected mayor and a wider assembly in establishing the Greater London Authority in 2000. The Government's plans for the rest of local government eventually found statutory expression in the Local Government Act 2000.

The case for reform in the established systems of local government in England was expressed in two white papers (DETR 1998,1999). It rested on a mix of accountability, efficiency and leadership arguments. The established committee system was criticised as 'inefficient, opaque' and as 'weakening accountability' (DETR, 1999:8). It was suggested that a lot of time was wasted by councillors and officials in going through the motions of decision-making without real purpose. Decisions were not made in appropriate forums and there was a concentration of decision-making powers in small groups outside formal arenas.

In short, the traditional committee system, designed to provide an open and public framework for decision-making, has grown into an opaque system with the real action off-stage. People lose confidence in their council's decisions, individual councillors become disillusioned with their ability to influence local decisions, and local people are discouraged from standing for election...unclear decision-making weakens the links between local people and their democratically elected representatives (DETR,1999:8-9).

Moreover, there was a great emphasis on the impact that visible leadership could make in providing both a more effective means of tackling community problems and in providing a focus of accountability. The solution was to provide for a move to systems that allowed for 'a clearly identified executive to give strong leadership to communities and clarity to decision

taking; and powerful roles for all councillors to ensure transparency and local accountability' (DETR, 1999:19). The ultimate goal of the reformers was, it appears, that the political management systems of councils encourage strong leadership from a small group of politicians held to account by strong overview and scrutiny practised by a wider group of councillors.

A further rationale for the reforms was that changes to internal management – concentrating power in an executive, and developing other roles for the remaining councillors – would encourage different sorts of people to enter and exit council service.

The Government believes that the combination of the new rewarding roles envisaged for councillors and... steps to address some potential financial and other disincentives to serve will encourage a wider cross section of the community - more employed people, more women, more people from ethnic minorities, more young people and people with young families - to serve their communities in future (DETR,1998:3.61).

It was hoped that more councillors would be drawn from these under-represented groups in future, and in particular, 'for more talented, vigorous young people in local government able and willing to make a difference to the world around them' (DETR,1998:3.60). 'We need', declared Local Government Minister Hilary Armstrong, 'people from all groups in our communities to come forward and offer their services as councillors. We need to break free from the pattern so often found today where many councillors are relatively old, few are women, and even fewer are drawn from ethnic minorities' (Armstrong, 1999, p. 21).

Greater representativeness is valued, but there are no direct means proposed for achieving it. The government has taken the view that the roles played by a councillor at present are insufficiently rewarding and attractive, arguing that councillors are not putting their time to good use, due to the conflation of the executive and representative roles that flow from the tradition of 'government by committee.' Restructuring councillors' roles, then, is the

primary means by which the aims of the modernisation agenda will be achieved. A small executive body of councillors will provide for community leadership, while the majority will play mainly a representative role. The government maintains that 'each role can only be fully effective when it is separated from the other' (DETR, 1999:3.12).

The executive role is to propose the policy framework and implement policies within the agreed framework. Such an executive, in the government's view, will speed up decision-making, enhance responsiveness and enable local authorities to meet community needs. Increased transparency will enable people to measure the executive's actions against the policies on which it was elected, and thus sharpen local political debate and increase interest in local elections. The role of backbench councillors, on the other hand, is to represent their constituents, share in the policy and budget decisions of the full council, suggest policy improvements, and scrutinise the executive's policy proposals and their implementation. To this end, councils are required to establish overview and scrutiny committees composed of non-leading councillors, whose duty is to review and question the decisions of the executive. These committees also review broad policy and submit alternative proposals to the executive. The principle of proportionality, introduced in the wake of Widdicombe by the Local Government Act, 1989, applies to scrutiny committees, which must therefore reflect the political balance on the council.

Such separation of roles is expected not only to provide a sharper focus for executive responsibility, but also to enable the majority of non-leading members to be freed up from the pressures of council business, and so devote more time to representing their constituents. Under the new arrangements, non-executive (or 'backbench') councillors will be expected to spend less time in council meetings and more time in the local community, representing their constituents' aspirations, concerns and grievances to the council and bringing to its decision-making processes 'a full knowledge of what their local communities need and want' (Armstrong, 1999, p. 21). More specifically, they would play an advisory role on local issues, reviewing decisions of the executive, approving the budget, and taking quasi-judicial decisions.

This idea of a clear separation of roles underlies all three of the basic models put forward in the Local Government Act 2000. Under the Act, three options exist for local authorities: a directly elected mayor with a cabinet; a directly elected mayor and council manager; and a cabinet with a leader. Chosen by the local electorate, a directly elected mayor would serve as the political leader for that community, supported by a cabinet drawn from among the council members chosen and directed by the mayor. Depending on local political circumstances and choices, the cabinet may be formed from a single party or from a coalition of parties. Cabinet members, endowed with their own portfolios, could be empowered to take executive decisions. In the second form, based upon a directly elected mayor and council manager, the mayor's role would be primarily one of influence, guidance and leadership, defining strategic policy and delegating day-to-day decision-making to the council manager.

The third, and most widely favoured model, a cabinet with a leader, comes closest to existing practice in partisan authorities. Under this form the leader is decided by the council, while the cabinet is made up of councillors, either appointed by the leader, or elected by the council. As with a directly elected mayor form, the cabinet could be drawn from a single party or a coalition. The leader might define the portfolios of the cabinet. The cabinet can take decisions collectively but decision-making power could also be given to individual cabinet members or the leader. In a late amendment to the Act, in response to pressures from opposition parties the Government allowed smaller authorities a wider set of choices. The key argument was that these authorities would have perhaps neither the political or administrative resources to implement one of the three main models under the Act. Therefore a further fourth option was offered, of adopting 'alternative arrangements' based on adaptations of the existing committee system. This is available only to authorities with a population under 85,000 and as a fall back in the case of a 'no' vote in a mayoral referendum. All four types of arrangement allow considerable scope, as under the previous system, for decisions to be delegated to officers.

The policy for the Local Government Act 2000 was framed explicitly to permit local authorities to choose a form of constitution, in consultation with their communities that was right for the council. With most local government legislation a standard policy is universally applied (although with a degree of local flexibility) across local authorities of different type, size and topographical location. In terms of the evaluation of the 2000 Act, the choices outlined above will impact upon what implementation means nationally much more so than with other policies. These choices add to and complicate the framework for analysis.

The road to the new ethical and standards arrangements

As Doig and Skelcher point out, historically, levels of misconduct in local government were comparatively low compared to national government (Doig and Skelcher, 2001). The debate on standards in local authorities was initiated by the Nolan Report on Standards of Conduct in Local Government (1997). According to Skelcher and Snape the Labour Government, influenced by high profile difficulties of fraud and misconduct in a few local authorities, were persuaded that a national response was needed (Skelcher and Snape, 2001).

Prior to the 2000 Act councillors operated under a non-statutory 'National Code of Local Government Conduct'. This set out guidance for members on standards issues such as disclosure of financial and non-financial interests, conflicts of interests, hospitality, relationships with officers and personal dealings with the council (Skelcher and Snape, 2001). This non-statutory code was open to local interpretation and the judgement of councillors. Part three of the 2000 Act introduced statutory requirements for each local authority requiring they adopt a code of conduct that all members have to sign up to based on a national model with a range of statutory provisions. Each council was also required to establish a local standards committees to oversee ethical issues and promote good practice. Part three of the Act also set up an independent national body – the Standards Board for England - to have responsibility to provide advice to local authorities on standards matters and investigate alleged breaches of a council's code of conduct. If following investigation it is decided that there is a case to answer, local authorities are required to convene a tribunal to consider if the code has been breached and to impose penalties where appropriate.

The response of councillors

Throughout this period of debate and progress towards the 2000 Act the opposition of councillors to change had been widespread. Two national surveys of councillors, in 1993 and 1999, focused on how councillors saw their roles, the extent to which their aspirations were satisfied by the traditional committee-based system of local government, and the implications for them of greater concentration of executive power in either cabinet or directly elected mayor form (Young and Rao, 1994; Rao, 2003). In both 1993 and 1999, the majority of councillors – and in 1993 the great majority – abjured reform and expressed satisfaction with the traditional committee system. But while the majority of councillors still preferred the existing decision-making structures, a considerable shift – from 13 to 34 per cent – occurred in favour of a ‘cabinet’ system with responsibility vested in a small group of councillors. As in 1993, there was negligible support – just three per cent – for radical change to vest power in an executive mayor.

The Government argued that a more streamlined system would enable the majority of councillors, who will take up non-executive roles, to devote more time to representing their constituents. During the same period, the proportion of councillors accepting that a cabinet system would enable backbench councillors to ‘devote more time to their constituents’ doubled from 22 to 43 per cent. Likewise, those who felt that more time would be devoted to performance review and monitoring by such councillors trebled from an inconsequential 15 per cent in 1993 to a substantial 42 per cent today (Rao, 2003).

Yet the argument was only half-won, for there remained the separate issue of whether scrutiny, and representation of constituents’ interests, together amounted to a meaningful role for the ‘backbench’ councillor. In 1999, two thirds of the councillors surveyed felt that the government’s changes would ‘deprive ordinary members of influence over decision making’, although this figure represents a marked decline from the 80 per cent agreeing with this statement in 1993. Moreover, a majority of councillors (57 per cent) still agreed that ‘ordinary members would be deprived of the incentive to remain on the council’, although here too there has been a softening of opposition since the 76 per cent

level recorded in 1993. It is clear, then, that opinion was changing quite rapidly in the direction of accepting the new 'cabinet' system of local governance. On the other hand, councillors remained consistently opposed to the mayoral form.

While there were several advantages claimed for an elected mayor, relatively few councillors are prepared to recognise them. The 1999 survey of councillors revealed that just one fifth consider an executive mayor would 'make it easier to get things done'. Only one councillor in three agreed that an elected mayor would provide 'someone who could speak up for the whole area', perhaps the principal advantage claimed for such a role. A similarly small proportion conceded that having an elected mayor would mean 'it was always clear who was responsible when things go wrong'.

The 1998 British Social Attitudes Survey found public responses were more positive than councillors when asked to comment on their perceptions of the advantages of having an elected mayor (Rao and Young, 1999; Rao, 2003). The BSA survey did appear to suggest that there was public support for a recognisable local leader. Fifty nine per cent of respondents strongly agreed with the statement 'having an elected mayor means there was someone who could speak up for the whole area' – far more than the 29 per cent of councillors who agreed with this statement.

On the other hand, a number of disadvantages of the scheme have been identified. It has been argued that the executive mayoral system risks an excessive concentration of power and deprives ordinary councillors of influence. Almost nine in ten councillors shared this view. Similarly, an overwhelming majority – 80 per cent – of councillors agreed that one consequence of the mayoral form would be that councillors 'would have too little say'.

3. Understanding Institutional Change: Path Dependency, Responding to New Incentives and Searching for New Norms

One of the underlying aims of our research is to examine how a set of institutions – namely principal local authorities - have responded to a demand to change. There will be a need for us to have developed by the time of our next annual report, a fully operational analytical framework for understanding and evaluating the changes that have occurred. For now, in order to stimulate reflection of the early findings of our research we outline three ways of looking at the process of institutional change. We shall return to a discussion of the value of the overall insights provided by these models in the conclusion.

Some see institutions as ‘path dependent’ (Peters, 1999). The initial choices that influenced the structures and process of the organisation have a powerful grip and are not thrown aside lightly. There will be change and development but the formative processes that constructed the organisation will limit the range of possibilities in terms of the direction and extent of change. Policies and practices are affected by the ideas and interests of those inside a differentiated public sector rather, than merely a response to external influences. The making of legislation will be affected by these pre-existing pressures and its implementation will certainly be affected. In general this form of theory, as Peters (1999:68) suggests, is ‘much better suited to explain the persistence of patterns than to explain how the patterns might change’ With respect to the 2000 Act, for example, the continuing effect of party decision-making and machinery might be expected to have an impact on the choices made in respect of political management forms, the strength of the powers and the level of autonomy given to the executive and the way that overview and scrutiny is carried out. In many respects this model implies an expectation that radical or dramatic change is unlikely and unusual. In general terms this model implies that organisations have a considerable capacity in the face of imposed change to maintain a strong semblance of ‘business as usual’.

A second approach to institutional analysis focuses on how institutions provide a framework of rules and incentives in which individuals make decisions about what

actions to take in order to pursue their sense of self-interest (Peters, 1999). Under this rational choice model institutions provide the space in which the bounded rationality of individuals can be exercised. Within the constraints and options offered by organisational rules, and in the light of their inevitably limited level of understanding, information gathering and foresight, individuals act in a way that most suits their interests. An imposed change, like those contained in the 2000 Act, might be expected to shift incentives and rules and in turn begin to change behaviour as individuals calculate (and learn) how to get the best out of the new arrangements from their own perspective. Indeed, theorists from this perspective tend to see the process of institutional change as an issue of conscious design, trial and resign. In individual local authorities, powers are allocated and decision-making routes established in the knowledge that they favour some groups of individuals rather than others, and in the expectation that these structures will encourage certain types of processes and decisions rather than others. The requirement under the 2000 Act to develop explicit and comprehensive constitutions for local authorities, combined with the demand for new decision making arrangements, will have opened up new opportunities for incentives and rules to be changed fundamentally or tweaked on a smaller scale. Understanding institutional change under these circumstances becomes for rational choice theorists a contest between the designs of the constitution framers, and the responses of the individuals in local authorities to the new constraints and opportunities afforded to them.

A third model sees individuals not so much as entrepreneurs looking at what the institution can do for them, and looks instead at the way that institutions provide people with a framework of meaning and a sense of purpose. This normative understanding of institutions emphasizes that the values and norms within organisations so shape the preferences and behaviour of the individuals that they are led to follow a 'logic of appropriateness' rather than a calculation of what is their best pay off. Institutions work precisely because they provide the frameworks in which individuals can find purpose and direction on the basis of the legitimate claims of the organisation on their individual commitment. Although there is some indication that an organisation might have one over-arching logic to guide action most observers recognise that there are likely to be

several potentially competing logics. Change occurs in organisations on the basis of the range of appropriate responses that are available. Institutional players select from the range of options that are available to them, choosing first among those that are most familiar to them in terms of their previous roles and only then moving to bolder alternatives. The whole process is one of learning and adaptation. The goals and values embedded in different parts of the institution provide the guide for the choices that are made, alongside a self-reflexive review of behaviour. The process is seen as random and much less susceptible to direct institutional design.

A variation on this approach comes from those that argue that organisations tend to have embedded within them certain standard understandings of what makes the world work and what behaviour is most to be valued. Grid-group theory (Perri 6 et al, 2002) suggests that the broad orientation of individuals in organisations tends to fall into four categories: fatalist resignation, individualistic enterprise, egalitarian peer commitment or the observation of hierarchy. The process of change stimulated by the 2000 Act will spark a search for new logics to guide behaviour, but also a sense of grief at the loss of previously valued norms, values and goals. Some may adopt a fatalistic response seeing little point or purpose in an attempt to grapple with the new arrangements. Others may seize the new opportunities open to them in an entrepreneurial way. Others will look at what their peers are doing and try to follow. Some will look to be told what to do, to wait for guidance and direction from leaders.

4. The Initial Experience of Implementation

Our survey confirmed the already well known finding that the vast majority of councils serving populations over 85,000 have adopted the leader cabinet form³. Nationally, 316 or 81 per cent operate with leader cabinet constitutions. Many of those authorities with populations below 85,000 (59 or 15 per cent) have adopted a system of alternative arrangements although a third of these smaller authorities also opted for the leader cabinet form. In total there are now 10 mayor-cabinet councils and one mayor-council manager system, although at the time of our survey only seven mayor-cabinet councils were up and running. The mayoral form constitutes only a very small proportion of the new political management arrangements adopted by councils, at just over 3 per cent.

Sections 25-30 of the 2000 Act required every authority to draw up proposals for adopting new council constitution, following consultation with their local communities and submit them to the Secretary of State. Where the proposals were for a form of executive that required approval in a referendum (a directly elected Mayor), the Act required the local authority to hold a referendum and to put forward fall-back proposals in the event of the proposals being rejected in the referendum. Of the seven Mayoral authorities that were covered in our survey in the summer of 2002, five had achieved a positive result from their own referendums, one had a referendum triggered by petition, and one by some other means. Of those smaller districts that implemented alternative arrangements, the great majority had adopted their own proposals, while just four had adopted fall-back proposals following failure in a referendum. Almost all (93 per cent) of the authorities with the leader/cabinet form had adopted their own proposal, with just four per cent having recourse to the fall back and three per cent adopting by some other (unspecified) means.

³ Two hundred and eighty seven authorities responded to our survey representing a response rate of 74.5 per cent. Table 1 in Appendix 1 indicates the breakdown of constitutions in authorities who responded to our survey showing our survey mirrored the national picture

How easy did authorities find it to implement the new constitutional arrangements? Just over one-third (36 per cent) reported that the new arrangements had been implemented easily or very easily. The largest single group (63 per cent) reported some difficulty, with just five authorities reporting great difficulty. It was the unitary authorities as a group which reported the greatest difficulty, and counties reporting the least. Generally, however, there were no great differences between the types of authorities. We went on to ask responding authorities whether they had established any interim arrangements prior to implementing the Local Government Act, 2000. As many as two thirds of the authorities had done so. However, whether or not an authority had interim arrangements in place had very little bearing upon the ease or difficulty they experienced in implementing the Act.

As to the type of constitution implemented, the least difficulty was encountered in those districts adopting alternative arrangements, although even here more than half of the authorities reported some difficulties. Of the five mayoral authorities that responded to this question, four reported encountering some difficulty. In the three mayoral authorities that we visited there seemed to be a general sense that their constitutions were working quite effectively. In one there was some tension around the range of decisions that the mayor could make, in another there was some reformulation of the constitution to clarify the role of the mayor in respect of senior appointments, and in one there were slight concerns on the part of one officer about the tendency for such rapid mayoral decision-making that due deliberation and recording of decisions took a back seat. All of the mayoral authorities raised an ambiguity in the guidance over the passing of the budget. The difficulty stems from two rules: the two thirds majority from the council to block a mayoral budget and the 50 per cent plus one vote requirement for its approval. If there were say 30 votes on the council you could have 18 cast against the mayor's budget and 12 in favour. Not enough to block it but not enough to pass it. None of the mayoral authorities we visited, however, had experienced any difficulties in passing their budget.

Authorities were also asked to identify the principal advantages and disadvantages of introducing new constitutional arrangements and table one shows their responses. Like

the rating of the ease or difficulty of implementation, these are essentially subjective views of the responding officers, but it is reasonable to take them as a guide to that authority's experience. This was an open-ended question and authorities varied in the number of advantages and disadvantages they identified. Overall, more authorities highlighted advantages rather than disadvantages, although 15 expressed the view that it was too early for them to identify the benefits. Efficient and quicker decision-making was cited by 111 authorities; clearer and more accountable decision-making by 64; and stronger more focused leadership by forty one authorities. Twenty cited fewer or shorter meetings, a similar number improved public involvement and scrutiny and better handling of cross-cutting issues. The principal disadvantage, cited by as many as 109 authorities, was the feeling among backbench members of disengagement and disenfranchisement. Few issues achieved this level of recognition, the next most frequently identified disadvantage was confusion about the scrutiny role and concerns over excessive bureaucracy.

Table 1: The advantages and disadvantages of the new constitutional arrangements

	No.
Advantages	
Efficient and quicker decision-making	111
Clearer and more accountable decision-making	64
Stronger and more focused leadership	41
Fewer or shorter meetings, fewer committees	25
Improved public involvement	19
Improved corporate action/dealing with cross-cutting issues	18
Innovative or improved scrutiny	17
Greater delegation to officers	14
New Role for Backbenchers	12
Fully documented constitution	11

Disadvantages

Backbench members disengaged	109
Confusion over scrutiny role	34
Changes overly bureaucratic	26
No reduction in meetings	19
Changes too costly	13
Difficulty of persuading officers and members of the need for change	17

In our survey only thirteen authorities mentioned the resource implications of adopting and implementing the new council constitutions. Likewise, resource issues were only raised in six of the forty visits. The costs of adopting, implementing and supporting the new council constitutions was mainly raised in district authorities and was primarily associated with the costs or perceived costs of supporting scrutiny. There appeared to be no issue with resourcing the standards arrangements. Although the responses to our survey and the discussions held in site visit authorities provide a subjective and impressionistic picture, they do suggest that resourcing is not seen as a significant issue in most authorities.

The Guidance for the 2000 Act suggests that constitutions should include procedures for the review and revision of constitutions. Our survey also asked if authorities had plans to review the new arrangements with respondents, indicating that only 4 per cent per cent had already reviewed but that just under half (48 per cent) had firm plans to review. A further 20 per cent of authorities were committed in principle to such a review. Our subsequent site visits were able to include visit to authorities that had reviewed their arrangements. Twelve authorities had undertaken a review and three were in the process of reviewing and were able to share the likely conclusions and recommendations. The nature of the review task varied, with some reviews being looking overall at the new arrangements and some focussing on particular aspects for example the scrutiny function. How the review was undertaken varied, in some authorities the review had been

undertaken by the standards committee, or overarching scrutiny committee and in some by the monitoring officer, scrutiny officer or democratic services manager.

The types of changes made following review tended to be minor. Three authorities had introduced an overarching scrutiny committee to co-ordinate and manage scrutiny work in the authority. Two authorities had increased the level of support for scrutiny (to reflect new health responsibilities), two authorities had made changes to the call-in procedure to make call in easier, two authorities had increased the number of scrutiny panels and another two had reduced the number of scrutiny panels. Finally one authority had introduced a series of changes to encourage a policy development function for scrutiny panels, and one authority had led to changes in the allocation of portfolio holder functions.

At one level it is easy to conclude that many local authorities have not so far radically altered the way they conduct their decision-making. Many in the interviews that we undertook during our site visits were quite open about how they had chosen the leader cabinet form, because it seemed closest to their previous way of working. One mayoral authority confided that they had only ended up having a referendum because they had not managed the consultation process effectively. One leader of a council captured the spirit of many interviews in a particularly forthright way by commenting that his ambition was to conduct the reform 'in a way that public would not be able to tell that anything had changed'.

Yet at a deeper level both the survey and the interviews revealed that significant features had begun to change in the way that decisions were made. These will be explored further below. It is clear, however, that the operation of the new arrangements is widely seen as being at the initial stage.

5. The Operation of the Executive

The establishment of an executive with decision-making powers that can be held to account collectively or individually is one of the key changes introduced by the 2000 Act. In this section we explore the difference it makes by looking at the frequency of executive meetings, the size and composition of the executive, and the particular changes brought about through executive arrangements in balanced councils.

Frequency of meetings

We asked in our survey for details of the number and frequency of meetings under committee arrangements that dominated in 1997 and also for details of the number and frequency of meetings under the new arrangements. Our comparison of the frequency of executive cabinet meetings under new arrangements in cabinet/leader authorities with the frequency of committee meetings in the pre-1997 system is based on the assumption that the nearest equivalent to the cabinet – a Policy and Resources or similar committee – would have met on the same cycle as other main committees. On the basis of such a reasonable assumption the findings suggest that cabinets meet more frequently than the committees that operated under the old system, although this may not be a valid measure of the continuity of attention, or indeed of the time, given to council affairs by leading councillors under either system. That said, the census survey enables us to establish a new baseline of the frequency of executive cabinet meetings. Within the leader and cabinet form – by far the largest group of local authorities – over half (54 per cent) meet monthly or less often. A large group (35 per cent) meets fortnightly or more often, and 11 per cent meet on a three weekly cycle.

Table 2 shows the frequency of meetings by type of council. The most frequent meetings of executive cabinets are to be found in metropolitan authorities, where as many as three quarters meet fortnightly or more often, whilst districts are least likely to meet fortnightly or more often (24 per cent). Party differences generally reflect the type of authority in which the parties have control, with more than half of Labour controlled authorities

meeting fortnightly or more often, compared with less than one in five Conservative controlled authorities. In the six authorities that have adopted the mayor and cabinet form, the executive meets fortnightly in three, and monthly in the remaining three.

Table 2: Frequency of executive meetings in leader/cabinet authorities

	Fortnightly or more often %	Three-weekly %	Monthly or less often %	Base
Type of council				
Counties	30	15	56	27
Districts	24	12	65	128
London	36	18	46	22
Metropolitan	74	7	19	27
Unitaries	46	6	49	33
Party control				
Labour	51	10	39	69
Conservative	18	10	72	72
Liberal Democrat	33	11	56	18
NOC	39	16	45	67
Other	33	-	67	3
All	35	11	54	237

Our site visits enabled us to explore the question of change in the number of meetings in more depth and we found authorities had had differing experiences. This partly depended upon what was understood by ‘meetings’ and who was making the judgement. For example, in two authorities officers told us the number of meetings had fallen due to portfolio holders exercising their delegated decision making capacity. In another three

authorities, officers expressed a view that the number of meetings had gone up because of more frequent meetings with portfolio holders. Another large unitary authority had experienced an increase in meetings as each portfolio holder held fortnightly 'advisory group' meetings just before decisions were made. These were attended by a balanced group of non-executive councillors including opposition spokespersons and in effect appeared to resemble a service committee with the portfolio holder acting as chair. In another two authorities the overall number of meetings had risen because of newly introduced area committees. One large metropolitan authority had done a survey of the change in councilor workload as a result of the new council constitution for its remuneration committee and estimated an increase in workload of over five hours a week.

The most widely noted impact, mentioned by seven authorities on our visits, was that there were more frequent meetings but that they were shorter. One chief executive of a district council wrote to us 'There has been no reduction in meetings but meetings have been shorter and more purposeful'. Another metropolitan council estimated that the number of meetings had increased by 25 per cent, but that these meetings were shorter and more efficient, expressing the view that 'decisions are made once not three times' as was the case under the committee system.

Finally we also found evidence of 'path dependency' on our visits with two authorities sticking to a pre-existing six weekly committee cycle when planning scrutiny and standards meetings. Overall, our survey and site visit data again serves to show diversity in the pattern of responses in respect of meetings, and we will explore the change in these processes further in year two of our evaluation.

Size and composition of the executive

The findings of the census survey show that the average size of cabinets is close to the statutory maximum of ten in all but district authorities, reflecting perhaps the different functional range of different types of authorities. Within the leader and cabinet form, the

average size of a cabinet in districts is seven, is 8.7 in unitaries, and exceeds 9 in metropolitan, London and county authorities.

As to age, leaders in the leader-cabinet form have an average age of 55 years, which is close to the average for all councillors. Overall, cabinet members tend to be rather younger than other councillors with an average age (including the leader) of 48 years. Cabinet members in counties are very much older on average than elsewhere (58 years); the youngest cabinets are to be found in Liberal Democrat councils where the average age is just 40 years. In several of our site visits there was concern expressed about the 'greying' of local government, but it was not generally held that the new political management arrangements had made matters better or worse.

Within the leader/cabinet form, the great majority of the leaders are men – just 17 per cent are women. There is a marked party difference here, with over a third of Liberal Democrat leaders being women. Labour councils in this form are the most male dominated. Women leaders are entirely absent from the North-East, with their strongest representation being in the South West. Women have a more favourable representation in cabinets, where they form 23 per cent of cabinet members, although this is slightly the percentage of women councillors generally of 25 per cent. There are considerable differences between the parties, with more than a third of cabinet members being women in Liberal Democrat authorities and a lowest proportion (less than one-fifth) in Labour controlled authorities.

We held several discussions with groups of women councillors during our case study visits, and they tended to suggest that new political management arrangements were not at the heart of the problem of the difficulty of getting more women involved in local government. The time demands of the executive and even non-executive councillor roles meant that who ever took up the positions still had to find a way of juggling work, family and other commitments. Some found that challenge worth taking on, others tried and failed and others decided that it was not worth the effort.

One party policy committees have been controversial in local government and were held unlawful in the 1980s. The Local Government and Housing Act, 1989 affirmed this position. In creating the new executive structures, the Local Government Act 2000 provides for the possibility of single party decision taking structures. The issue of party composition of executives was explored in the survey, and we found that it reflects that of councils to the extent that the great majority under the control of a single party have a cabinet drawn exclusively from that party. In majority councils 95 per cent of Labour authorities, 96 per cent of Conservative authorities and 90 per cent of Liberal authorities had single party cabinets. Only in a small number of authorities where majority control existed were members of other parties invited to join the cabinets.

The site visits to a sample of authorities give a fuller picture of the complexities of these mixed executive arrangements in majority councils. In a long-standing Labour authority, a mixed-party executive operates, with Conservative and independent members given parish and community liaison posts but do not hold executive portfolios. In this instance, the Conservative opposition leader joined the executive in order to gain, he claimed, information that would otherwise be denied to him, and so criticise from the inside. In contrast, a similar stable Labour authority, the leader offered executive portfolios to the opposition parties under conditions of collective responsibility. Here, the Conservative leader declined in order to be free to operate as a traditional opposition, while the Liberal Democrat leader joined the executive as a portfolio holder. In one Liberal Democratic council both Labour and Conservative opposition leaders took up the offer of non-portfolio positions in the cabinet and used the position to challenge and raise issues. The Liberals met separately and privately in meetings outside formal cabinet in order to deliberate on various policy issues. In some cases, the composition of the executive changed after May 2002 elections.

The impact of executive arrangements in balanced councils

Some significant changes appear to have occurred in authorities with no overall control. Because the Act requires the formation of an executive there has been an encouragement to the formation of formal or semi-formal coalitions rather than the practice of some

balanced councils to have rotating chairs and ad hoc committee and council decision making. Although the formation of an executive to give a balanced authority a clear lead body does not of course, remove the necessity to negotiate both within and between parties.

In one authority the Act forced change upon this situation against the inclination of all three parties, transforming the authority from committee driven decision-making to an executive based system. In this authority executive members from the Conservative and Liberal coalition hold portfolios that reflect the earlier division of labour under the previous committee structure. In another authority without overall control, power is held by a Conservative and Liberal Democrat coalition. The coalition executive has ten members with cross-cutting portfolios. In another council, a Conservative cabinet has been established despite a lack of overall control, but it appears to have considerable freedom to steer through its policies. In one authority the Conservatives took the lead portfolios but gave opposition members cabinet positions. Informally the crucial relationship is between the Conservative and Labour leader and together those parties form an effective coalition. In another, where the Labour Party took power without a majority as the largest single party because neither they nor the Liberal Democrats wished to have a power-sharing executive. However, a shadow executive board meets before executive meetings to consider agenda items, which are then discussed in an executive members' advisory board - a body that includes the scrutiny board and opposition members. This essentially consultative arrangement is not dissimilar in effect to that in one formal coalition authority where decisions were made informally by the Conservative/Liberal Democrat coalition before being taken to the two party groups and then back to the executive for formal decision-making.

The practice of executives

We are only just beginning to understand the various ways in which executives are operating under the new arrangements. Certain conclusions can be drawn from the

allocation of decision making responsibility as will be argued below. It might be possible to identify a tentative typology. On our visits we noted widely varying practice. Some executives act like old style policy committees and depend to a great extent on officer reports coming to them and their effective management of decisions thereafter. Others stay within the realm of collective decision making but use private meetings, sometimes with the officer management team and sometimes without, to give policy and a modest management direction to the council. Some seem to have adopted a fragmented approach with individual portfolio holders being given their head, working directly with their officer team and using their position to make decisions and drive through policy initiatives in at least part of their portfolio field. In some instances cabinet members had taken to writing their own reports and taking them to the cabinet, acting very much as the lead in their policy area. In other systems and not just mayoral ones it is clear that the leader/ mayor was the key figure with others in the cabinet working to them.

Our survey was able to reveal some evidence on the formal distribution of decision making authority in local authorities in relation to the extent that a leader can exercise power. Table 3 (over) shows three indicators of the location of decision making power by political control. These three indicators are whether the leader can take decisions alone. Whether the leader can appoint cabinet members and whether the leader can allocate portfolios. Our site visits suggested that these aspects were strongly linked to party traditions and history. In all the leader and cabinet type of authorities decisions can obviously be taken by the full executive and can be taken by the leader alone. In nearly half of Conservative and Liberal Democrat authorities (47 per cent in both cases) the leader has a sole decision-making power, while only a third (31 per cent) of Labour councils confer this power on the leader. A similar pattern of political difference is discernable in respect of appointment of cabinet members. Reflecting past practice, over half of Conservative leaders are able to appoint their cabinet members (55 per cent) and two-thirds (67 per cent) of them can choose which portfolios to allocate. In contrast, just over a quarter of Labour (28 per cent) and 18 per cent of Liberal Democrat leaders are able to appoint cabinet members, and just over half of them being able to allocate portfolios (57 per cent Labour and 53 per cent Liberal).

To draw an over-arching picture of the style of leadership this evidence from the survey can be combined. There are then three aspects of leadership that need to be considered: the possession of executive power, power to appoint cabinet members and the power to allocate portfolios. A leader who possesses all three may be described as having ‘concentrated’ powers, and a leader who possesses none, the powers of leadership may be described as ‘de-concentrated’. Obviously, many may fall between these two extremes. Overall, we found that 16 per cent of authorities with leader-cabinet arrangements corresponded to the concentrated form, while in 27 per cent of authorities leaders had de-concentrated powers.

As the table below shows, as many as 28 per cent of Conservative controlled councils have fully concentrated forms of leadership; 14 per cent of councils with no overall control; 12 per cent of Labour councils and no Liberal Democrat councils. So, while executive decision making powers may be vested in a leader, it does not follow that the leader will be given the additional powers to appoint the cabinet and allocate portfolios. In Conservative controlled councils this is most likely to be the case, but even here it is to be found only in a minority of authorities.

Table 3: Extent of leadership power, by political control

	Executive power %	Power to appoint %	Power to allocate portfolios %	Concentrated Leadership powers %
Conservative	47	55	67	28
Labour	31	28	57	12
Liberal Democrat	47	18	53	0
NOC	33	25	42	14

6. The Organisation of Overview and Scrutiny functions

The establishment and operation of an overview and scrutiny function represented the biggest challenge arising from the 2000 Act for both councillors and officers. The scrutiny role demands a different approach to the party group, a different work pattern to the committee structure and the development of a changed set of councillor and officer skills. Our survey highlighted a great diversity and our site visits even more so. Some themes became apparent and these are discussed below.

Number of committees

Our survey findings showed there is no uniformity in the way in which councils organise their overview and scrutiny functions. The average number of such committees is 3.7, although one in five authorities maintain a single committee whereas 38 per cent have five or more. On site visits it became apparent that many authorities have adopted a model of having one overarching committee organising the work of other thematic or task-based committees. A number of authorities have established scrutiny co-ordinating bodies, to plan and co-ordinate the work of other committees, and to resolve uncertainties about where issues should be directed. This is perhaps especially important where an authority has organised scrutiny other than on the basis of specific services, for example scrutinising policy development and review, services across the board, partnerships and external liaison. Some authorities have changed the number of committees after operating interim arrangements or after review some opting to increase and other decrease the number of committees operating.

On one of our site visits an alternative arrangements authority highlighted a problem in ensuring that councillors are not scrutinising their own decisions. This authority would have liked to increase the number of scrutiny committees from one, but faced difficulties in ensuring that the increased membership of overview and scrutiny committees would

not then overlap with membership of one of their three policy committees. In future site visits to alternative arrangement authorities we will explore whether this is a wider issue.

Membership

Overview and scrutiny committees tend to be quite large, with an average of more than twelve councillors on each committee and an average of little over two independent members. Nearly two in five authorities report that party pre-meetings are held prior to overview and scrutiny committees, but in less than one in ten were the decisions of these committees subject to the party whip. However, a large minority of the respondents (29 per cent) reported not knowing whether the decisions of the committees were subject to the party whip. Our visits indicated that in some, but not all, authorities with a majority party grouping, dissent was still more likely to be aired through internal party groupings and not through the scrutiny function. Most authorities had taken the deliberate strategy of ensuring that all non-executive councillors were included on at least one overview and scrutiny committee to try to ensure that all members had some identifiable role. It was notable that some very effective work was being undertaken in task and finish groups and that councillors engaged in these types of group were far more likely to be committed and happy with their new role (see below).

Chairing

On our site visits having an effective chair of an overview and scrutiny committee was consistently seen by both officers, executive members and non executive members to be of great importance to the successful development of that committees work and understanding of new roles. It was clear that there were 'champions' for scrutiny who were able to enthuse and encourage participation, and this led to wider engagement with scrutiny from other committee members and sometimes beyond into the council as a whole.

Our survey showed that 83 per cent of overview and scrutiny committees were chaired by majority party councillors in majority party councils. In some authorities opposition groups had been unsure of whether to operate as a shadow executive or whether to work through overview and scrutiny. Feedback from the visits showed opposition chairing appeared to work well where permitted.

Officer support

We wanted to find out about the support for these committees. We asked a series of questions related to the types of activity councils could provide. Table 4 summarises the main sorts of support – councils could indicate multiple sources.

Table 4: Support for Overview and Scrutiny Committees

	<i>per cent</i>
Special officer unit	30.0
External source	25.9
Ad hoc basis	73.4
Committee specific officer support	63.5
Serving of meetings only	29.9
Other	11.7

Note: the questionnaire asked a separate question on each form of support

In most cases, services extended beyond the servicing of meetings. Most authorities provide ad hoc or committee specific officer support to the overview and scrutiny function. As many as a quarter of authorities report using external sources of advice. Just three in ten authorities reported having a dedicated officer unit. Our survey report provides an analysis of the provision of special officer unit by council type and party control (Stoker, 2002, Tables 29 and 30). This indicated that Labour councils are most likely to have specialist units. Around half of all London, Metropolitan and Unitary

authorities maintain such a unit, as do more than a third of counties; less than one in five districts does so.

It was very clear from visits that developing the new scrutiny function was harder to achieve where there was not dedicated officer support. This is a particular resourcing issue for the smaller district councils. Having officer support assisted the planning of the work plan, the decision about tasks to undertake, and a more general understanding of the new ethos of scrutiny. The councils where support was ad hoc or for specific issues only were often the places where non executive members were struggling most with the new tasks required.

Agenda determination

The survey indicated that seventy per cent of overview and scrutiny committees determine their own business rather than have it given to them by the council or the executive, while most of the remainder appear to do so with the support of officers. On site visits we saw that compiling the work plan was key. Where this did not occur overview and scrutiny committees appeared to be struggling with too many items on the agenda. This carried the danger of overview and scrutiny committees operating like the old committees and simply receiving reports and noting their contents.

Our survey showed that as many as 87 per cent of authorities are engaged in reviewing service outcomes, and almost all the remainder are considering doing so. Two-thirds (66 per cent) are exploring innovative forms of service delivery, and a similar proportion are involving external stakeholders in their deliberations (68 per cent). Two in five have been involved in investigating non-local authority service providers (both private and public) (42 per cent). In each of these instances, a substantial proportion of authorities report that they are considering extending their activities into these areas and it might be expected that this involvement will increase over time. London boroughs are markedly more likely to be doing so already.

In practice on our visits we saw great differences in the type of scrutiny tasks undertaken and the balance between policy development, overview of items in the forward plan, post decisional scrutiny and policy monitoring and performance management. In the first year some authorities had carried on the work of the pre-existing best value committees and had focused mainly on policy monitoring and performance management. Some had decided to concentrate on post-decisional scrutiny often indicating a desire by non executive members to know and track executive decisions. In authorities with a majority party the role of scrutiny was sometimes geared toward policy development as a way of avoiding party conflicts. Occasionally the particular interests of non executive members had led to a policy development focus over a particular issue. Almost uniformly there were attempts, now that scrutiny was 'bedding down', to move to have a more balanced work plan.

Use of Call-in

One of the powers that non executive councillors hold under the new legislation is the power to 'call in' executive decisions for review. These can be decisions taken by an executive, individual portfolio holders, officers, also the mayor or council manager in a mayoral system, and the decision makers in an alternative arrangements authorities. Each authority must set out in its constitution how these call-in powers can be exercised, and typically this involves the specification of how many councillors must be involved and the procedure to activate the call-in. Our survey did not specifically ask for details of call ins of executive decisions. This was an issue we explored on our site visits. There were widely varying criteria for the enactment of a call-in which varied in the degree of openness required. For example, one authority originally had a requirement for nine members to produce a call-in which severely hampered the degree to which opposition parties could muster support (this was changed after a review). At the other end of the scale was an authority which operated a call-in procedure which could be invoked by a single councillor or any member of the public. The procedures also varied sometimes, involving notifying the relevant overview and scrutiny chair, or the chair of an

overarching overview and scrutiny committee, or in some cases directly to officers for example the monitoring officer.

Once again our site visits served to illustrate the great variability relating to call-in practice and outcomes. With a few exceptions our visits indicated that call-in powers have been used with great restraint within most of the authorities we visited, suggesting that relatively few call-ins had been made since their new constitution was put in place. There is little evidence of call-ins being used politically or inappropriately. In many authorities call-ins appeared to have resulted in changes both of policy and policy making procedures. There were also signs that call-ins had been resolved before a formal meeting of the appropriate overview and scrutiny committee had been convened. There was evidence of executives responding to call-ins and amending policy. There were also authorities, where there was majority party control, where no call-ins had resulted in change to an executive decision.

In one authority the use of call-in was more frequent and appeared to have become institutionalised as an opposition tactic on a weekly basis. In one authority there had been no call-ins at all and in several more only one or two. These latter cases were all authorities where usually there was strong majority party control, but in some balanced councils call-in is also hardly ever used. In one case officers expressed concern that the executive was not subject to proper and rigorous scrutiny. In another both officers and councillors argued the lack of call-in was due to effective working of the forward plan and the advance policy development work undertaken in overview and scrutiny committees.

One issue underlying call-ins is whether it is the rules, the culture or informal decision making practices that are constraining its use. There was clearly some concern on the part of leaders and officers that call-in could disrupt the work of the council and as a result many constructed procedures in terms of numbers of signatures, cross-party support, positions held of relevant overview and scrutiny committees, time of response and so on in order to discourage call-in.

However, party loyalties appear to have also been a constraining factor. A chief executive in a majority party authority expressed the view that he wouldn't feel the scrutiny culture was established until there had been a call-in from the majority party. Another chief executive in a majority party authority felt 'in practical terms, there is no possibility whatsoever of any meaningful scrutiny/call-in procedures being implemented by the Council's scrutiny committees which are chaired by another member of the controlling group'. As a scrutiny chair from a majority party in an authority where there has only been one call-in explained 'initially there was a shared worry of a great divide - then people began to trust each other'.

Another reason why call-in procedures appear not to have been used is because informal consultation with opposition parties has been able to 'head off' call-ins. In other instances call-in appears not to have been used because the opposition parties have not been confident in exercising their powers. It will be interesting to see the extent to which rules around call-in are relaxed (there appears to be some drift in that direction in reviews) and whether there is an up take in its use.

Health scrutiny

From the 1st January 2003 local authority scrutiny committees are empowered to conduct scrutiny of their local health services. This responsibility stems from the Health and Social Care Act 2001, which places the scrutiny of health service matters on local authorities with social services responsibilities. The scrutiny undertaken by local authorities with social services responsibilities can be delegated to other authorities including districts and carried out jointly. The ELG survey did not include questions specifically about health scrutiny and we do not have statistical information about how local authorities have responded. A survey by the National Primary Care Research and Development Centre at the University of Manchester provides some early indications of how local authorities have responded (NPCRDC, 2003). This indicated that 86 per cent of relevant local authorities were preparing for the introduction of health scrutiny, and

that more than 80 per cent of these authorities have held discussions with their primary care trusts. Most authorities had made health the specific brief of a named committee and a quarter had established dedicated health overview and scrutiny committees. Half had begun some form of scrutiny and 80 per cent had plans to do so in the next 12 months.

Our site visits would tend to support these findings. Our visits revealed a certain amount of confusion and uncertainty about the purpose of health scrutiny. There were differing levels of resourcing, staffing and preparedness. Some authorities had appointed extra and dedicated staff. Some were very clear about the focus of the local authority health scrutiny and how it related to the corporate aims and objectives of the authority. One or two of the smaller district authorities said they had not begun to work out how they would add health scrutiny to their work plans. There was also, some noted, potential confusion between the role of the executive in leading partnering relationships with health bodies and the role of scrutiny in potentially challenging those agencies.

Role adaptation

The most commonly identified disadvantage of the new arrangements was, as noted in Section 3, the level of non executive dissatisfaction or disengagement. On our visits we heard from many councillors about their feelings of dissatisfaction with the new constitutions and their role as non executive members. Their primary concern was a lack of information. However many councillors also argued that the real difference was that under the old system they were spoon fed, while information under the new system had to be more actively sought. As several put it, under the old system you received reports, flicked through them, felt you were involved but in practice were often marginal to real decision making. We also heard the way in which authorities' member services have tried to improve the level and type of information made available to members, for example using electronic bulletins. We also met many non executive councillors who were relishing their new role and many more who although initially reluctant were now feeling more comfortable and could see a way to contribute to the overall work of the council.

It was apparent that newer councillors were less wedded to the old committee system and councils where there had been a big turnover of councillors had found the adaptation to the scrutiny role easier. One Chief Executive who was expecting a large turnover of members explained 'new members not experienced in the old ways will take on board new ways of working more readily'.

It is not only non executive councillors who have had to adapt to new work patterns: executive members, leaders and Mayors have also had to develop a new relationship to the overview and scrutiny function. Our site visits found differing degrees of confidence here and variations in the extent to which it was portfolio holders and not officers who attended overview and scrutiny meetings and presented reports. This sometimes related to the strength of the party grouping and sometimes to the degree to which decision making was delegated in the executive. No clear pattern was discernable.

The introduction of overview and scrutiny also has implications for the way in which officers work and service the agenda of the new committees. Previous evaluations of authorities operating interim arrangements raised the issue of officer 'two hatted-ness': a potential conflict of loyalty for officers working to both executive and scrutiny functions under the new arrangements (Skelcher and Snape, 2002; Snape, Leach and Corpus, 2002; Fox, Lyons and Skelcher 2002). Our site visits indicated an awareness of the potential tensions. For example in one metropolitan authority the head of scrutiny acknowledged that initially, officers had been anxious about maintaining 'chinese walls' and having a concern that 'they knew where the bodies were buried'. At another large county council a policy officer expressed the concern that officers 'feel caught in the crossfire' in defending executive decisions at scrutiny. At another large county call-ins were used to trigger officer attention and reporting to scrutiny committees. Conversely at another small district authority with no overall control, the Chief Executive expressed the view that scrutiny committees were less of a 'bear-pit' than the former committees. In several authorities officers stressed they were comfortable with operating under the new arrangements and with a executive scrutiny split, and overall the issue of two-hattedness was not raised as a significant problem.

More often officers mentioned the implications for their contact with councillors and the way in which they had to operate. The new constitutions have changed the way in which officers meet councillors but this effect is variable depending upon the type of constitution and the arrangements which existed previously. One officer lamented the lack of close contact which previously existed with committee chairs, two more authorities mentioned initiatives designed to build relationships between officers and new portfolio holders. In two other authorities the change was that officers felt they were working more closely with portfolio holders and that officer attention was more closely directed to the executive function.

The changes required the development of new skills and ways of working for officers. Four authorities mentioned the difficulty officers had in adjusting to provide appropriate reports for overview and scrutiny, for example reports that asked questions or raised issues without coming to recommendations. Another mentioned that there was still too much superfluous reporting to the executive. Some authorities had provided specific training for officers attending overview and scrutiny. Others had witness evaluation schemes in operation. Several authorities mentioned experimenting with using multi-media presentations, altering the layout of committee rooms, and meeting outside Town Halls as ways of encouraging a different approach to the work of overview and scrutiny.

7. Standards of Conduct

Part III of the Local Government Act 2000 provided for the promulgation of a new ethical framework for local government, to include the introduction of statutory codes of conduct, a requirement for every council to adopt a code regulating the behaviour of elected members and officers, and to establish a Standards Committee. The Act also provides for a new Non-Departmental Public Body - the Standards Board for England - charged with the responsibility of investigating cases of unethical conduct by members, including any allegations that a local authority's code of conduct has been breached. Section 50 of the Act enables the Secretary of State to issue a Model Code of Conduct to give practical effect to the general principles of councillors' behaviour. Under Section 51, where an authority fails to adopt a Code of Conduct within the specified period, the mandatory provisions of the Model Code will apply by default until it adopts its own Code.

Of the 287 responding authorities, only two councils had model code applied by default; just one revised and adopted its existing code of conduct; 85 per cent of the respondents simply adopted the national model code; a further 14 per cent adopting it with optional or additional provisions.

The organisation of standards committees

Standard Committees vary widely in the size of their membership from two (in two councils) to 19 (in one). Elected members predominate over independent members, while Standards Committees in counties and districts often include a small number of parish representatives. The average number of elected members, independent members and parish representatives is 4, 2 and 1 respectively. Although elected members have the numerical predominance, half of the Standards Committees are chaired by independent members.

The frequency of meetings in the authorities we visited varied greatly. Some committees had a regular cycle and had maintained this and had a programme of work including the development of new protocols and training for example (see below). Whilst waiting for legislation to be amended some had stopped meeting.

We asked on our visits whether authorities had thought about how to manage the local adjudication process. Most responded by saying they were awaiting the section 66 regulations. Two authorities who had had experience of local adjudication, arising from before the adoption of the new standards code, had reservations about the degree to which there should be local adjudication. Their experience had been that local adjudication had proved very difficult and divisive.

The work of standards Committees

In the business of Standards Committees, reviews of general procedures (82 per cent) predominate, together with investigation of individual complaints (75 per cent). Nearly three quarters of authorities report their Standard Committees to be involved in the development of induction and training packages, but it is not clear whether this refers to a start up activity, or to something that will continue. Very few authorities report their Standards Committees as being involved in auditing decision-making. Standards Committees are however involved in a wide variety of other activities, ranging from the granting of dispensations, the development of protocols and codes of guidance, keeping the code of conduct under review, taking an overview of ombudsmen investigations to consideration of members' remuneration and performance. In several authorities the Standards arrangements were only now coming into being, and in some cases, had yet to deal with issues.

The field visits suggested quite different approaches adopted by authorities. In some, the Standards role appeared to be essentially passive. In these instances, the authority had set up structures and processes and was waiting for issues to be brought up. In others, a more

proactive approach had been adopted, with standards committee members seeking out issues and intent on developing their own protocol.

Nearly all the authorities we visited felt frustrated by the delay in the publication of Section 66 regulations. Several monitoring officers and independent members that we interviewed claimed the national referral system was causing long delays and appeared to be inappropriate for dealing with most small scale issues. Generally on our visits, authorities reported that councillors had signed up to the new codes of conduct and were operating to the new provisions for the disclosure of information. Monitoring officers reported that councillors were over cautious in their declarations.

The appointment of independent members had appeared to be unproblematic for most authorities we visited. The independent members we spoke to were happy with their new roles and felt well prepared from training received locally and from the Standards Board. They shared a frustration with councillors and officers however at the delay to the local adjudication rules. Councils are required to offer independent members at least a two-year term of office. From our survey we noted that just over half of the responding authorities had appointed independent members for a two year term (52 per cent), a fifth for three years (20 per cent) and a further fifth for four years (21 per cent), with a very small number appointing for five or more years (5 per cent). We noted in our survey report that this is a comparatively short term of office compared to councillor tenure and questioned whether independent members would have the time to understand and develop their role over a two year period. On our visits we explored why many councils had opted for the shorter appointment period. This appeared to stem from the suggestion in the legislation of a two year term of office and from council's reluctance to appoint for a longer period in the first instance.

Several authorities which had responsibility for signing up parish councillors reported some problems in getting parish councillors signed up to the new code of conduct.

8. The Role of Area Committees

Area-based committees have long been established in local government, and under the new executive arrangements, they might be thought to complement the more centralized decision making structures. Within the leader-cabinet authorities, area committees had were operating in half (51 per cent), with district councils (61 per cent) rather more likely to have them than other types of authority. Metropolitan authorities (11 per cent) are least likely to such committees operating. Conservative controlled authorities are almost twice as likely to have area-based committees operating than are Labour authorities.

The status of these committees, though, is a major source of variation. In those Labour authorities that have established area committees, more than half (52 per cent) are limited to consultative role. In contrast, almost three quarters of such committees in Conservative and Liberal Democrat authorities that operate the leader and cabinet form, had decision-making powers accorded to them (72 per cent and 75 per cent respectively).

Our site visits suggested that in three authorities committees had been developed from pre-existing local forums. There does not appear to have been an immediate major effect on area decision-making by the 2000 Act, but there was under consideration in five authorities the option of developing area committees and in three cases to extend decision making power in order to give non-executive councillors some decision-making responsibility. One authority had placed a great deal of commitment in area committees to enhance the role of non executive councillors and councillors in this authority were very satisfied with this role. The scrutiny function in this authority was less developed however, and there was an issue of resourcing both scrutiny and a strong area based system. In three small district authorities the potential for overlap between the work of parish councils and area committees had fed into a reluctance to develop the area committee role.

9. The Emergence of a Strong Leadership and Strong Scrutiny Model?

Varieties of Political management Arrangements

Following on from our discussion of the different aspects of the implementation of the 2000 Act, we can examine how authorities differ on several dimensions of change. There is the potential for local authorities to be independently strong and weak on the two dimensions of leadership and scrutiny⁴. Leadership autonomy and independence of scrutiny can both be high or low thus creating four types of local authority (see Table 5).

Table 5: Varieties of Political Management Systems

Type of Local Authority Political Management	Autonomy of Leadership	Powers of Scrutiny	Response to Change Against National Objectives
Fusion	Weak	Weak	Resistors
Collective Accountability	Weak	Strong	Adapters
Executive Autonomy	Strong	Weak	Adapters
Separation of powers	Strong	Strong	Adopters

The low scrutiny-low leadership authorities are those with collectivist patterns of leadership and collective decision-making. We have called this a *fusion* model in which neither leadership or scrutiny is given a clear distinctive role. Such authorities are closest to the reformers' characterisation of the informal power structure before the

⁴ By referring to strong leadership we are referring to the constitutional position of the leader rather than personal qualities

introduction of the 2000 Act which they found most unacceptable, and we would see them as resisters to change. Other authorities are low leadership-strong scrutiny, which have maintained collectivist patterns of leadership, but have also introduced patterns of control and review, which is a weaker form of separation of powers, what we call the *collective accountability model*. At the other end of the leadership spectrum are the low scrutiny-strong leadership authorities, which have either transferred existing patterns of leadership without introducing strong patterns of review or have moved from collectivist patterns of leadership to a focussed executive without adopting the other parts of the reforms, which we call the *executive autonomy model*. Both these types of authorities we regard as adapters in terms of national policy objectives. They have taken on board some but not all of the objectives of the reformers. The *separation of powers model* is the fourth model, which has both well-defined leadership structures and strong forms of scrutiny and review. Authorities following this model can be seen as adopters of the spirit and principles of the reform advocates.

To put some numbers on this model we used data from our census survey to examine the nature of the leadership and scrutiny balance in leader-cabinet authorities. To explore the nature of leadership in local authorities we looked at three indicators of the decision making freedom exercised by leaders. The three indicators – leader exercising control over functions, leader control over the selection of members of the executive and choosing the portfolios – may show a correlation and reflect a more general patterning of councils. Scoring two or more gave a designation of high leadership levels and scoring one or zero gave a low rating.

We had several questions that explored how independent overview and scrutiny committees are. To create our scale we used three indicators to identify independent scrutiny. First, we use the question ‘To the best of your knowledge are party pre-meetings held prior to committees’, giving 1 for the no answer and 0 for yes, to indicate whether party politics, particularly majority party politics dominates decision-making. Second, we took the response to a question asking if councils provided ‘officer/expert support for committee or a special officer unit’ to the question about support for overview

and scrutiny committees, also giving a value of 1 for yes and 0 for no, to indicate commitment to the support for overview and scrutiny. Third, we use 'do your council's Overview and Scrutiny Committee explore innovative forms of service delivery' to indicate vitality of the scrutiny process, which scores 1 for yes and 0 for 'don't know' or 'considering'. Scoring three or two gave a high scrutiny measure, while scoring one or zero gave a low scrutiny measure.

So how do these different dimensions intersect? Measured against the typology outlined in Table 5, Table 6 (over) shows that councils have indeed implemented the new political management arrangements in a variety of ways. Table 6a shows the raw scores in each of the four responses identified above for the majority party councils, where we create two categories for each variable by taking the zero and one scores together and two and three together.

As a result of this subdivision, we find relatively few councils in all categories – which have combined high scrutiny with a strong leadership pattern, the *separation of powers model*. The most popular form is a relatively collectivist or weak pattern of leadership with strong scrutiny, the *collective accountability model*. Less popular are councils that have strong leadership and weak scrutiny, the *executive autonomy* model which corresponds with high executive control, but with weak checks on executive action. The least dynamic, and constituting a quarter of all councils, are those with both weak leadership and weak scrutiny that appeared to have stayed closest to the fusion model criticised by the reformers.

Majority controlled councils are more likely to adopt the *separation of powers* model and the *executive autonomy* model than councils in no overall control (45 per cent for majority controlled councils and 31 per cent for non overall control councils). This would seem to reflect the state of party politics in such councils. The councils with no overall control are different, however given their position, it is surprising how many are in the high leadership boxes. In part, this figure is generated by the number of no overall control councils where the largest party is in effective control. Further analysis indicates

that in those no overall control councils where no single party is in effective control the number of authorities in the high leadership boxes falls to 27 per cent.

Table 6: Implementation Responses to New Political Management Arrangements in Leader-Cabinet Local Authorities

Table 6a: majority party councils

Fusion model: low leadership/low scrutiny	=33	=22.9%
Collective Accountability Model : low leadership, high scrutiny	=46	=31.9%
Executive Autonomy model: high leadership, low scrutiny	=41	=28.4%
Separation of powers model: high leadership, high scrutiny	=24	=16.7%

Table 6b: No overall control councils

Fusion model: low leadership/low scrutiny	=18	=34.6%
Collective Accountability Model: low leadership, high scrutiny	=18	=34.6%
Executive Autonomy model: high leadership, low scrutiny	=9	=17.3%
Separation of powers model: high leadership, high scrutiny	=7	=13.5%

Table 6c: All councils

Fusion model: low leadership/low scrutiny	=53	=26%
Collective Accountability Model :low leadership, high scrutiny	=68	=33.3%
Executive Autonomy Model :high leadership, low scrutiny	=51	=25%
Separation of powers model: high leadership, high scrutiny	=32	=15.7%

What explains the pattern of political management models

To understand the reasons behind the prevalence of the separation of powers principle and other models in English local government, we draw on some of the main different types of influence upon reform, which can give some indication of where the variation comes from, and the influences on innovation and resistance to innovation. We examine in turn the influence of type of council and party.

The first set of influences may derive from the type of councils, with different functional ranges, sizes and traditions. In general, the metropolitan, London and county councils have a larger range of services and demands upon their time, so we might expect strong leader councils or we might expect them to spread the burden. Table 7 shows the cross tabulations with the typology for all leader and cabinet authorities which suggests that there is a significant association between type of authority and political management arrangement.

**Table 7: Scrutiny-leadership typology, by type of council
all leader and cabinet authorities,**

	<i>Count</i>	<i>Distr</i>	<i>Lond</i>	<i>Metro</i>	<i>Unitary</i>	<i>Total</i>
low scrutiny/low leadership	19.2	29.2	42.1	19.2	14.8	26.0
high scrutiny/low leadership	42.3	24.5	26.3	65.4	33.3	33.3
low scrutiny/high leadership	12.2	31.1	15.8	3.8	33.3	25.0
high scrutiny/high leadership	19.2	15.1	15.8	11.5	18.5	15.7
Total	100.0	100.0	100.0	100.0	100.0	100.0
N	26	106	19	26	27	204

Cramer's V=.349 p=.017

Here, we find the association of type of authority and type of political management arrangement to be significant.⁵ While there appears to be an equal number of authorities in the separation of powers group, there are strong variations in the other categories. More London authorities are in the fusion group - collective leadership along with weak scrutiny. It is the unitary authorities which have developed executive autonomy - strong leadership styles but without strong scrutiny - perhaps indicating something of the character of leadership in the smaller English cities. The collective accountability group - high scrutiny-low leadership authorities - are the metropolitan and counties authorities, perhaps reflecting both the strength of political parties but also good histories of innovation and responsiveness

Table 8 shows the differences according to party. Here the differences are strong. The Conservatives tend to be the party that favours stronger patterns of leadership, both with strong and weak forms of scrutiny. About 60 per cent of majority party Conservative authorities show a high leadership location compared to about 30 per cent Labour and No Overall Control and 40 per cent Liberal Democrat. Labour tends to have more authorities which have high levels of scrutiny and low leadership, and it has more low-low authorities than the Conservatives. The Liberal Democrats also have high numbers of high scrutiny-low leadership authorities.

⁵ We test the extent to which the variables are associated with each other by Cramer's V which is suitable for the categorical variables we analyse here. When the probability statistic is less than .05 we assume that more than random factors explain the variation

**Table 8: Scrutiny-leadership typology, by majority party control
all leader and cabinet authorities**

	<i>Lab</i>	<i>Con</i>	<i>LD</i>	<i>Other</i>	<i>NOC</i>	<i>Total</i>
low scrutiny/low leadership	25.8	21.5	20.0	0.0	34.6	26.0
high scrutiny/low leadership	43.5	18.5	40.0	50.0	34.6	32.7
low scrutiny/high leadership	21.0	35.4	26.7	50.0	17.3	25.5
high scrutiny/high leadership	9.7	24.6	13.3	0.0	13.5	15.8
Total	100.0	100.0	100.0	100.0	100.0	100.0
N	62	65	15	2	52	196

Cramer's V=.316 p=.077

Key: Lab=Labour majority council; Con=Conservative majority council; LD=Liberal Democrat council; Other=Independent controlled; NOC= No Overall Control

10. Political Management and the Performance of Councils

Is there any evidence that political management arrangements make any difference to the performance of the council? Many are very sceptical about whether new forms of decision making make a difference to anything that matters. The Transport, Local Government and Regions House of Commons Select Committee certainly appears to hold that view concluding that ‘a great deal of time, money and effort has gone into changing political management arrangements of local authorities with apparently little change to the overall quality and credibility of local government (House Of Commons, 2002:5). Some academics appear to share the view that the political management changes have been a distraction (Game, 2002).

A counter argument might be that councils that have high levels of performance will be more likely to select innovative and powerful scrutiny measures; moreover they will be councils that have more capacious leadership styles so would have selected stronger leadership forms. In short, effective political management arrangements are reflected in effective performance, while at the same time those that perform effectively will want effective political management arrangements. Is there any evidence to enable us to judge?

There are several measures of performance we can use – we selected the Government’s Comprehensive Performance Assessment as a measure, though this at present excludes the districts. We code poor=0, weak=1; fair=2; good=3; excellent=4 and correlate this with the scores against our leadership-scrutiny typology⁶. Table 1 in Annex 1 reports the results. The correlation statistic shown here indicates a greater degree of significance the nearer to a value of +/- 1.

Table 9 suggests that there is a high and statistically significant association between authorities who belong in the separation of powers (or high leadership – high scrutiny) box and performance indicated by a high CPA score. Of course establishing a correlation does not establish causation, so these findings should be regarded as suggestive and food

⁶ We use the Kendall’s tau-b because of the ordinal and categorical nature of the variables.

for further thought and investigation. However, we found that the correlation was strong enough to make it clear that the association between strong leadership/scrutiny and an excellent CPA rating could not be due to chance. We argue that this shows it is both leadership type and scrutiny dedication that are associated with performance, showing the combined importance of these two variables. The table also indicates (although the evidence is weaker as the coefficient is only significant at the 10 per cent level) that a system of low scrutiny and low leadership is negatively correlated with a good CPA score. This suggests that councils with a low leadership and scrutiny capacity have a more than random chance of not getting an excellent CPA rating although the strength of the relationship is not so strong.

Table 9: Correlations between leadership-scrutiny typology and CPA performance

	<i>CPA</i>
low scrutiny/low leadership	-.161(*)
low scrutiny/high leadership	.026
high scrutiny/low leadership	.047
high scrutiny/high leadership	.261**

** Correlation is significant at the .01 level (2-tailed)

* Correlation is significant at the .05 level (2-tailed).

(*) Correlation is significant at the .1 level (2-tailed)

11. Review

This report presents information on local authorities' implementation of the Local Government Act 2000. In future years we will focus on examining the processes which have been adopted in authorities and then turn to look at the impact and outcome of the legislation. At present we are not in a position to comment on the wider reaction of the public or stakeholders to the new political arrangements. We will be picking up on the reaction of these groups in the next phase of our work. For now we are limited to commenting on how those in the system have responded to a significant process of institutional change.

Referring back to the discussion in Section 3 about models of institutional change, we have found some evidence to support those who take a path dependency perspective. Group loyalty, existing patterns of working among officers and councillors, styles of leadership, forms of party relationship that existed under previous systems have all had an impact in various authorities under the new system.

More generally, this report lends some support to those that have argued that the party control of local government limits the capacity of the councils to change in the way that the reformers intended. Especially in majority controlled councils, the majority party group is in a position to elect the leader and determine his or her powers and is also in a position to control overview and scrutiny processes. Copus (1999:92) outlines what he describes as 'a worst case scenario' in which the introduction of a leader and cabinet model sees the group continue to operate as though nothing has happened. The power of the group would be retained through discipline and expectations of loyalty, but secrecy would be increased through executive decision-making, which would remain publicly unscrutinised'. Rather more mildly, Leigh (2000:246) warns that whether the new systems will work will depend on 'factors beyond the reach of the law and especially on, whether the political parties genuinely work to change political culture and climate within which the new legal regime will operate'.

Our findings cannot directly challenge those who are sceptical about the extent of change that the 2000 Act will bring in its wake, and we recognise the value of such scepticism. We concede that a formally strong leader might be, in practice, so beholden to the group that every move he or she makes is at the behest of the group and following consultation with the group. Yet our case visits suggest that this is an unlikely scenario. The development of remuneration packages that enable many leaders and cabinets members to devote considerable time to their roles appears also to have liberated the executive capacity of many authorities.

We can argue that a significant structural change in the legal and institutional framework of local authority decision-making has occurred and produced a variety of responses. The structural change has set in chain a process which has only just begun, but it would seem unwise to conclude that leaders and cabinets may not exploit the new opportunities given to them and that other councillors may not find a new powerful role in overview and scrutiny functions.

Indeed, we found much to encourage those who see institutional change more from a rational choice perspective in which a changed set of rules and incentives will bring in their wakes a changed set of behaviours. Some leaders, some mayors and some individual cabinet members are taking the opportunities afforded to them for forging new and more developed roles for themselves that go beyond past leadership or committee chair forms. There are fewer examples but also some evidence of overview and scrutiny chairs and members seizing the new roles available to them. As we have seen around 1 in 5 councils have already established in structural terms a path breaking the strong leadership/strong scrutiny model. One issue that we do want to explore more is how officers have adapted to the new system. Our site visits indicate that they may have adapted more quickly and more effectively than many councillors learning how to run things through the new system. There is some suggestion that new constitutions have, on the whole, allowed for greater delegation of decisions to officers.

Leaving aside whether this institutional change is capable of delivering intended benefits, and turning to our third approach to institutional change; there is clear evidence that the response of some councillors to the new system has been tinged by considerable fatalism and a sense that more than ever, things are beyond their control. Others have been patiently waiting to be told what to do. But others have shown entrepreneurial zeal in adapting to the new system and many have shown peer loyalty in attempting to make their colleagues feel part of the new system. There is a sense of going through a process of grieving, something that was explicitly referred to in several of our interviews. The old norms and role models have been challenged and people are looking around for new models and norms to guide their behaviour and give them a sense of direction.

Above all we must conclude that the current situation is fluid, a process of development and change is only just under way. The 2000 Act allows some considerable scope for choice and experimentation in implementation. Local authorities have exploited that leeway and there is considerable variety in the detail of decision making forms, styles and methods. There is a considerable number of particular local rules and assumptions built into ways of operating. As noted by many before, local authorities are complex local political systems and a challenge for our research remains to understand that complexity to the fullest extent.

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Appendix 1: The Survey

Our questionnaire was sent to all English local authority chief executives in June 2002. A copy is provided as Appendix 3. The questionnaire explored the extent to which councils were adopting new arrangements in response to the Local Government Act 2000 including decision making structures, overview and scrutiny provisions and standards of conduct. A total of 289 responses were received, constituting 75 per cent of those surveyed. Of these two proved unusable, making for a usable response rate of 74 per cent. Table 10 (over) summarises the responses by type of council, region, political control and constitutional form. Responses in each category, compared with the population of authorities at large, indicate the absence of response bias.

Notes

1. Our questionnaire was sent to 388 principal authorities including the Isles of Scilly and the City of London, for whom Part II of the Act (requiring the establishment of a new council constitution) does not apply. The standards provisions in Part III do apply to these two authorities however, and our response rates are calculated on the basis of their inclusion in the totals.
2. The totals for the council manager and the mayors reflected the position at the time of the survey. Since July 2002, three new mayors and a council manager may be added to the totals.

Table (I): Characteristics of the census compared with characteristics of English councils

	<i>Census</i>		<i>All councils</i>	
	N	per cent	N	per cent
Local authority type				
Districts	169	58.8	238	61.3
London	26	9.0	33	8.5
Metropolitan	28	9.7	36	9.3
County	27	9.4	34	12.1
Unitary	37	12.8	47	12.1
<i>Total</i>	<i>287</i>		<i>388</i>	
Region				
Eastern	38	13.2	54	13.9
East Midland	33	11.5	45	11.6
London	26	9.0	33	8.5
South East	62	21.6	74	19.1
North East	21	7.3	25	6.4
North West	30	10.4	46	11.8
South West	36	12.5	51	13.1
West Midlands	27	9.4	37	9.5
Yorkshire and Humber	14	4.9	22	5.7
Total	287		388	

Table (I): Characteristics of the census compared with characteristics of English councils

	<i>Census</i>		<i>All councils</i>	
	N	per cent	N	per cent
<i>Political control</i>				
Conservative	84	29.3	109	28.1
Independent	4	1.4	14	3.6
Labour	77	26.8	114	29.4
Liberal Democrat	22	7.7	27	7.0
No Overall Control	90	31.6	124	31.0
Total	287		388	
<i>Constitution</i>				
Alternative arrangements	40	13.9	59	15.2
Council Manager	0	0	0	0
Interim	3	1.0	4	1.3
Leader and Cabinet	237	82.6	316	81.4
Mayor and Cabinet	6	2.0	7	1.8
Other	1	0.3%	2	0.5%
Total	287		388	

Appendix 2: The site visits

We visited 40 English local authorities – in itself over a 10 per cent sample. Our sample was representative of the wider population of authorities. We visited four authorities in each of five regions and five authorities in four regions. Within each region we visited each different type of authority. We also ensured that overall our sample matched national averages for type of political management arrangements and political control. We also visited an appropriate number of non-respondents to our survey. We are extremely grateful to those officers and members who took time to meet us on our visits to provide information on the experience of their authority.

A suggested site visit timetable is appended below. On our visits, typically, we spoke to the chief executive, monitoring officer and officer with responsibility for scrutiny; and on the councillor side to the leader and other portfolio holders (if appropriate), leader of the main opposition, and a scrutiny chair and non-executive scrutiny committee members. We also spoke to the independent member of the standards committee. Our visits in this phase were planned to take a broad overview. We plan that the follow up visits will be longer and will involve participant observation at meetings. We did however sit in on two executive meetings and one full council in the course of our visits this year.

In nineteen visits we had the opportunity to focus in more depth on one particular aspect of the new arrangements. In eight authorities we convened a focus group of members or members and officers to discuss the operation of overview and scrutiny in that authority. In three authorities we held focus groups with women councillors to explore diversity issues in relation to the new constitutions. In six authorities we had more extensive discussions with executive councillors to examine developing the executive role and functions. Finally, in two authorities we were able to hold more extensive discussions with officers, including service heads and policy officers, to look at how changes to the officer role.

Suggested Site Visit Timetable

Approximate timings

10 – 10.30 Chief Executive

10.45 – 11.15 Leader/Mayor

Short break

11.30 – 12.00 Opposition Leader

12.15 – 12.45 Scrutiny Officer

Lunch break

1.15 – 1.45 Monitoring Officer

2 – 3 Issue exploration - EITHER

Discussion with women councillors on new arrangements and gender

OR

Discussion with scrutiny committee members on development of scrutiny function

OR

Discussion with executive members on changes in leadership

OR

Discussion with officers/ members on operation of call in

3.15 – 3.45

Discussion with independent observer – ie independent member of Standards Committee

4

Final information gathering

NB Evening or late afternoon visits can be arranged to fit with full council, scrutiny or standards committee meetings if necessary.

Appendix 3: The Questionnaire

EVALUATING LOCAL GOVERNANCE: New Constitutions and Ethics

Please give the name of your authority.....Council

Please give a contact name, telephone number and e-mail address for the officer completing this questionnaire

.....

COMPLETING THE QUESTIONNAIRE

In response to the questions, please tick the appropriate box(es) and comment where appropriate. Please note the routing instructions, which are designed to guide you through the questionnaire according to the circumstances of your authority.

CONTROL OF YOUR COUNCIL

1. Are there party groups represented on your council?

Yes

No GO TO QUESTION 4

2. Please tick which of the following best describes how the administration of your authority is conducted

By one party with an overall majority **Please say which**.....

By one party without an overall majority **Please say which**.....

By a recognised 'coalition' **Please describe**

.....

Other **Please describe**.....

.....

6. How frequently were the meetings of the full council and its committees held in 1997?

	Full council	Main committees
Weekly	[]	[]
Monthly	[]	[]
Six-weekly	[]	[]
Quarterly	[]	[]
Other (please specify)	[]	[]

.....

7. Did your council establish any interim arrangements prior to the implementation of the Local Government Act, 2000?

Yes []
 No []

If yes, please briefly describe them

.....

NEW CONSTITUTIONS/ARRANGEMENTS

8. Following implementation of the Local Government Act 2000, does your authority operate:

- A directly elected mayor and cabinet executive PLEASE GO TO Q. 9 []
- A directly elected mayor and council manager PLEASE GO TO Q.17 []
- A leader and cabinet executive PLEASE GO TO Q. 23 []
- Alternative arrangements under S.31 of the Act PLEASE GO TO Q. 32 []

NEW ARRANGEMENTS: MAYOR AND CABINET MODEL

9. Please tell us how your new arrangements came to be adopted

- Council initiated referendum on own proposal []
- Referendum triggered by petition []
- Referendum by order or direction []
- Some other means (please specify) []

.....

10. How many members does the executive cabinet have? []

11. Please describe the composition of the executive cabinet, including the Mayor

	Age in years	Gender (M/F)	Party
Mayor	[]	[]	[]
Member 1	[]	[]	[]
Member 2	[]	[]	[]
Member 3	[]	[]	[]
Member 4	[]	[]	[]
Member 5	[]	[]	[]
Member 6	[]	[]	[]
Member 7	[]	[]	[]
Member 8	[]	[]	[]
Member 9	[]	[]	[]

12. How often does the executive cabinet meet?

- Twice a week []
- Weekly []
- Fortnightly []
- Monthly []
- Some other frequency (please specify) []

.....

13. Does your council have a form of area-based arrangements?

No Please go to question 15
Yes If Yes, please describe.....
.....
.....
.....

14. Are these arrangements consultative only, or do they extend to decision-making?

Consultative only
Decision-making
Both

15. How are functions that are the responsibility of the executive discharged?

TICK ALL
THAT APPLY

By the full executive
By the mayor alone
By other individual member(s) of the executive
By a committee(s) of the executive
By delegation to officers
By area committees
By another local authority or its executive
By some other means (please specify)

.....
.....

16. What portfolios have been defined for individual members of the executive?

.....
.....
.....
.....

PLEASE GO NOW TO QUESTION 36

NEW ARRANGEMENTS: MAYOR AND COUNCIL MANAGER

17. Please tell us how your new arrangements came to be adopted

- Council initiated referendum on own proposal []
- Referendum triggered by petition []
- Referendum by order or direction []
- Some other means (please specify) []

.....

18. Does your council have a form of area-based arrangements?

- No [] Please go to question 20
- Yes [] If Yes, please describe.....

.....

19. Are these arrangements consultative only, or do they extend to decision-making?

- Consultative only []
- Decision-making []
- Both []

20. How are functions which are the responsibility of the Mayor discharged?

**TICK ALL
 THAT APPLY**

- By the Mayor []
- By the council manager []
- By delegation to officers []
- By area committees []
- By another local authority or its executive []
- By some other means (please specify) []

.....

21. How are functions that are the responsibility of the executive discharged?

TICK ALL
THAT APPLY

- By the full executive []
- By the mayor alone []
- By other individual member(s) of the executive []
- By a committee(s) of the executive []
- By delegation to officers []
- By area committees []
- By another local authority or its executive []
- By some other means (please specify) []

22. How often do the Mayor and the council manager meet?

- Daily []
- Twice a week []
- Weekly []
- Fortnightly []
- Monthly []
- Some other frequency (please specify) []

.....

PLEASE GO NOW TO QUESTION 36

NEW ARRANGEMENTS: LEADER AND CABINET MODEL

23. Please tell us how your new arrangements came to be adopted

- Adoption of the council's own proposals []
- Adopted as a fall-back proposal []
- Some other means (please specify) []

.....

24. How many members does the executive cabinet have? []

25. Please describe the composition of the executive cabinet, including leader

	Age in years	Gender (M/F)	Party
Leader	[]	[]	[]
Member 1	[]	[]	[]
Member 2	[]	[]	[]
Member 3	[]	[]	[]
Member 4	[]	[]	[]
Member 5	[]	[]	[]
Member 6	[]	[]	[]
Member 7	[]	[]	[]
Member 8	[]	[]	[]
Member 9	[]	[]	[]

26. How often does the executive cabinet meet?

- Twice a week []
- Weekly []
- Fortnightly []
- Monthly []
- Some other frequency (please specify) []

.....

27. Does your council have a form of area-based decision-making arrangements?

- No [] Please go to Question 29
- Yes [] If Yes, please describe.....
-
-
-

28. Are these arrangements consultative only, or do they extend to decision-making?

- Consultative only []
- Decision-making []
- Both []

29. How are functions that are the responsibility of the executive discharged?

TICK ALL
THAT APPLY

- By the full executive []
- By the leader alone []
- By other individual member(s) []
- By a committee(s) of the executive []
- By delegation to officers []
- By area committees []
- By another local authority []
- By some other means (please specify) []

.....
.....

30. How are members of the Cabinet chosen and their portfolios allocated?

Cabinet members Portfolios

- Decided by Leader [] []
- Decided by Council [] []

31. What portfolios have been defined for individual members of the executive?

.....
.....
.....
.....

PLEASE GO NOW TO QUESTION 36

ALTERNATIVE ARRANGEMENTS

32. Under the *alternative arrangements* open to adoption by councils with less than 85,000 population, has the way in which council business is conducted since the Act.....

- Been adapted slightly
- Been changed substantially

Please explain briefly in what way it has been adapted or changed

.....
.....
.....
.....
.....
.....
.....

33. Please tell us how your new arrangements came to be adopted

- Adoption of the council’s own proposals
- Adopted as a fall-back proposal
- Some other means (please specify)

.....

34. Does your council have a form of area-based arrangements?

- No Please go to Question 36
- Yes If Yes, please describe.....
.....
.....

35. Are these arrangements consultative only, or do they extend to decision-making?

- Consultative only
- Decision-making
- Both

39. How are overview and scrutiny committee agendas determined?

- By the Committees themselves []
- By the full Council []
- By the executive []
- By some other committee of the council **please say which** []
-
- In some other way (please describe)..... []
-

40. What kind of officer and expert support is provided to the committees, and at what level?

PLEASE TICK ALL
THAT APPLY

- Advice by special officer unit []
- Advice by external sources (e.g. universities, consultants) []
- Ad hoc advice depending on the topic []
- Committee-specific officer support []
- Servicing of meetings only []
- Other **please specify** []
-

41. Do your Council's overview and scrutiny committees

PLEASE TICK ALL
THAT APPLY

- | | Yes | No | Considering |
|--|-----|-----|-------------|
| Review service outcomes? | [] | [] | [] |
| Explore innovative forms of service delivery? | [] | [] | [] |
| Involve external stakeholders in their deliberations? | [] | [] | [] |
| Investigate non-local authority service-providers?
(If Yes, please describe briefly) | [] | [] | [] |
| | | | |
| | | | |

42. In your view, how easy or difficult has it been for your council to implement the new constitutional arrangements?

- Very easily
- Easily
- With some difficulty **please say in what respect**
- With great difficulty **please say in what respect**

.....
.....
.....

43. In your view, what have been the principal advantages/disadvantages of introducing the new constitutional arrangements in your authority?

.....
.....
.....

KEY DECISIONS

44. How does your authority ensure that decisions which may be significant in terms of their effects on communities are defined as key?.....

.....
.....
.....
.....
.....

45. Has a standard threshold been set for significant expenditure?

- No
- Yes Please state the figure.....

STANDARDS OF CONDUCT

46. Has your authority...

- Adopted the model code []
- Adopted the model code with optional or additional provisions []
- Had the model code applied by default []
- Revised existing local code of conduct []

If you have incorporated into your code any additional provisions, please describe these.....

[We would be grateful to receive a copy of your code if it differs from the model code]

47. How many members, including independent members, does your Standards Committee have, and from which category does the Chair come?

	Number	Chair
Elected members	[]	[]
Independent members	[]	[]
Parish representatives	[]	[]

48. Please specify the age, gender and occupational background of the member(s) on your Standards Committee. Please

Elected member	Independent member	Age (yrs)	Gender (M/F)	Occupation/last full time occupation
[]	[]	[]	[]
[]	[]	[]	[]
[]	[]	[]	[]
[]	[]	[]	[]
[]	[]	[]	[]
[]	[]	[]	[]

49. For what term of office are the independent members appointed?

- Two years
- Three years
- Four years
- Five years or more

50. What kind of business is conducted by your Standards Committee?

PLEASE TICK
ALL THAT APPLY

- Reviews of general procedures
- Audits of areas of local authority decision-making (e.g. planning)
- Development of induction and training packages
- Individual complaints
- Other(please specify).....
-

AND FINALLY.....

51. Does your authority have plans to review the new arrangements, and if so when?

- | | | Planned date |
|-------------------------|--------------------------|--------------------------|
| Yes, we have firm plans | <input type="checkbox"/> | <input type="checkbox"/> |
| Yes, in principle | <input type="checkbox"/> | <input type="checkbox"/> |
| Considering | <input type="checkbox"/> | |
| Not yet considered | <input type="checkbox"/> | |

THANK YOU FOR TAKING THE TROUBLE TO COMPLETE OUR QUESTIONNAIRE.

Please return in the SAE provided to:

ELG Questionnaire,
Department of Government,
University of Manchester,
Manchester M13 9PL

