



Office of the  
Deputy Prime Minister

Creating sustainable communities

# **A Summary of Research Evidence on New Council Constitutions in Local Government**

**ELG Evaluation Team, July 2004**

ODPM is currently leading the development a vision of what local government across England should look like in ten years' time. A series of documents is being published to inform the overall vision and the specific issues to be considered within it. Research findings and a range of wider evidence and documents are also being used to inform this work. For further information on the local:vision work, or to access these publications, please refer to <http://www.odpm.gov/localvision>.



Office of the Deputy Prime Minister  
Eland House  
Bressenden Place  
London SW1E 5DU  
Tel: 020 7944 4400  
Website: [www.odpm.gov.uk](http://www.odpm.gov.uk)

© *Queen's Printer and Controller of Her Majesty's Stationery Office, 2004.*

*Copyright in the typographical arrangement rests with the Crown.*

*This publication, excluding logos, may be reproduced free of charge in any format or medium for research, private study or for internal circulation within an organisation. This is subject to it being reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the publication specified.*

July 2004

Product code 04LRGG02445

# **A SUMMARY OF RESEARCH EVIDENCE ON NEW COUNCIL CONSTITUTIONS IN LOCAL GOVERNMENT**

Francesca Gains, Stephen Greasley, Gerry Stoker: ELG Research Team,  
University of Manchester  
July 2004

## **Key points from a range of research evidence**

### **Leadership and scrutiny:**

- **Leadership is more visible**
- **The leader cabinet form has worked in all types of authorities**
- **Approaches to leadership and scrutiny are varied across authorities, from weak leadership and weak scrutiny to strong leadership and strong scrutiny**
- **There are weaknesses in the overview and scrutiny activity taking place in many authorities, although, in most authorities overview and scrutiny activity is making some contribution and developing**

### **Decision making:**

- **Decision making is quicker**
- **It is clearer who is making decisions**
- **More decision making is delegated to officers**
- **Decision making happens in both formal and informal settings**

### **Councillors:**

- **There are issues around candidate recruitment**
- **There is little evidence of a reduction in the time commitments of non executive councillors**

### **Partnership:**

- **There is evidence of a substantial time commitment devoted to partnership activity**

### **Reform process**

- **There is little of evidence of *full* council reform**
- **Executive councillors, officers and stakeholders are more positive than non executive councillors about the reforms**

The findings and recommendations in this report are those of the author(s) and do not necessarily represent the views or proposed policies of the Office of the Deputy Prime Minister.

## 1 INTRODUCTION

This research summary highlights the key emerging findings about the introduction of the separation of powers in local government through the Local Government Act 2000. It is divided into four primary sections covering:

1. strengthening leadership
2. overview and scrutiny
3. separation of powers
4. democratic renewal and diversity.

The first two sections begin by setting out the broad intentions of the reform and highlighting the predictions made at the outset. The emerging evidence is then reviewed before a summary of what has worked and what hasn't to date<sup>1</sup>. A section on the executive scrutiny split assesses the degree of change thus far. A fourth section examines some of the broader intentions of the Act in terms of encouraging diversity and democratic renewal in local politics. Finally the conclusion draws these pointers together and provides some overarching comments.

The evidence is drawn from<sup>2</sup>:

- The Guidance on the new council constitutions published by the Office of the Deputy Prime Minister , ODPM
- The Evaluating Local Governance (ELG) research reports and data
- The draft final report of the Joseph Rowntree Foundation research on local political leadership in the UK
- New Local Government Network (NLGN) research on the Mayors
- Research on the political management arrangements conducted by Northumbria University
- ESRC and ODPM research on overview and scrutiny

---

<sup>1</sup> The changes to the ethical framework applying to local government through part III of the Act are not covered.

<sup>2</sup> Full references are provided in the bibliography at the end of this document.

## **2 STRENGTHENING LEADERSHIP**

### **2.1 Aims, intentions and predictions.**

The most pressing aim of the 2000 Act was to strengthen the leadership capacity of local government in two aspects. Firstly changes that would enhance strategic management within the authority and promote an external, networking community leadership role to deliver better service performance. Part II of the Act introduced measures to improve the efficiency of decision making through the creation of a smaller more powerful executive and more extensive delegated decision making. In effect the executive was given the decision-making power with the context of a policy framework and budget set by the whole of the council. Initially three options for the executive were proposed, two mayoral and a leader cabinet system. After extensive lobbying a fourth option of alternative arrangements that did not require the establishment of an executive arm with decision-making powers was allowed for very small authorities.

To counter concerns that the leader cabinet and mayoral options would lead to secretive and unaccountable decision making procedures were introduced to make decision making less opaque and more transparent both within local authorities and to outside stakeholders and members of the public. In contrast to the informal and nebulous arrangements that existed before decision making was linked to a smaller executive of named individuals with a higher profile. The key decisions to be taken by this smaller core would be outlined in a forward plan.

Secondly outside of this executive core there was an increased emphasis on the ability of local councillors to provide neighbourhood or area leadership within their communities through opportunities for delegated decision making to area committees. There was also an opportunity for enhancing accountability by giving non-executive councillors powers to conduct overview and scrutiny.

Concerns expressed about the creation of executive decision making focussed on:

- the potential for private decision making with no accountability
- a sense that non-executive councillors would perceive themselves undermined and without influence
- the possibility of officer domination as portfolio holders learned their briefs

- the likelihood of overly strong party loyalties undermining the appropriate degree of independence around executive action
- the problem of succession planning if executive councillors steamed ahead in their capacity building and development and left the non-executives behind
- the expectation that the new arrangements would not work in hung councils because no effective executive could be formed
- the likelihood of tension between elected mayors and chief executives

## **2.2 Strengthening strategic leadership - findings**

### *How do executives and leaders operate in leader cabinet forms?*

- 81 % of councils (316 authorities) opted for leader cabinet form and these authorities show a huge diversity in the type and extent of leadership styles and executive working (Stoker et al, 2002, 2003, 2004; Leach et al, 2004, p 239).
- The average size of cabinets is 9 in all but district authorities (ELG, 2002, Table 2), which is close to the legislative maximum. The vast majority of authorities under the control of a single party have a single party cabinet (Stoker et al, 2003, p 8).
- There are variations in the powers accorded to leaders in the constitution. Councils have allocated these powers differently. In the initial phase (Autumn 2002) 38% of authorities permit leader to act alone, 34 % allow the leader to select cabinet members and 54% of leaders are permitted to allocate portfolios. Giving each freedom a score of one and aggregating scores provides some indication of the diversity of leadership functions. There is a continuum with 23% of authorities permitting the leader no freedoms and 16% permitting their leader all three freedoms. Conservative authorities are more likely to permit their leaders more freedom whereas Labour authorities reflect more collective styles of operating (John, 2004b forthcoming, p 6). Over half of all executive councillors have taken a decision alone (Stoker et al, 2004 forthcoming, Table 5). The party difference is more marked than the difference between majority and hung councils (Gains, Greasley and Stoker, 2004 forthcoming).
- From analysis of constitutions and case study visits four typical patterns of working are identified by the ELG research (Stoker et al, 2004 forthcoming).
- Some cabinets are '*leader dominated*' with executive members working to the leader or mayor, where individual powers of decision making are reserved to the leader or mayor and where the power and visibility of the leadership has increased.

- *'Multi-actor executives'* involve cabinet members acting in considerable autonomy from each other and the leader, there is delegated decision making power to all cabinet members and the new system is seen as an opportunity to give political responsibility to a wider range of individuals.
- *'Team executives'* operate with collective decision making and the system is designed to promote collective responsibility and team spirit.
- *'Disengaged executives'* struggle to operate coherently at all and look to full council to approve a large number of plans. The new system is seen as an imposition and one which does not fit the political reality of the authority.
- Hung councils also show these tendencies depending upon whether they are minority administration, coalition or power sharing executives (Gains, Greasley and Stoker, 2004 forthcoming).
- The ELG survey in the summer of 2003 showed that in the leader cabinet authorities the majority of councillors, officers and stakeholders agreed with the statements 'the role of the leader has become stronger' and 'the leader has a higher profile'. These views were more marked in majority controlled councils but there was no difference of view depending upon party of control (John, 2004b forthcoming, tables 1 and 2). Overall these results suggest there is a perception that the leadership role has got stronger in leader cabinet authorities.

*Is decision making more efficient?*

- The ELG data suggests that cabinets meet more frequently than the average committee under the old system with over half meeting monthly or more often (Stoker et al, 2003, p 8). Overall there has been a reduction in the number of formal meetings (Stoker et al, 2002, p 21, Table 9). Data from the councillors and officers survey suggest that an equivalent or even greater amount of time is spent by executive councillors and officers in informal meetings as in formal meetings (Stoker, et al, 2004 forthcoming, table 6 and 7).
- Over half of councillors and officers agreed that decision making was quicker (Stoker et al, 2004 forthcoming, Table 11).
- The new arrangements have led to an increase in delegation to officers with nearly half of officers experiencing an increase in the powers delegated to them (Stoker et al, 2004 forthcoming, p 29). The delegation to officers is slightly higher in hung councils than majority administrations (Gains, Greasley and Stoker, 2004 forthcoming).

*Is decision making more transparent and accountable?*

- In most authorities the forward plan was operating smoothly and there were no difficulties in defining key decisions. There are issues around whether pre-determined criteria can accurately capture politically important decisions and there is a trade off between enhancing transparency and accountability through having a low threshold for the identification of a key decision and the efficiency with which the executive conducts its business (Stoker et al, 2004, forthcoming, p 28).
- Nearly half of officers agree it is easier to find out who makes decisions (48%) but more councillors disagree (41%) with this statement than agree (38%).
- There are less positive responses from both groups to the statement 'it is easier to find out about council policy' (Stoker et al, 2004, forthcoming, Tables 13 and 14).

*How are the mayoral authorities operating?*

- 3% of councils are mayoral authorities (10 councils with mayor and cabinet systems and one council with mayor and council manager). There are varying styles and degrees of centralised decision making.
- Professor Gerry Stoker suggests a three fold categorisation of mayoral styles ranging from
  - mayor as change agent;
  - mayor as community representative and advocate and
  - mayor as leader building on past strengths (Stoker, 2004 forthcoming, p 17).
- The diversity of approaches to the mayoral role is also found by the Joseph Rowntree research (Leach et al, 2004, p 238).
- The ELG survey of councillors provides some statistical information about mayoral authorities in general although low numbers mean results should be treated with some caution. Councillors in mayoral authorities are more positive about the workings of their new constitution than in either of the other two forms (Stoker, 2004 forthcoming, Table 3). Councillors in mayoral authorities are also more likely to agree that decision making is quicker; that it is easy to find out who has made a decision and about council policy. They also are less likely to agree that parties dominate decision making (Stoker, 2004 forthcoming, Table 4).
- Evidence on what the public think of the new system is thin on the ground still but NOP polling for NLGN suggests some positives about elected mayors, especially in terms a

substantially more developed name recognition and an ability to act as a focal point for local political debate (Randle, 2004).

- Both the NLGN and the Northumbria research found that mayors have been successful in demonstrating community leadership skills, (Randle, 2004, p 38; Elcock et al, forthcoming p 11). Joseph Rowntree research comments that although elected mayors see this aspect as key for some their attention has been diverted due to other new and pressing priorities such as responding to the CPA process (Leach et al, 2004, p 241).

*What about decision making in alternative arrangement authorities?*

- 15% of councils (59 authorities) maintained alternative arrangements. This group includes one authority who had a failed mayoral referendum. One third of the authorities with populations under 85,000 chose not to maintain alternative arrangements but instead opted for a leader cabinet system. Nearly half this group are hung. There is evidence of more streamlined decision making in this group of authorities and a small sub group are operating executive style arrangements (Gains, 2004 forthcoming).
- One weakness of the alternative arrangements is that there is no requirement for the production of a forward plan although some authorities have voluntarily adopted this type of management tool.

### **2.3 Strengthening community leadership**

*How is the community leadership role developing?*

- Partnership is one of the most time consuming activities which executive councillors and officers undertake. Executive councillors report spending on average 7 hours per month liaising with partners and officers report a monthly average of 8 hours (Stoker et al, 2004 forthcoming, Table 6 and 7). Over half of the stakeholders reported contributing to a policy plan (Stoker et al, 2004 forthcoming, Table 28). There were differences reported in whether stakeholders primarily dealt with portfolio holders or officers and in whether the local authority sought to lead local partnership activity or be participants (Stoker et al, 2004 forthcoming, p 83 and 4). Leach et al also found that the community leadership role in authorities was sometimes pursued by executive councillors or mayors and in other cases was left to officers (Leach et al, 2004, p 242).
- The quality of partnership activity is difficult to judge but 76% of stakeholders who expressed a view said they agreed with the statement 'the council's relationship with

partners has improved'. Nearly three quarters of LSP members also agreed with the statement 'the LSP is leading to more effective ways of working between partners (Stoker et al, 2004, forthcoming, Table 31).

#### **2.4 Summary – what has worked and what hasn't (so far)**

- Decision making is quicker, and leadership more visible, more decision making delegated to officers and it is clearer who is making decisions.
- The leader cabinet form has worked in all types of authorities including hung councils where a variety of arrangements operate, some with greater ease than others
- There doesn't appear to have been greater tension between mayors and chief executives but rather a dovetailing of roles with chief executives filling the gaps
- Coping mechanisms to deal with succession issues have been adopted in several councils, there is no sign of a crisis caused by the 2000 Act although there are general reports of difficulties around candidate recruitment
- Decision-making or at least deliberation does appear to be continuing to take place in informal as well as formal settings
- Non-executive councillors are the most negative about the new system; indeed they are the only group that do not see the reform as an improvement. Most executive councillors, officers and stakeholders are more positive in their overall judgement about the system

### 3 OVERVIEW AND SCRUTINY

#### 3.1 Aims, intentions and predictions

The requirement to establish overview and scrutiny systems in local authorities had a number of different goals. Overview and scrutiny was expected to act as a check on executive power by holding decision makers to account and also to contribute to policy development by carrying out in depth analysis of important policy issues. In those authorities that adopted executive models of political management overview and scrutiny was to be an important part of the new role played by non-executive councillors.

As overview and scrutiny has no decision making powers the contribution to improved policy has to be achieved through trying to influence decision makers through evidence and debate. Across all four models of political management the principle underlying overview and scrutiny is that a decision should not be scrutinised by a person who was involved in making that decision.

There is a great deal of variety in the way that overview and scrutiny has been established across local government in England, four different organisational forms have been identified (Snape et al., 2002: 48-51):

- multiple overview and scrutiny committees without a co-ordinating forum;
- multiple overview and scrutiny committees with a co-ordinating forum;
- single standing committee;
- and, different structures for different roles.

Effective overview and scrutiny demands greater change in the culture and working style of local councillors than any other element of the new council constitutions. It is one of the most powerful elements of the new system, with the potential to allow elected members to inquire in depth into issues of fundamental concern to citizens, but it is also likely to be one of the more difficult elements to get right. There are a number of reasons for this:

- *Misunderstanding*: Lack of clarity around the role and a lack of clear understanding among those promoting it. Overview and scrutiny has no powers to overturn decisions of the executive but it does have the right to challenge those decisions; non-executive councillors have to forgo the exercise of power by veto and instead to learn to influence through challenge, evidence and analysis.

- *Support:* Councils may not be willing to fund support for overview and scrutiny
- *The balance of work and the 'critical friend dilemma'* can lead to difficulties in the relationship between the executive and overview and scrutiny
- *Two hattedness:* A similar problem may exist for officers in local government. The unified officer structure is required to service both the executive and the overview and scrutiny system, this may lead to some role conflict.
- *Party control:* The extent of party control can be crucial to the effective operation of overview and scrutiny.
- *Culture:* An ingrained 'committee culture' may make it difficult to adapt to new ways of working

### **3.2 Overview and Scrutiny - findings**

*What has been the impact of overview and scrutiny?*

- For most overview and scrutiny functions the majority of members and officers are unable to agree that the system in their authority had been successful. Overall both officers and members agree that there had been more success in reviewing service outcomes than in holding decision makers to account, (Stoker et al 2004, tables 20 and 21, p. 54).
- Despite the fact that overview and scrutiny has no power to compel decision makers to change their position, around 50% of portfolio holders report changing policy as a result of the activities of overview and scrutiny (Stoker et al 2004: 49-50). This suggests that power to influence is greater than many of those in the system realise.

*What kind of support for overview and scrutiny exists?*

- Initially, 3 out of 10 councils gave overview and scrutiny dedicated officer support, larger authorities and Labour controlled authorities were more likely than others to provide dedicated officer support (Stoker et al, 2003: 44 these findings refer to a survey carried out in 2002, the picture may have changed since then).
- More than 50% of overview and scrutiny officers felt that officer support to overview and scrutiny was inadequate (Stoker et al 2004: p 52).

*How are authorities managing to balance overview and scrutiny? The critical friend dilemma*

- There has been little use of call-in powers in most of the authorities that have been researched in both the 2002 and the 2003 round of ELG case studies. The variation in the level of call-in does not appear to be determined by the stringency of the call-in rules (see Stoker et al, 2004: 46-7).
- When asked about their activities whilst the majority of non-executive members had been involved in activities associated with policy development, less than a third had called in a decision from the executive (Stoker et al, 2004: 49)

*What is the impact on officers?*

- Overall a small minority of officers did recognise ‘two-hattedness’ as a problem. However, the proportion who thought it was a problem was higher (although still less than half) for democratic service officers than corporate officers or heads of service. This may be a result of the role that democratic service officers play in supporting scrutiny but it may also be because these officers tend to be on a lower career grade.

*What is the party influence?*

- The ELG 2002 census of all local authorities found that in 2 out of 5 councils there were party meetings prior to overview and scrutiny meetings, and that in 1 in 10 authorities decisions were whipped. (Stoker et al 2003: p 9).
- The ELG 2003 panel survey asked two questions to try to assess the attitudes to party involvement in overview and scrutiny. Around 3 in 10 members agreed that party meetings should be held prior to overview and scrutiny. Roughly the same number of members disagreed with the statement that the chairs of overview and scrutiny should *not* be from the majority party. Officer views were more skeptical of party influence in overview and scrutiny (Stoker et al 2004, table 17, table 18).
- However, from case study visits it appears that in many instances these pre-meetings were just used to organise, motivate and encourage participation in overview and scrutiny activity rather than determine outcomes.
- There was also support for the view that party loyalty was playing an important role in overview and scrutiny from the second round of ELG case studies. This is supported by the research summarised in Leach and Copus (2004:342), they conclude that the nature of party engagement is limiting the effectiveness overview and scrutiny.

- One of the effects of party influence might be a tendency to call officers rather than executive members to account. Although this may also reflect scrutiny members' views about who the really makes decisions.

*How are overview and scrutiny committees operating?*

- There is some evidence that members are engaging in the new activities associated with overview and scrutiny. For example, roughly half of the non-executive respondents to the ELG panel survey had visited an outside organization in relation to a scrutiny activity (Stoker et al, 2004: table 15, p. 49).

The second round of ELG case study research found four different forms of working for overview and scrutiny in the councils that were visited (see figure 10, Stoker et al, 2004: 57).

- Overview and scrutiny as a *management tool* puts the emphasis on policy development and overview rather than scrutiny. There is little use of call-in and little challenge to the executive. However, this form can add value through policy development and the co-operative relationship with the executive.
- *Apolitical entrepreneurship* emphasises overview and scrutiny equally. The scrutineers in this form focus on policy not politics, although it can be used by members to ride their hobby horses, and there can be difficulty in managing the relationship with the rest of the organization.
- Overview and scrutiny as *opposition game* is used by members to challenge the executive for political benefit. Holding the executive to account is seen to be a part of the opposition role, opposition scrutiny members may be unwilling to help the executive develop policy.
- *Disengaged* overview and scrutiny, as the name suggests, is poorly resourced and moribund. There is often confusion among members of overview and scrutiny over what role it can play.

Only the final *disengaged* form of overview and scrutiny makes no contribution to the workings of the council, out of 20 case studies the ELG research found 4 that fitted this category. There were 9 authorities that fitted the *management tool* form, 3 in *apolitical entrepreneurship*, and 4 in *opposition game*.

### 3.3 Summary – what worked and what didn't (so far)

- There have been a variety of attempts to list the factors that limit the effectiveness of overview and scrutiny. These include:
  - inadequate officer support
  - constitutional restrictions on call-in
  - an agenda influenced by officers or the executive
  - agendas that are overloaded preventing in-depth analysis
  - poor chairing by members
  - lack of member time or skills
  - activities of parties and party loyalty
  - a tendency to call officers to account not executive members
  - general sense that a scrutiny role is second class compared to an executive role

(Snape et al. 2002; Stoker et al, 2004; Leach and Copus, 2004). Despite these weaknesses there are some reasons to be optimistic about the contribution that overview and scrutiny can make in the future.

- This area of the new arrangements was always likely to take longer to establish itself and continues to be fluid and subject to experimentation.
- And although few overview and scrutiny systems are performing very well, equally few occupy the disengaged category. In the rest of the authorities overview and scrutiny is making some contribution and has base on which to develop.

#### 4 SEPARATION OF POWERS

The motivation for the legislation was underpinned by the *separation of powers* model of local government. This model separates off from the rest of the council a small group of councillors with a powerful leader who have the authority to make executive decisions. The power of the executive is then to be held in check by an overview and scrutiny system that can call-in decisions before they are implemented and require executive members to justify their decisions in public in front of scrutiny committees. This combination of strong leadership under strong scrutiny is the essence of the separation of powers model. Sections 2 and 3 have discussed leadership and scrutiny separately but there is evidence to suggest that it is important to get both elements right if councils' political management is to work at its best.

The 2002 ELG census of local authorities developed indicators of strong leadership and strong scrutiny for those authorities that adopted the leader-cabinet model. The indicators were based on constitutional elements (e.g. whether the leader had the power to allocate portfolios), institutional elements (e.g. whether officer support was provided to overview and scrutiny) and behavioural elements (e.g. whether overview and scrutiny investigated innovative forms of providing services). Using these indicators it is possible to place in all the authorities in one of four categories (see table 6c Stoker et al 2003: 60):

- 26% of leader cabinet authorities had both a low leadership and a low scrutiny score. This first group represents those leader cabinet councils that have done the least to adopt the values of the legislation.
- 33% had a low leadership score together with a high scrutiny score. Councils in this group have adapted somewhat to the legislation but they have tried to minimise the extent to which the council leader can exert control.
- 25% had a high leadership score together with a low scrutiny score. This group of councils has also moved in the direction of the legislation but have not supported scrutiny as strongly as leadership.
- 16% of leader cabinet authorities had both a high leadership and a high scrutiny score. This group represents those leader cabinet councils who have gone furthest in adopting the separation of powers model.

The evidence shows that there is a statistically significant positive correlation between scores in the Comprehensive Performance Assessment and the category of councils with both strong leadership and strong scrutiny. There is no statistically significant relationship between CPA score and councils with 'low leadership and high scrutiny', or for those with 'high scrutiny and low leadership' (Stoker et al, 2003: 65). It is only where both elements are present that a positive relationship is found between council performance and the structure of political management. It is not possible to make strong claims about the *causal* nature of this relationship (for more discussion see Stoker et al, 2003).

## 5 DEMOCRATIC RENEWAL AND DIVERSITY

### 5.1 Aims of reforms

The reforms of political management in local government were intended to contribute to democratic renewal. Here we look at three elements in particular:

- *The diversity of councillors.* One of the purposes of the reforms was to encourage a more diverse group of people to become involved in local government. The aim was to make the non-executive role less time consuming and more focussed on community representation, this would allow people with time commitments outside the local authority (jobs or family) to fulfil the non-executive role.
- The role of *full council*
- The *participation of partners and public*

### 5.2 Evidence

*Is the diversity of elected representatives improving?*

- As yet there does not appear to have been any affect on the broad make up of councils, (see Rao, 2004, forthcoming)
- Only 26 % of councillors are female, up 1% since 1999.
- Just over a third of councillors work, the majority of them full time.
- Very few councillors are under 35 years old.
- Almost all respondents were white.
- 92.5% of Labour councils and 90% of Conservative councils have male leaders, whilst the figure for Liberal Democrat councils is 61.2% (ELG, 2003b)
- Around 23% of cabinet members are women, which is almost in line with the proportion of women councillors overall (ELG, 2003b)
- Overall the new council constitutions appear to have had little effect on the make up of councils and their leadership (ELG, 2003b)
- One reason for this may be that there does not appear to have been a widespread drop in the number of hours that councillors are committing to council business. Around a fifth spend less than 36 hours a month, but the mean is 82.5 hours and the mode is 60 hours.

*Can full council provide a forum for engaging non executives and the public?*

- The role that full council plays in the organisational life of local government underwent a radical change as a result of the new council constitutions. Its status as ‘final decision maker’ has been supplanted to a significant extent by the establishment of executive decision making in 3 out of the 4 reform options. The changes to the role of the council have two impacts on democratic renewal and diversity. First, the removal of decision making power from the whole council is exclusionary, removing the majority of councillors from the decision process. Second, relieved of the need to go through the detailed process of decision making full council might be re-positioned to take on a more outward looking deliberative role in a local authorities political culture.
- Comparing 1997 to 2004 there is some evidence that full council is meeting more frequently (problems with getting data for 1997 make this conclusion a little tenuous). The finding is perhaps surprising and may reflect full council taking on new roles (Stoker et al 2004: 60).
- Full council is required by legislation to adopt a list of specific plans, but there are also ‘local choice options’ which can be the responsibility of the executive or the full council. There is significant variation between authorities in the number of plans being sent for full council approval (Stoker et al 2004: 63-65).
- Innovations in full council found in the second round of ELG case studies include: allocating time for public petitions, state of the borough debates, public question time, one off policy debates, and executive members reporting and answering questions on their portfolios.
- In all the cases visited there was difficulty in attracting members of the public to full council meetings.
- Across the ELG case study visits a number of problems with full council were identified: lack of clarity over routing of issues in legislation and in council’s constitution; lengthy agendas; overtly political behaviour; councillor misunderstanding of the role of full council; lack of public involvement and press interest; seen as symbolic rather than of real importance in the constitution.
- Full council has not been successful in engaging the public and evidence suggests that non-executive members are also having difficulty engaging with the new structures. A majority of councillor and officers disagree with the statement that backbenchers are more engaged (Stoker et al 2004: 77).

*Are partners and public participating more?*

- Increasing public involvement in the decision making of the council is one important element of democratic renewal. The evidence suggests that reforms have made limited impact on public participation:
- The majority of councillors and officers responding to the 2003 ELG panel survey disagreed with the statement that since the new arrangements the public is more involved in decision making.
- Community representation can occur through area committees and through partnership working. Local authorities have the power to establish area committees, either for consultation or with delegated decision making powers. Area committees can be mechanisms for re-engaging both the public and non-executive members in decision making.
- Just over half leader and cabinet authorities had area committees. The number of area committees varied from 1 to 12 (Stoker et al 2003 Figure 1)
- Non executive councillors do appear to be spending a significant amount of time on area working and constituency work although there is no comparable data for before the reforms, (Table 27 Stoker et al 2004: 28).
- The majority of councillors in authorities which had area committees felt that they were effective.
- A second element of community representation is partnership working. The following results are from the 2004 ELG panel survey:
- Partnership activities are the second biggest time commitment of executive members and officers.
- Councillors, officers and stakeholders are more likely to agree than disagree with the statement that the council's relationship with partners has improved since the implementation of the new arrangements. However, there was also a large proportion of each group answer 'neither agree nor disagree' This suggest that many do not see a connection between the new arrangements and the quality of partnership working (Stoker et al, 2004 table 30).
- Evidence from the ELG survey showed that about three quarters of Local Strategic Partners (LSP) partners surveyed consider that the LSP is creating better understanding and trust among partners; more effective ways of working between them; and enhancing their capacity to learn from shared experience.

- However only about half thought it is yet leading to more inclusive local governance; and only about one third say it is influencing the way in which their organisation works. while partners in LSPs recognise the role of government in establishing LSPs, a clear majority also link the LSP to local needs and interests.

### **5.3 Summary**

- The envisioned reduction in non-executive time commitments has not occurred and this can act as a barrier to certain groups of people becoming councillors.
- There was not a great deal of evidence from the ELG case studies of fundamental reform of full council which would help it take on a more outward facing role. In addition we currently do not know the extent to which councils have taken a strategic view on democratic renewal as suggested by ODPM good practice.
- There is evidence, though, that councils are investing a great deal of time commitment in partnerships. This activity is not seen as directly related to the adoption of the new council constitutions but is linked to both previous partnership development and the creation of local strategic partnerships.
- Whether the reforms have contributed to democratic renewal overall depends on the extent to which the greater clarity about leadership and decision-makers is seen as a key step forward or not. On the front of public participation there is little positive to report but organised partners do appear to feel more engaged.

## 6 CONCLUSIONS

From the perspective of the advocates of the legislation it would be difficult to conclude anything other than that implementation has been reasonably successful. Authorities have got on and put the new arrangements into operation and done so in a way that appears to enable decisions to be made on a relatively smooth and effective basis. The concepts of the forward plan and key decisions although subject to a variety of interpretations, reflecting local choices and circumstances, appear to have become a normal way of conducting business in most local authorities. People still in many cases see some limitations to the transparency of the decision making under the new arrangements but there is not a widespread sense that the system is more opaque than the previous one. Indeed decision making is seen as speedier and the leadership capacity of the council is viewed as having been enhanced.

From the point of view of the architects of the reform it would appear that a key aim of the reform has been made easier to achieve; councils seem better equipped to deliver better services and community leadership. Making judgements about these issues is difficult and we need to identify the connection between changes in governance arrangements and impact of the ground. There is a widespread sense -especially among senior councillors and officers and stakeholders in regular contact with local authorities- that the governance of local authorities now puts them in a better position to go forward.

The complaints that people make about the operation of new political management arrangements in part reflect decisions or choices made by the designers of the 2000 Act. To say that non-executives councillors often feel excluded from the decision making or policy processes of the council is simply, in part, to restate one of the purposes of the Act in a negative way. The aim was to enhance the role of political leadership and as such limit the day-today decision making influence of non-executive councillors.

Yet the position is more complex than such a bold conclusion suggests. One of the subsidiary aims of the advocates of the legislation was to create new roles for non-executive councillors so that they could give voice to interests that might have been overlooked and challenge the performance of their local authority. In these and other ways councillors outside the executive were to become the community leaders of their neighbourhoods. Although we found instances of

the delivery of these ambitions it is clear that in our opinion and most of those associated with local government there is still a long way to go to deliver on these goals.

For now we conclude that the dire warnings of chaos from some who opposed the 2000 Act have not come to fruition. Local government has proved itself yet again to be capable of implementing a complex change in a manner that reflects well on its basic administrative and managerial competence. Equally what it has failed to do is to take full political advantage so far of the opportunities for a new style of politics and a new relationship with the public created by the Act.

## **BIBLIOGRAPHY**

ELG Evaluation Team 2003. Diversity and the New Council Constitutions. London ODPM and [www.elgnce.org.uk](http://www.elgnce.org.uk)

Gains, F 2004 forthcoming. The Implementation of New Council Constitutions in Alternative Arrangement Authorities. London ODPM and [www.elgnce.org.uk](http://www.elgnce.org.uk)

Elcock, H and Fenwick, H. forthcoming. Research on New Political Management Arrangements. Public Money and Management.,

Gains, F Greasley, S and Stoker G. 2004 forthcoming Hung Authorities and the New Council Constitutions, ODPM and [www.elgnce.org.uk](http://www.elgnce.org.uk)

John, P. 2004a forthcoming. Stakeholders and Officers and the New Council Constitution: Report of the ELG Sample Survey 2003, London, ODPM and [www.elgnce.org.uk](http://www.elgnce.org.uk)

John, P. 2004b forthcoming. Leadership under the New Council constitutions, London, ODPM and [www.elgnce.org.uk](http://www.elgnce.org.uk)

Joseph Rowntree Research, forthcoming. on Political Leadership from De Montford and Warwick Universities

Leach, S. and Copus, C. 2004 'Scrutiny and the Political Party Group in UK Local Government : New Models of Behaviour' Public Administration 82, 2 pp. 331-354

ODPM (2002) New Council Constitutions Guidance  
[http://www.odpm.gov.uk/stellent/groups/odpm\\_localgov/documents/source/odpm\\_locgov\\_source\\_021857.doc](http://www.odpm.gov.uk/stellent/groups/odpm_localgov/documents/source/odpm_locgov_source_021857.doc)

Randle, A. 2004. Mayors Mid Term: Lessons from the eighteen months of directly elected mayors, London, New Local Government Network.

Rao, N. 2004 forthcoming. Councillors and the New Council Constitution: Report of the ELG Sample Survey 2003, London, ODPM and [www.elgnce.org.uk](http://www.elgnce.org.uk)

Snape, S., Leach, S. and Copus, C 2002 The Development of Overview and Scrutiny in Local Government ODPM: London

Stoker, G, Gains, F, John P., Rao, N and Harding, A. 2002 Report of Census Survey Findings ODPM and [www.elgnce.org.uk](http://www.elgnce.org.uk)

Stoker, G, Gains, F, John P., Rao, N and Harding, A. 2003 Implementing the New Council Constitutions, ODPM and [www.elgnce.org.uk](http://www.elgnce.org.uk)

Stoker, G, Gains, F, John P., Rao, N and Harding, A. 2004 forthcoming Operating the New Council Constitutions: A Process Report, ODPM and [www.elgnce.org.uk](http://www.elgnce.org.uk)