# Hung authorities, elected mayors and cabinet government

## Political behaviour under proportional representation

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# Summary

The current first-past-the-post voting system in local government elections often results in striking disparities between the proportion of votes cast for the different parties and the proportion of seats won on the council. One-party domination is a current feature of British local government. In 1997–98 20 per cent of all councils were controlled by a party which held 80 per cent or more of the seats, typically with a proportion of the vote of little more than 50 per cent. In 1998 there were 33 councils either with no opposition at all or a token opposition of between one and three.

Systems of proportional representation (PR), such as the Additional Member System (AMS) introduced for the Scottish Parliament and the Welsh Assembly, would virtually eliminate one-party dominated authorities (using the 80 per cent or more seats definition) and result in significant increases in the number of authorities with no overall control (hung authorities). Currently, 34 per cent of all local authorities in Britain are hung. Under PR this proportion would be likely to be well over 50 per cent, and perhaps as much as 65 per cent under certain systems and patterns of party support.

There is a myth that hung authorities usually result in inconsistent and delayed decision-making, weak community leadership and rancorous inter-party conflicts. However, the research evidence presents a very different view, especially during the 1990s, when 'partnership' administrations between Labour and Liberal Democrats became increasingly common. In a survey of hung authorities in 1995, over 40 per cent of both party leaders and chief executives reported improvements in the quality of policy- and decision-making, as opposed to under 20

per cent who reported a deterioration. The vast majority of hung councils operate as effectively as their majority-controlled counterparts, with the added benefits of a greater openness of decision-making and more genuine debate about decisions. There are still some hung authorities that are fractious and difficult to manage, but this problem is not unknown amongst majority-controlled authorities either!

The context of political management in all authorities will be radically changed by the introduction of executive government, when the present Local Government Bill becomes law. Hung authorities are now well-represented amongst those local authorities that have responded to the Government's encouragement to develop forms of cabinet government in advance of the legislation. Our research identified several examples of hung authorities with imaginative arrangements for cabinet scrutiny and area decentralisation.

On this evidence, the legislation to introduce cabinet/mayoral government is not likely to prove problematical for most hung authorities. Many are likely to opt for joint or coalition administrations, particularly if the current pattern of Labour/Liberal Democrat co-operation continues. But workable one-party and three-party cabinet models are also possible. In all cases, the strong probability that being hung will be a long-term, rather than a short-term phenomenon, will strengthen the incentive to make the new system work. There will still be some adversarial, managerially-challenging hung authorities under the new system, but they are likely to be the exception.

The purpose of the government's legislation is to enhance the capacity in local authorities for community leadership, effective scrutiny,

effective local representation and the quality of decision-making. Although the exercise of community leadership will be more straightforward in authorities with majority control, in most hung authorities there is no reason why it cannot be exercised equally effectively. Similarly, although in some disputatious hung authorities decision-making processes may be more convoluted, the majority are likely to make decisions as quickly, consistently, accountably and transparently as majority-controlled authorities.

In relation to scrutiny and local representation, it can be argued that there is a greater likelihood of these roles being carried out effectively in hung authorities than in majority-controlled councils. A study of the likely political dynamics in different political situations suggests that the relaxation of group discipline, to enable members of all parties to play effective scrutiny and local representation roles, is more likely in hung authorities than in those under majority control. Indeed, there are real dangers that effective scrutiny and local representation will not be permitted in authorities dominated by a single party, in circumstances where the dominant group chooses not to relax group discipline to facilitate these roles. At worst, cabinet or mayoral government in a one-party dominated authority could operate in an enclosed and secretive way, with a minimum of public debate in a system where these balancing forces of scrutiny and local representation are ineffective.

The argument for PR is thus strengthened, rather than weakened, by the fact that it would be likely to result in more hung authorities. Hung authorities now have a long track record of effective operation. The vast majority would make the new forms of executive government work, whilst avoiding the dangers of cabinet/ mayoral government in authorities dominated by one party, which would remain a feature of local government if the electoral system were to be unchanged.

The research identifies a number of conclusions, of which the following may appropriately be highlighted:

- There are currently 150 hung authorities in Britain – that is, over one third of the total. Over the past ten years the proportion of hung authorities has fluctuated between 25 per cent and 35 per cent. They are thus a well-established and significant feature of the local government landscape under the first-past-the-post system.

- Under any system of proportional representation, the number of hung authorities would increase considerably. Under a wholly proportional system only 10 out of the 32 London boroughs would currently be under majority control and only 18 of the 36 metropolitan district councils. Under an AMS similar to that used for elections to the Scottish Parliament and the Welsh Assembly, the likelihood is that up to two-thirds of local authorities in Britain would be hung, under present patterns of party support.

- If ward sizes, especially in rural areas, are not to be increased still further, then AMS is to be preferred to the Single Transferable Vote (STV) or party list systems, whether open or closed. There is also evidence that AMS is more

comprehensible to the public than other, previously unfamiliar, electoral systems.

- Academic evidence since 1981 has shown that, at best, hung authorities can operate as effectively in terms of speed and consistency of decision-making as majority-controlled authorities, often with the added bonus of greater transparency and openness of political debate. At worst, however, they can be fragmented, slow-moving, inconsistent, rancorous and extremely difficult to manage.

- Since the early 1990s, stable integrated hung authorities have become more common and fragmented, conflictual examples fewer in number. This trend owes much to the increased rapport between Labour and Liberal Democrat groups at a local level. Fragmented, rancorous hung authorities constitute at present probably no more than 10 per cent of the total.

- There would almost certainly be a small number and proportion of hung authorities that found it difficult to adapt to the demands of the new system. These would be characterised by lengthy decision-making processes, inconsistent decisions, and a high level of internal conflict. But the probability of no overall control becoming a permanent feature of such authorities would make inter-party accommodation more likely in the medium term.

- In a top-up PR system, there would be a distinction between councillors directly elected from local (ward) constituencies, and those elected through a top-up list system. Evidence from overseas suggests that the latter are by no means necessarily viewed as inferior in status. Indeed, members of party leadership groups are often elected through the list system.

- In British local government, there would be a greater congruity of the electoral system with the new political management arrangements if top-up members were elected for the local authority area as a whole, rather than from large sub-authority constituencies.

# 1 Modernisation and electoral reform

## Aims and structure of the report

This report investigates four political phenomena and their inter-relationships: proportional representation (PR), new cabinet/mayoral structures in local government, hung authorities, and authorities dominated by one political party. It argues that one of the effects of the introduction of almost any form of PR would be to increase the proportion of hung authorities to over 60 per cent of the total and virtually to eliminate authorities dominated by a single party. If this is the case, there needs to be an examination of the likely impacts of the Government's new political management-structure proposals, which lie at the heart of its modernisation agenda for local government. Will hung authorities be able to meet the criteria of effective community leadership, scrutiny, local representation and decision-making that the Government hopes will result from the new structures? And how is their performance in these respects likely to compare with that of the sizeable numbers of one-party dominated authorities that are likely to remain if PR is not introduced? These related issues form the main focus of the research and this report.

Our research and this report address three key aims:

- to draw out the implications of PR systems for the pattern of political composition of local authorities

- in so far as these changes are likely to lead to an increase in the number of hung authorities, to examine from a review of published evidence the way in which political parties actually behave in hung authorities – focusing in particular on the effectiveness of their leadership, scrutiny, local representation and decision making – as a basis for …

- … discussing the impact of a move towards PR on the feasibility of executive/assembly systems in local government and on the way they would actually work, particularly in a context of no overall control, and comparing these outcomes with the likely pattern of operations of one-party dominated councils if PR is not introduced.

In Chapters 2 and 3 we outline the way in which 'hung' or 'balanced' authorities[1] have become an increasingly prominent feature of British local government in recent years and will become even more so in the event of the introduction of any more proportional electoral system. Chapter 2 contains most of the relevant statistics, detailing the growth and current scale of 'hung' local governments and illustrating a few of the more striking disproportionalities of our present 'first-past-the-post' electoral system. It then goes on to suggest the extent by which the numbers of hung authorities might be expected to increase under different forms of PR and the behavioural implications of these different forms.

Chapter 3 draws on some of the previous studies of hung authorities, by ourselves and others, and looks at the ways in which they have been found to operate in practice. Our suggestion is that, while there is certainly some foundation for the stereotypical perception of hung councils as involving rancorous politics, interminably protracted meetings and fragmented decision-making, the reality is not

surprisingly much more complex – and frequently much more positive.

The remainder of the report constitutes an extension both of this previous work and of the technical simulations of Dunleavy and Margetts (1999). We focus on the key element in the Government's modernisation agenda – the proposed new political management-structures that councils are expected to adopt and which the Government expects to become operational by April 2001 – and then explore the impact of the introduction of PR (or its non-introduction) on this agenda. While it can be claimed to be reasonably clear, in outline at least, how cabinet and/or mayoral systems would work in situations of single-party majority control, there is a good deal more uncertainty as to how they would operate in the potentially many different kinds of hung authority. Similarly, the impact of new structures in one-party dominated councils merits further investigation.

In Chapter 4 we first examine the sections of the Local Government Bill relating to the three specified models of executive government, the roles envisaged for the executive, and the scope of the scrutiny role. The evidence from our visits to nine hung authorities is reviewed. A pen-portrait of each of the authorities is set out in Appendix 1.[2]

In Chapter 5 we develop scenarios, based on our knowledge of hung authorities and the evidence from our limited additional research, of how each of the three options identified in the Government's legislation might work in hung authorities. We then make comparisons with the likely mode of operation of a strengthened executive in councils dominated by one party. We look in particular at form of administration, leadership capacity, the scrutiny

role, executive/assembly relationships, local representation and the implications for party group-behaviour. It is concluded that, provided certain conditions are met, cabinet/mayoral government could be made to work effectively in hung authorities, and that the barriers to the achievement of the Government's objectives are greater in one-party dominated councils (if PR is not introduced). Chapter 6 sets out the main conclusions of the report.

## Modernisation without electoral reform

In September 1997 MORI's regular monthly poll of the nation's political opinions produced a remarkable statistic. Four months into what was obviously becoming an extended honeymoon period for New Labour, 57 per cent of respondents expressed themselves satisfied with the way in which the Government was running the country, with just 20 per cent dissatisfied. That 57 per cent, and the resulting 'net satisfaction' rating of +37 per cent, were the highest such figures that MORI had recorded in some 20 years of these monthly polls.

By May 1999, with the honeymoon inevitably over, satisfaction with the Government had fallen to 46 per cent and dissatisfaction had risen to 42 per cent. Yet, in that same month, in a national poll for *The Mail on Sunday* undertaken to coincide with the local elections, 61 per cent claimed they were satisfied with the way their local council was running their area. Thirty per cent were dissatisfied, giving a net satisfaction score of +31 per cent. Nor was this latter finding in any way exceptional. In one of its recent sets of 'vital statistics', produced for the *Local Government Chronicle* (25 June, 1999, p. 21) MORI reported

very similar results from a survey of Sunderland residents: 62 per cent very or fairly satisfied with the way the City Council is running the city, against 17 per cent very or fairly dissatisfied. The net satisfaction rating of +45 per cent was reinforced by the assertion by 72 per cent of respondents that they were proud of their city, against 20 per cent who were not.

It is not, however, by such statistics that local government nowadays is judged, at least by Ministers. They are more inclined to point to the fact that only 20 per cent of Sunderland's local electors were prepared to turn out to vote, either for or against the council with which most of them are satisfied. They also claim that such evidently-defective local democracy has to be improved, by the imposition of their agenda to modernise local government. Part of that agenda, of course, involves electoral procedures and voting systems, as spelt out in Chapter 4 of the 1998 White Paper, *Modern Local Government: In Touch with the People* (DETR, 1998b) and incorporated in the Representation of the People Bill. We are to see the introduction of a rolling electoral register and councils are finally to be permitted to pilot alternative voting arrangements, such as changed and extended voting times, and postal, telephone and electronic voting.

However, electoral reform for local government, in the sense in which the term is most commonly used, is not on the Government's agenda – at least outside London. Following the model set by the Scottish Parliament and Welsh Assembly, the 25-member Greater London Assembly was elected in May 2000 by the Additional Member System (AMS) of proportional representation. Otherwise, though, the Government's position remains

essentially as set out in the 1998 White Paper:

> [the] *Government does not propose to change the local government voting system … It does not view changes to the voting system as a panacea for the current weaknesses in local government. Local government modernisation is more fundamental than simply changing how people cast their vote.* (DETR, 1998b, para. 4.26)

On the face of it, this is a somewhat disingenuous line of argument. Few, if any, serious observers of local government would claim any version of electoral reform as a panacea for anything, and there would be even greater unanimity that the revitalisation of local democracy requires a very great deal more than 'changing how people cast their vote'. But that does not mean that electoral reform has no part at all to play in the modernisation of local government, even as defined in the Government's own terms.

## One-party domination

As it made clear, both in its earlier consultation paper, *Local Democracy and Community Leadership* (DETR, 1998a) and in the White Paper:

> [the] *Government … believes that it is not always healthy for a single party to dominate a council, particularly where this position is not the result of an overwhelming advantage in votes cast.* (Para 3.4)

The 'voting system can sometimes result in virtual one-party rule. Some authorities with an overwhelming majority for one party can be extremely effective and responsive to the needs of those they serve. But this situation can also lead to councils becoming complacent and out

of touch.' (DETR, 1998b, para. 4.25). The extent of 'virtual one-party rule' at the time that these words were written is set out summarised in Table 1 and illustrated in detail in Chapter 2.

The current incidence of one-party dominated councils is understandably causing concern. A survey of such authorities carried out by one of the authors of this report (Leach, 1998) revealed some characteristics which do not augur well for the Government's democratic renewal agenda. Despite the lack of a significant opposition, it was rare for group discipline to be relaxed in a way that enabled majority party members to play an effective scrutiny role. Council and committee meetings were often brief rubber-stamping exercises, with the dominant group preferring to debate contentious issues in private, rather than in public. The expression of the local representative role was also largely confined to group meetings (see also Copus, 1999). There must be a real possibility that, if such behaviour is perpetuated under a cabinet system, there will be even less public debate or scrutiny of key decisions than at present in some of these authorities – in which, moreover, there is often a dearth of effective electoral competition and associated low election turn-outs.

Single-party domination, virtual one-party rule: these are phenomena that *can* be addressed by electoral reform and, more specifically, by the introduction of a more proportional form of electoral representation. No further claim need be made, nor is made, either in this report or in the more technical linked-report by Dunleavy and Margetts (1999). As they emphasise in their introduction:

> … *changing an electoral system cannot in itself rejuvenate local democracy, secure social balance amongst councillors in terms of gender or ethnicity or social class, improve local leadership, make citizens spontaneously interested in local issues compared with national politics …* (p. 1)

**Table 1  The incidence of one-party dominated authorities in Britain, 1997/98**

| | Type A Pure 'one-party states' (no opposition) | Type B 'Token' opposition (of one) | Type C Opposition of two or three | Type D Dominant party with 80%+ of seats | TOTAL No. | % |
|---|---|---|---|---|---|---|
| County councils | 0 | 0 | 0 | 1 | 1 | 3 |
| London boroughs | 1 | 0 | 1 | 7 | 9 | 28 |
| Metropolitan districts | 0 | 2 | 4 | 10 | 16 | 45 |
| Unitary authorities (England, Scotland and Wales) | 1 | 1 | 6 | 15 | 23 | 26 |
| Shire districts | 3 | 3 | 9 | 26 | 41 | 14 |
| **Total** | **5** | **6** | **20** | **59** | **90[1]** | **20** |

[1] Of these 90 authorities, 86 were Labour-controlled and four Liberal Democrat-controlled (one Type B, three Type D).

Source: *Municipal Yearbook 1997*, updated by 1997 local election results (*Local Government Chronicle*, May 1, 1997).

It can, however, 'tackle directly and effectively some of the existing symptoms of long-term malaise in British local politics', such as those identified by the Government: highly disproportionate electoral results, one-party councils, dominant party systems and, perhaps to at least a degree, low and falling levels of election turn-out.

## Alternative electoral systems

This report can be seen as a sequel to the work of Dunleavy and Margetts. They have analysed in detail how various alternative electoral systems – majoritarian as well as proportional – would work in 12 local authorities of differing character across England. As they justifiably claim, by simulating outcomes in 96 different elections, they have produced 'the most authoritative picture ever compiled of how electoral reform would work in local government' (p.v). Further reference to their findings will be made later on in this report, but their principal conclusions can be usefully summarised as follows:

- The Alternative Vote (AV) and the Supplementary Vote (SV) – the two majoritarian systems they modelled – could be easily implemented and would, by definition, guarantee that all councillors had majority support in their wards. But 'they would do nothing at all to curb disproportionalities between parties' vote shares and seat shares, or to treat opposition parties more fairly in one-party states.'

- List Proportional Representation (List PR), a version of which was used in the 1999 European Parliament elections, would require large (or, with annual elections, extremely large) multi-member wards, in order to produce 'basically proportional results'.

- The Single Transferable Vote (STV) would similarly require large multi-member wards. But, while extending the voter choice available even with 'open list' systems and generally producing near-proportionality, STV seemed also to have the capacity to deliver 'apparently anomalous results' (p. v).

- The Additional Member Systems (AMS) modelled by Dunleavy and Margetts comprised ratios of local to top-up members ranging from 67:33 to 47:53. Particularly with ratios around the 'classic' balance of 50:50, they found AMS to be 'far and away the most consistently accurate and proportional system, working in a reliable way across all local authority elections we analysed' (p. vi).

Our report neither replicates nor evaluates the detailed modelling work by Dunleavy and Margetts. Rather, it amplifies and extends it, though in one significant respect its focus is distinctly narrower. The narrowness derives from the first of the summarised findings of Dunleavy and Margetts. Majoritarian electoral systems, while 'highly suitable for electing executive mayors' (p.v), are neither designed nor likely to prove in practice to be even broadly proportional in the context of British local government. Our brief, accordingly, was to confine ourselves to the impact and implications of alternative forms of PR.

## Notes

1   Both terms 'hung' and 'balanced' will be used in this report, reflecting common parlance and past practice. They should be regarded as interchangeable, neither one more positive or pejorative than the other. The terms refer to all councils in which no single party has a majority of council seats.

2   It should be noted that, at the time of our visits to local authorities in the summer of 1999, only the draft Local Government (Organisation and Standards) Bill had been published. Also that any references in the report to the Local Government Bill itself are to the unamended form in which it was initially introduced.

# 2 Hung authorities – past and future growth

Hung authorities have long been a significant feature of the local political scene in Britain. As can be seen in Table 2, the first sets of elections after the nationwide reorganisation of local government in the early 1970s produced more than one in four councils that, at least arithmetically, were hung, or under no overall control (NOC). It should be noted, though, that there were at this time over 5,600 Independent councillors (22 per cent of the total), and it was the presence of sizeable groups of Independents that gave many of the 137 NOC councils their nominally-hung status.

Since the mid-1970s the numbers of Independents and Independent councils have fallen by some two-thirds and five-sixths respectively, the party politicisation of local government has increased and intensified, and the numbers of now mainly party-dominated hung authorities have fluctuated between about 15 per cent and 35 per cent. The peak was reached during the mid-1990s, as the Labour and Liberal Democrat parties made unprecedented inroads into many previously largely unchallenged Conservative strongholds. A reversal of that trend may well be seen over the coming few years, with some of these same authorities again becoming temporarily hung, before returning to Conservative control. But

even at present there are 150 hung councils, compared with just 123 controlled by the Conservatives, Liberal Democrats, Nationalists and Independents combined (see Table 3). As has been the case throughout most of the 1990s, after 'Labour majority', by far the commonest political label among the country's local councils remains 'no overall control'.

It is a label, however, that conceals at least as much as it reveals. It is true to suggest that every hung authority is different, with its own distinctive history, culture, arithmetic, party balance and key personalities – but singularly unhelpful. There are similarities and patterns to be observed and various, more and less typical, responses that can be categorised. These are identified and discussed in Chapter 3. The issue addressed in the remainder of this chapter is the fact that there are not already far more of them. In other words, we look at the operation and consequences of our first-past-the-post electoral system.

## Degrees of disproportionality

Tables 4 and 5 summarise the present control and the recent history of party control in the 32 London and 36 metropolitan boroughs. In London four councils (all Labour) are run by an

**Table 2  The growth of hung authorities in Britain, 1974–99**

|  | 1973/74 | | 1981/82 | | 1985/86 | | 1988/89 | | 1994/95 | | 1999-2000 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
|  | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % |
| Majority-controlled | 271 | 52 | 365 | 70 | 313 | 61 | 329 | 64 | 292 | 57 | 272 | 62 |
| Independent-dominated | 109 | 21 | 72 | 14 | 75 | 15 | 57 | 11 | 43 | 8 | 18 | 4 |
| No overall control | 137 | 27 | 83 | 16 | 127 | 25 | 128 | 25 | 178 | 35 | 150 | 34 |
| **Total** | **517** | | **520** | | **515** | | **514** | | **513** | | **440** | |

**Table 3  Patterns of party control in Britain, 1999–2000**

|  | Conservative | Labour | Lib. Dem. | No overall control | Independent/ Nationalist | Total |
|---|---|---|---|---|---|---|
| **England** | | | | | | |
| County councils | 9 | 8 | 2 | 14 | 1 | 34 |
| London boroughs | 4 | 18 | 2 | 8 | 0 | 32 |
| Metropolitan districts | 0 | 29 | 3 | 4 | 0 | 36 |
| Unitary authorities | 5 | 30 | 3 | 8 | 0 | 46 |
| Shire districts | 56 | 57 | 17 | 98 | 10 | 238 |
|  | **74 (19%)** | **142 (37%)** | **27 (7%)** | **132 (34%)** | **11 (3%)** | **386** |
| **Scotland** | 0 | 15 | 0 | 11 | 6 | 32 |
| **Wales** | 0 | 10 | 0 | 7 | 5 | 22 |
| **Total** | **74 (17%)** | **167 (38%)** | **27 (6%)** | **150 (34%)** | **22 (5%)** | **440** |

Source: C. Rallings and M. Thrasher, *Local Government Chronicle*, 14 May 1999, p. 14-15.

overwhelmingly dominant party, with at least 90 per cent of the elected membership. In an additional 10 boroughs (six Labour, three Conservative, one Liberal Democrat), 70 per cent or more of the seats are held by the majority party.

These are the two measures adopted by Dunleavy and Margetts in their comparison of the capacities of different electoral systems to produce councils on which there is an effective opposition. For the 32 London boroughs they give a combined total of 44 per cent in which, as Dunleavy and Margetts put it, either 'opposition is effectively neutered' or the majority party can at least 'be confident in the short term that it is very unlikely to lose control of the council' (1999, p. 25). The comparable figures for the metropolitan boroughs are even more striking. In six councils (all Labour) the majority party has over 90 per cent of the seats and in a further 18 (again all Labour) 70 per cent, giving a total of two-thirds of these councils subject to what the Government might term 'virtual one-party rule'.

In few of these cases – just four out of the 38 relevant London and metropolitan boroughs – do these outsize majorities rest on even two-thirds of the vote at the last election. Typically, they are a representative exaggeration of a vote of no more than about 55 per cent. Newham, of course, is the extreme example, Labour having in both 1994 and 1998 taken every single council seat with well under 60 per cent of the vote. But the party's 90 per cent plus majorities in Haringey and Lewisham are built on votes of only 52 per cent and 56 per cent respectively.

Put another way, there are 14 London and 14 metropolitan boroughs in which one party has majority control – and in several instances near-dominance – on the basis of a minority of votes at the most recent set of elections. Thus, Labour took over 70 per cent of the seats in Camden, Ealing and Hounslow on votes of 47 per cent and 48 per cent in 1998, and over two-thirds of the seats in Merton with just 42 per cent of the vote.

In contrast to London all-out elections, the metropolitan boroughs have elections by thirds. It might reasonably be suggested, therefore, that

the figures detailing Labour's present numerical dominance are misleadingly inflated by gains acquired over the past few years. As can be seen, though, from the columns in Table 5 referring exclusively to the 1998 elections, this was true to only a limited extent. Just as in London, there were plenty of examples in this single set of elections of massive majorities derived from votes of 50–60 per cent. Moreover, while the Conservatives did start to regain some of the seats they had lost in 1994, Labour was still winning – in Birmingham, Bolton, Coventry, Dudley and Leeds – two-thirds or more seats on minority votes.

## Long-term one-party rule

These kinds of exaggerations and distortions, important though they are to record, are hardly news. They are the well-documented products of our first-past-the-post electoral system and, in essence, no different from the present House of Commons, in which a party polling 44 per cent of the national vote ends up with nearly two-thirds of MPs. The less documented, and therefore perhaps more interesting, features of Tables 4 and 5 are those detailing the electoral histories of these two classes of urban authorities.

Among the 32 London boroughs created in their present form in 1964, we found that no fewer than 23 (72 per cent) had experienced continuous periods of one-party control of at least 20 years, with five having been permanently run by a single party. In several cases that party has been dominant (i.e. has held more than 80 per cent of the seats) for much of this period of time. In very few of these cases, though, would this single-party dominance

have lasted more than two or three electoral cycles, if absolute majorities of votes had been required to maintain it. For, with over half of all elections across the 32 boroughs failing to produce a party with a majority vote, the average longest period of unbroken one-party control would fall from 24 years to just nine.

To pick just one or two examples, Haringey and Hounslow have both been under uninterrupted and largely unchallenged majority Labour control since 1971. Yet in no subsequent election until 1994 did the party win an overall majority of the vote in either borough. Conservative equivalents are Barnet and Bexley – unbroken decades of one-party control, yet only in a really exceptional political year (e.g. 1978) based on more than 50 per cent of the vote.

Among the metropolitan boroughs the picture is very much the same. Again there are several cases of long-term domination by one party holding 80 per cent or more of the seats, although, with more frequent elections over a shorter post-reorganisation period, the detailed figures are a little less extreme. There are plenty of examples of councils where extended periods of Labour domination, in particular, rest largely on minority votes. In Birmingham, for example, Labour has controlled the city council now for over 15 years, but in only one election (1995) has the party gained an absolute majority of the vote. In several years the Conservatives have won most votes and, occasionally, most seats, but never a sufficient number to dislodge Labour's control. In Newcastle Labour has been in power even longer, yet it is only in the last few years that the party has managed to win a majority of the vote in more than two successive elections.

**Table 4  Party control in the London boroughs, 1964–99**

| London borough | Present control | Leading party in 1998 elections | | | Outcome of 10 sets of elections since 1964 | | | | | Longest period of one party majority control (years) | Longest period in which one party had majority of vote (years) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | % of seats | % of votes | Majority of votes | Con | Lab | L/LD | NOC | No party with majority vote | | |
| Barking & Dagenham | Lab | 92 | 68 | Yes | – | 10 | – | – | 2 | Lab 35 (64–99) | 13 |
| Barnet | NOC | 47(Con) | 38[1] | No | 8 | – | – | 2 | 8 | Con 30 (64–94) | 4 |
| Bexley | Con | 52 | 41 | No | 7 | 2 | – | 1 | 7 | Con 20 (74–94) | 4 |
| Brent | Lab | 65 | 47 | No | 1 | 6 | – | 3 | 8 | Lab 11 (71–82) | 3 |
| Bromley | NOC | 47(Con) | 45 | No | 9 | – | – | 1 | 7 | Con 34 (61–98) | 8 |
| Camden | Lab | 73 | 47 | No | 1 | 9 | – | – | 5 | Lab 28 (71–99) | 7 |
| Croydon | Lab | 54 | 39[2] | No | 7 | 2 | – | 2 | 6 | Con 26 (68–94) | 12 |
| Ealing | Lab | 75 | 48 | No | 4 | 6 | – | – | 8 | Con 7 (71–78) | 4 |
| Enfield | Lab | 65 | 48 | No | 7 | 3 | – | – | 7 | Con 26 (68–94) | 8 |
| Greenwich | Lab | 87 | 56 | Yes | 1 | 9 | – | – | 3 | Lab 28 (71–99) | 11 |
| Hackney | NOC | 48 | 42 | No | 1 | 7 | – | 2 | 2 | Lab 27 (71–98) | 27 |
| Hammersmith & Fulham | Lab | 72 | 50 | Yes | 1 | 7 | – | 2 | 4 | Lab 13 (86–99) | 4 |
| Haringey | Lab | 92 | 52 | Yes | 1 | 9 | – | 2 | 5 | Lab 28 (71–99) | 5 |
| Harrow | Lab | 51 | 39 | No | 7 | 1 | – | 2 | 8 | Con 20 (74–94) | 4 |
| Havering | NOC | 46(Lab) | 35 | No | 3 | 1 | – | 6 | 9 | NOC 13 (86–99) | 4 |
| Hillingdon | NOC | 49(Con) | 46 | No | 4 | 4 | – | 2 | 8 | Lab 7 (71–78) | 4 |
| Hounslow | Lab | 73 | 48 | No | 1 | 9 | – | – | 6 | Lab 28 (71–99) | 4 |
| Islington | NOC | 50[3] | 40/41 | No | 1 | 8 | – | 1 | 5 | Lab 27 (71–98) | 15 |
| Kensington & Chelsea | Con | 72 | 52 | Yes | 10 | – | – | – | 2 | Con 35 (64–99) | 26 |
| Kingston upon Thames | NOC | 42(Con) | 37 | No | 6 | – | 1 | 3 | 5 | Con 22 (64–86) | 10 |
| Lambeth | Lab | 64 | 42 | No | 1 | 7 | – | 2 | 6 | Lab 11 (71–82) | 7 |
| Lewisham | Lab | 91 | 56 | Yes | 1 | 9 | – | – | 3 | Lab 28 (71–99) | 9 |
| Merton | Lab | 68 | 42 | No | 4 | 5 | – | 1 | 8 | Lab 13 (86–99) | 4 |
| Newham | Lab | 100 | 57 | Yes | – | 10 | – | – | 1 | Lab 35 (64–99) | 28 |
| Redbridge | NOC | 48(Lab) | 41 | No | 8 | – | – | 2 | 7 | Con 30 (64–94) | 8 |
| Richmond upon Thames | LD | 65 | 43 | No | 5 | – | 4 | 1 | 8 | All/LD 13 (86–99) | 4 |
| Southwark | Lab | 52 | 44 | No | – | 10 | – | – | 4 | Lab 35 (64–99) | 11 |
| Sutton | LD | 82 | 51 | Yes | 6 | – | 3 | 1 | 5 | Con 22 (64–86) | 8 |
| Tower Hamlets | Lab | 82 | 50 | No | – | 8 | 2 | – | 4 | Lab 22 (64–86) | 18 |
| Waltham Forest | Lab | 53 | 41 | No | 1 | 7 | – | 2 | 8 | Lab 23 (71–94) | 3 |
| Wandsworth | Con | 82 | 52 | Yes | 7 | 3 | – | – | 4 | Con 17 (82–99) | 7 |
| Westminster | Con | 78 | 54 | Yes | 10 | – | – | – | 4 | Con 35 (64–99) | 9 |
| **Totals and means** | Con 4 | | | Y10 | | | | | 5.5 | 23.4 | 9 |
| | Lab 18 | | | N22 | | | | | | | |
| | LD 2 | | | | | | | | | | |
| | NOC 8 | | | | | | | | | | |

Source: Rallings and Thrasher (1993).

1 Labour gained more votes than the Conservatives (39.8% to 38.3%), but fewer seats (26 to 28).
2 The Conservatives gained more votes than Labour (46.9% to 38.6%), but fewer seats (31 to 38), just as in 1994.
3 Labour and the Liberal Democrats both won 50 seats, with 40% and 41% of the vote respectively.

**Table 5 Party control in metropolitan boroughs, 1973–99**

| Metropolitan borough | Control 1998/99 | % of total seats | Leading party in 1998 elections Party | % of seats | % of votes | Majority of votes | Outcome of 19 sets of elections 1973–98 — Party control Con | Lab | L/LD | NOC | No party with majority vote | Longest period of one-party majority control (years) | Longest period in which one party had majority of vote (years) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Barnsley | Lab | 95 | Lab | 95 | 71 | Yes | – | 19 | – | – | 3 | Lab 26 (73–99) | 19 |
| Birmingham | Lab | 71 | Lab | 67 | 44 | No | 4 | 13 | – | 2 | 17 | Lab 15 (84–99) | 1 |
| Bolton | Lab | 78 | Lab | 70 | 48 | No | 5 | 14 | – | – | 12 | Lab 19 (80–99) | 4 |
| Bradford | Lab | 72 | Lab | 57 | 41 | No | 5 | 10 | – | 4 | 15 | Lab 9 (90–99) | 2 |
| Bury | Lab | 81 | Lab | 75 | 52 | Yes | 8 | 8 | – | 3 | 10 | Con 11 (75–86) | 5 |
| Calderdale | Lab | 52 | Con | 45 | 39 | No | 4 | 6 | – | 9 | 2 | Con 5 (75–80) | 1 |
| Coventry | Lab | 87 | Lab | 79 | 47 | No | 1 | 18 | – | – | 9 | Lab 20 (79–99) | 4 |
| Doncaster | Lab | 75 | Lab | 57 | 37 | No | – | 19 | – | – | 5 | Lab 26 (73–99) | 15 |
| Dudley | Lab | 83 | Lab | 71 | 47 | No | 5 | 11 | – | 3 | 9 | Lab 6 (86–92) | 4 |
| Gateshead | Lab | 76 | Lab | 78 | 60 | Yes | – | 19 | – | – | 2 | Lab 26 (73–99) | 23 |
| Kirklees | Lab | 60 | Lab | 43 | 40 | No | 2 | 11 | – | 6 | 18 | Lab 6 (80–86) | 2 |
| Knowsley | Lab | 98 | Lab | 96 | 66 | Yes | – | 19 | – | – | 4 | Lab 26 (73–99) | 20 |
| Leeds | Lab | 81 | Lab | 74 | 49 | No | 2 | 14 | – | 3 | 14 | Lab 19 (80–99) | 4 |
| Liverpool | LD | 53 | LD | 68 | 55 | Yes | – | 8 | 1 | 10 | 16 | Lab 9 (83–92) | 3 |
| Manchester | Lab | 85 | Lab | 86 | 53 | Yes | – | 19 | – | – | 6 | Lab 26 (73–99) | 5 |
| Newcastle u T | Lab | 82 | Lab | 82 | 53 | Yes | – | 19 | – | – | 11 | Lab 26 (73–99) | 5 |
| North Tyneside | Lab | 73 | Lab | 55 | 50 | Yes | – | 18 | – | 1 | 11 | Lab 12 (87–99) | 5 |
| Oldham | Lab | 58 | Lab | 60 | 42 | No | 2 | 16 | – | 1 | 2 | Lab 19 (80–99) | 2 |
| Rochdale | Lab | 60 | Lab | 55 | 46 | No | 2 | 9 | – | 8 | 17 | Lab 6 (86–92) | 2 |
| Rotherham | Lab | 97 | Lab | 96 | 71 | Yes | – | 19 | – | – | – | Lab 26 (73–99) | 26 |
| Salford | Lab | 95 | Lab | 95 | 61 | Yes | – | 19 | – | – | 4 | Lab 26 (73–99) | 16 |
| Sandwell | Lab | 83 | Lab | 83 | 55 | Yes | 1 | 18 | – | – | 5 | Lab 20 (79–99) | 5 |
| Sefton | NOC | 45(Lab) | Lab | 42 | 34 | No | 9 | – | – | 9 | 16 | Con 13 (73–86) | 4 |
| Sheffield | Lab | 57 | LD | 55 | 50 | No | – | 19 | – | – | 8 | Lab 26 (73–99) | 8 |
| Solihull | NOC | 39(Con) | Con | 44 | 45 | No | 13 | – | – | 6 | 12 | Con 18 (73–91) | 4 |
| South Tyneside | Lab | 85 | Lab | 86 | 61 | Yes | – | 18 | – | 1 | 5 | Lab 20 (79–99) | 9 |
| St Helens | Lab | 81 | Lab | 68 | 52 | Yes | – | 19 | – | – | 9 | Lab 26 (73–99) | 5 |
| Stockport | NOC | 48(LD) | LD | 45 | 40 | No | 6 | – | – | 13 | 18 | Con 8 (75–83) | 1 |
| Sunderland | Lab | 89 | Lab | 89 | 60 | Yes | – | 19 | – | – | 5 | Lab 26 (73–99) | 16 |
| Tameside | Lab | 86 | Lab | 84 | 58 | Yes | 2 | 17 | – | – | 3 | Lab 20 (79–99) | 9 |
| Trafford | Lab | 57 | Lab | 62 | 45 | No | 14 | 2 | – | 3 | 15 | Con 13 (73–86) | 4 |
| Wakefield | Lab | 95 | Lab | 90 | 62 | Yes | – | 19 | – | – | 3 | Lab 26 (73–99) | 16 |
| Walsall | NOC | 50(Lab) | Lab | 55 | 38 | No | – | 8 | – | 11 | 18[1] | Lab 4 (88–92) | 2 |
| Wigan | Lab | 97 | Lab | 100 | 69 | Yes | – | 19 | – | – | 1 | Lab 26 (73–99) | 23 |
| Wirral | Lab | 64 | Lab | 54 | 42 | No | 8 | 5 | – | 6 | 14 | Con 11 (75–86) | 4 |
| Wolverhampton | Lab | 73 | Lab | 65 | 47 | No | – | 15 | – | 4 | 15 | Lab 7 (80–87) | 4 |
| **Totals and means** | Lab 31 LD 1 NOC 4 | | | | | Yes 18 No 18 | | | | 9.3 | | 17.4 | 7.8 |

1 The only party to have won a majority of the vote is the Conservatives (52.5% in 1992), but they have never even been the largest party on the council

Inflated majorities, resulting in long periods of effectively unchallenged one-party control, can often generate a sense of complacency on the part of the dominant party concerned, with electoral success being regarded as a foregone conclusion. These are phenomena that can be addressed by electoral reform and that would be substantially challenged by any system of PR. The distinction – between electoral reform and PR – is, of course, vital. For, as Dunleavy and Margetts show, in council as in parliamentary elections, the principal *majoritarian* systems of the Alternative Vote (AV) or Supplementary Vote (SV) are perfectly capable of *increasing* disproportionality:

> adopting SV or AV instead of the current electoral system will not reduce deviation from proportionality significantly over most local elections, and in a minority of cases it will make things worse or make no difference. (p. 23)

## Hung councils under PR

All three of the proportional systems and their variants that Dunleavy and Margetts modelled did, on the other hand, substantially reduce disproportionality – hardly surprisingly, since that is their *raison d'être*. They would thereby, the authors suggest, 'make a major contribution to producing situations where effective opposition was feasible everywhere across the country' (p. 25).

The different systems of PR would achieve this outcome in differing ways and to differing degrees, as Dunleavy and Margetts demonstrate. Both STV and particularly List PR were found to be more likely than AMS to produce 'artificial majorities' – that is, numerical

majorities based on minority votes – but, unlike first-past-the-post, only where a party has close to majority support. The number of hung councils would therefore increase dramatically under all three systems of PR and most dramatically of all under AMS. In Figures 1, 2 and 3 we indicate, on the basis of the 1998 local elections, how extensive this increase in hung councils might be and which councils might have found themselves on the borderline – possibly with an artificial majority under STV, but hung under AMS.

Among the London boroughs we show that an additional 10 would almost certainly, and a further three possibly, have become hung, giving totals of 18–21, or up to two-thirds. Just as significant democratically, though, would be the introduction of potentially effective oppositions into the remaining third of the boroughs.

The metropolitan boroughs would have seen a similar shift, if not, at these particular elections, on quite the same scale. The number of hung councils might have been expected to rise from the five that would have been produced in first-past-the-post whole council elections, to 16–18, or up to a half of the total of 36.

The third set of councils for which we attempted such projections were the 100 shire districts that choose, like the metropolitan boroughs, to have rotating annual, rather than whole council, elections and thus also voted in 1998. Even with first-past-the-post, those 1998 elections produced over a third of councils with no overall control. But under a fully proportional system the number would probably have risen to around two-thirds – while at the same time, of course, reducing

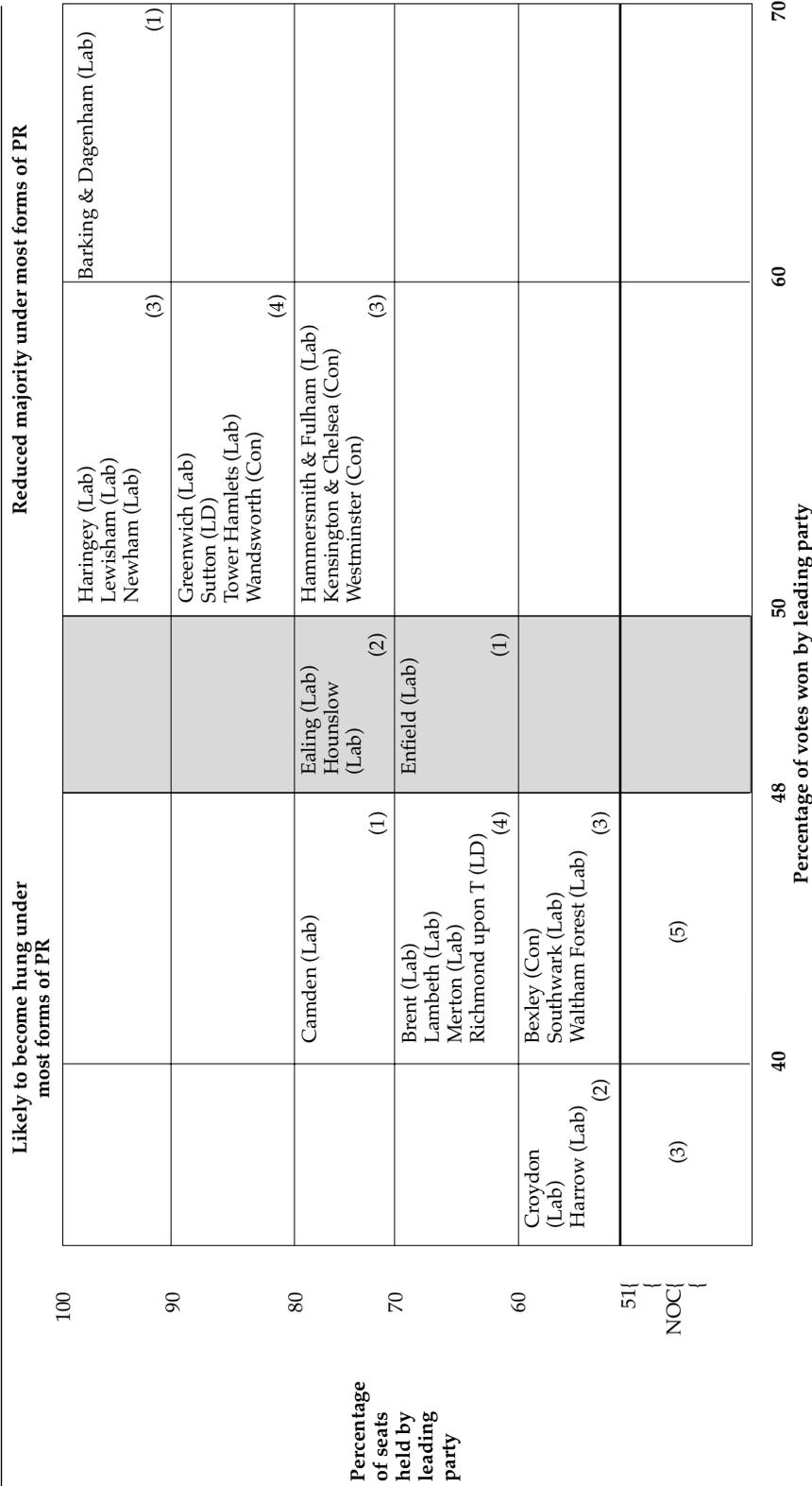**Figure 1 Proportional misrepresentation – London boroughs, 1998**

|  | Likely to become hung under most forms of PR | Reduced majority under most forms of PR |
|---|---|---|

Percentage of seats held by leading party

| Seats % | | |
|---|---|---|
| 100 | | Barking & Dagenham (Lab) (1) |
| 90 | (3) | Haringey (Lab), Lewisham (Lab), Newham (Lab) |
| 90 | | (1) |
| | | Greenwich (Lab), Sutton (LD), Tower Hamlets (Lab), Wandsworth (Con) (4) |
| 80 | Camden (Lab) (1) | Ealing (Lab), Hounslow (Lab) (2) |
| | | Hammersmith & Fulham (Lab), Kensington & Chelsea (Con), Westminster (Con) (3) |
| 70 | Brent (Lab), Lambeth (Lab), Merton (Lab), Richmond upon T (LD) (4) | Enfield (Lab) (1) |
| 60 | Bexley (Con), Southwark (Lab), Waltham Forest (Lab) (3) | |
| 51 | (5) | |
| NOC | Croydon (Lab), Harrow (Lab) (2) | (3) |

40   48   50   60   70

**Percentage of votes won by leading party**

**Figure 2 Proportional misrepresentation – metropolitan boroughs, 1998**

Likely to become hung under most forms of PR

Reduced majority under most forms of PR

**Percentage of seats held by leading party**

100

90

80

70

60

51
NOC

Coventry (Lab)
Dudley (Lab)
(2)

Birmingham (Lab)
Oldham (Lab)
Trafford (Lab)
Wolverhampton (Lab)
(4)

Bradford (Lab)
Rochdale (Lab)
Wirral (Lab)
(3)

Doncaster (Lab)
Walsall (Lab)
(2)

(3)

(2)

Bolton (Lab)
Leeds (Lab)
(2)

Manchester (Lab)
Newcastle on Tyne (Lab)
Sandwell (Lab)
Tameside (Lab)
(4)

Bury (Lab)
(1)

Liverpool (LD)
St Helens (Lab)
(2)

N Tyneside (Lab)
Sheffield (LD)
(2)

Knowsley (Lab)
Salford (Lab)
Wakefield (Lab)
Wigan (Lab)
(4)

S Tynesdie (Lab)
Sunderland (Lab)
(2)

Gateshead (Lab)
(1)

Barnsley (Lab)
Rotherham (Lab)
(2)

40    48    50    60    70    80

**Percentage of votes won by leading party**

14

**Figure 3  Proportional misrepresentation – 100 district authorities, 1998**

| Percentage of seats held by leading party | Likely to become hung under most forms of PR | | Reduced majority under most forms of PR | | |
|---|---|---|---|---|---|
| 90–100 | | | Slough (Lab) (1) | Amber Valley (100%) (Lab)<br>Cannock Chase (Lab)<br>Harlow (Lab)<br>Lincoln (100%) (Lab)<br>Nuneaton & Bedworth (100%) (Lab)<br>Stevenage (Lab) (6) | Tamworth (Lab)<br>Thurrock (100%) (Lab) (2) |
| 80–90 | | | Hyndburn (Lab)<br>Reading (Lab)<br>Rossendale (Lab) (3) | Burnley (Lab)<br>Crawley (Lab)<br>Ellesmere Port & Neston (Lab)<br>Halton (Lab)<br>Ipswich (Lab)<br>Waveney (Lab) (6) | |
| 70–80 | Gillingham (LD)<br>Macclesfield (Con)<br>Oxford (Lab) (3) | Broxbourne (Con)<br>Cheltenham (LD)<br>Gloucester (Lab)<br>Huntingdon (Con) (4) | Barrow-in-Furness (Lab)<br>Bassetlaw (Lab)<br>Carlisle (Lab)<br>Hereford (Lab)<br>Newcastle-u-Lyme (Lab)<br>Norwich (Lab)<br>Redditch (Lab)<br>Welwyn Hatfield (Lab) (8) | Crewe & Nantwich (Lab) (1) | |
| 60–70 | Basildon (Lab)<br>Daventry (Con)[1]<br>Eastbourne (LD)<br>Eastleigh (LD)<br>Exeter (Lab)<br>Harrogate (LD)<br>N Hertfordshire (Lab)<br>Runnymede (Con)<br>Watford (Lab)<br>Worthing (LD) (10) | Chorley (Lab)<br>Worcester (Lab) (2) | Blackburn (Lab)<br>Wyre Forest (Lab) (2) | Great Yarmouth (Lab)<br>W Lancashire (Lab) (2) | |

15

60

| Hart (Con) | Adur (LD) | Peterborough (Lab) |
| Hastings (LD)[2] | Cambridge (Lab) | |
| Purbeck (LD | Cherwell (Lab) | |
| St Albans (LD) | Congleton (LD) | |
| | Hertsmere (Lab) | |
| | Preston (Lab) | |
| | S Bedfordshire (Lab) | |
| | Stroud (Lab) | |
| (4) | (8) | (1) |

51{
NOC{

(20)  (17)

40    48    50    60    70    80

**Percentage of votes won by leading party**

1 Conservatives won eight of the 12 contested seats with 41.6% of the vote, against Labour's four seats from 48.5% of the vote
2 Lib Dems won six seats with 36% of the vote, against Labour's five seats from 42.8% of the vote.

significantly Labour's 80–100 per cent majorities on more than one council in six.

As noted at the start of the chapter, there are already around a third of our councils that are hung, to which most forms of PR could be expected to add up to a further third. If the future of our councils is to be one of separate executives and a greatly enhanced emphasis on the scrutiny of these executives, such a development might be expected to have a key role in the Government's modernisation agenda. That is why it is so important to examine its potential implications, which is what we seek to do in the remaining chapters of this report. These chapters will not generally differentiate between the various possible forms of PR. Instead, they start off from the projections in this chapter and outline, partly on the basis of what we already know about political behaviour and practices on existing hung authorities, how post-PR, the greatly increased number of such authorities might be expected to behave –regardless of the precise electoral system that brought them into being. But different forms of PR would, of course, create different forms and complexions of council, in terms of membership as well as numbers. It is appropriate here, therefore, to draw attention to a few of these differences.

## Impact of different forms of PR on councillors' roles and behaviour

Our research for this report was undertaken at almost precisely the same time as the first elections to the Scottish Parliament and the Welsh Assembly: new bodies elected by AMS, for Britain, a new electoral system. In each case electors were entitled to cast two votes: one for a candidate within their Scottish or Welsh parliamentary constituency, and one for a party list within their electoral region. The total number of list votes cast for each party in all the constituencies in each region was aggregated to form the basis for allocating the additional seats. There are thus potentially two classes of member elected – constituency representatives and 'top-up' members – and the issue naturally arises of whether they will prove to have different roles and statuses within their respective assemblies. Other electoral systems, meanwhile, raise other questions about the roles and behaviour of councillors.

The first point to make concerns the size of wards and the traditionally-valued ward link between councillors and their constituents. As Dunleavy and Margetts make clear, with the full annual elections proposed in Labour's 1997 manifesto, wards would have to increase to such a size that under any form of PR the very notion of 'local' councillor–constituent links would effectively be destroyed. With four-yearly or rotating annual elections, however, ward sizes under either STV or List PR 'would be larger than now, but over most of the country no more than twice as large' (p.30). Advocates of these systems would also claim that, with councillors from possibly several different parties to choose from, many electors might well feel better or more satisfyingly represented than they do at present.

AMS, with four-yearly or rotating annual elections, need not increase ward size at all. But, as noted above, their key effect would be formally to introduce, for the first time since the disappearance of aldermen and their Scottish near-equivalents bailies, two classes of council member. An established part of the German

Parliament or *Bundestag*, and more recently in New Zealand's controversial mixed member proportional (MMP) parliamentary electoral system, these top-up representatives look set to become a feature of 21st Century British government. Proposed by the Jenkins Commission for the House of Commons (1998), they already constitute a third of Welsh Assembly members and 43 per cent of the Members of the Scottish Parliament (MSPs) and, in May 2000, will form 44 per cent of the Greater London Assembly. Inevitably, though, at the time of writing, their eventual role and status are still unclear.

Most of the AMS modelling undertaken by Dunleavy and Margetts is based on local top-up member ratios of around 50:50, on the grounds that ratios approaching, let alone exceeding, 67:33 could not be fully proportional. With top-up members thus forming a sizeable proportion of our typically 40–50-seat councils, Dunleavy and Margetts conclude that most councils would require at least two, and larger councils three or four, top-up areas, each returning between, for example, five and 12 members. By comparison, the Scottish Parliament has eight seven-member 'top-up' regions, and the Welsh Assembly five four-member regions.

There is nothing sacrosanct, however, about either the local top-up member ratio, or the size and nature of top-up regions. The similar modelling exercise carried out by John Curtice for the McIntosh Commission on Local Government and the Scottish Parliament (Curtice, 1999) took a somewhat broader approach, and looked also at versions of AMS in which the additional members are elected across the local authority as a whole. Curtice is less exclusively concerned with proportionality than

Dunleavy and Margetts, and thus is more attracted, at least for urban areas, to a system in which:

> *as many as three-quarters of the seats were … elected in single-member districts, thereby producing a greater degree of representation of individual communities, while just a quarter are allocated as additional seats, but, in order to maximise their impact, across the city.*

> *Might this provide a compromise between any desire for maximum geographical representation and a high degree of proportionality?* (p. 14)

On the face of it, such a compromise would seem to have significant representative potential. For, instead of additional members attempting to 'represent' their inevitably somewhat artificial combinations of wards and thereby duplicating or clashing with the work of ward councillors, they would have a real incentive 'to take a wider strategic view of the interests of the authority as a whole' (p.15). Unfortunately though, as Curtice himself notes, the arithmetic may not always encourage such an outcome. For in most AMS elections the principal beneficiaries tend to be the smaller and previously under-represented parties, with only a minority of the additional seats going to the party most likely to form the core of an administration.

In the absence of a clearly definable and meaningful representative role for additional members, it may be difficult to prevent the emergence of two-tier member structures, with constituency and additional members acknowledged as having different responsibilities and accordingly meriting maybe not different pay, but different scales of

allowances. As Dunleavy and Margetts note, 'current practice emphasises the importance of locally elected councillors doing constituency work, and existing councillors might well resent the idea that other councillors could be elected via the top-up route and undertake a lesser burden of work' (p. 41). On the other hand, there would no doubt also be resentment if the larger constituencies of top-up members led to at least some of them attracting correspondingly large constituency workloads.

At least implicit in most of the discussion in this country of the respective roles and statuses of consistency and top-up members is that the former are vaguely superior, or at least not inferior. In the German Bundestag, this is not the case. The state-lists are the means of ensuring one's election and to be one of the three recognisable published 'names' at the top of a party list is likely to require at least a state, if not national, reputation, the support of key interest groups and the support of key ideological groupings within one's party. It can be a mutually beneficial arrangement: the state party organisation wants publicly recognisable names at the head of its list, while those names, even if already constituency candidates in supposedly safe seat, see the lists as at least a safety net to ensure their re-election.

The smaller parties – notably the FDP and more recently the Greens – get virtually all, if not all, of their representation through the lists and this can lead to tactical voting by supporters of potential coalition partners. This can enable them to ensure that the smaller party, whose support they may need, polls over the 5 per cent threshold, entitling them to list seats. Such tactical voting is typical of the relative degree of voter sophistication that AMS and

similar systems can cultivate. It is seen too at local level where, in many cases, council members are elected entirely from party lists, but with voters being given plenty of opportunity to express individual preference for and against individual candidates. Thus, in different Länder, voters can strike out names, write in names from other lists, give up to three votes per candidate, and so on – with the majority of electors (around 80 per cent) apparently doing so, in preference to simply leaving a party list unchanged. With this degree of voter choice, list candidates can become quite protective of their reputation and popularity, for fear of being 'struck off'.

If a top-up system were based on the local authority as a whole, we would expect to see a helpful distinction, reflecting the basis of election, between councillors whose primary role was *local representation* (those elected on a constituency basis) and those whose primary role was *strategic*, involving a concern with the local authority as a whole (those elected through the list system). If this distinction developed, there is an implication that the leadership group of all parties that expected to become involved in the cabinet (whether one-party or multi-party) would tend to seek election through the list system, rather than through the constituency-based elections. To do so would both help to secure the leaders' council careers and provide them with an electoral base that legitimised an emphasis on strategic authority-wide issues, rather than constituency matters. It is unlikely that parties would seek to apply these distinctions rigidly and a degree of flexibility would certainly be necessary. However, such a practice would provide a logical basis for an executive/non-

executive division of labour that is lacking in either the current system, or a top-up system which fragments the authority area into large constituencies.

# 3 The operation of hung authorities – recent experience

## Recent history

As noted in Chapter 2, in the years immediately following the 1970s reorganisation the majority of hung authorities contained a significant number of Independent councillors. Politically they tended to operate either in a relatively low-key way – with Chairs allocated on merit and / or seniority – or through a loose form of Conservative / Independent coalition. From the early 1980s, however, the number of Independents declined steadily and the main reason for the increase in hung authorities since 1981 has been the steady, and sporadically spectacular, progress of the Liberal Democrats (or prior to 1987 the Liberal/SDP Alliance). In the 1985 county council elections, Alliance gains ensured that over half the English shire counties were hung, in almost every case through the development of a three-party system, rather than through the strength of the Independent tradition. Leicestershire, Shropshire and Cheshire have been hung continuously since 1981, and Oxfordshire, North Yorkshire and Gloucestershire since 1985. In the metropolitan areas, Sefton has been hung since 1986 and Calderdale has experienced only half-a-dozen years of majority control since 1981. In such authorities, responding to a hung situation has become a way of life.

## Choices facing hung authorities

In understanding the operation of hung authorities, a number of helpful distinctions may be highlighted. In hung authorities, as in majority-controlled councils, each party group will be concerned with four major political objectives amongst which it has to strike a balance (Leach and Stewart, 1992, p. 25–6). Under majority control all four objectives may be realised. In a hung situation, however, a series of trade-offs is required:

- *Programme achievement* – to ensure that as much as possible of the party's programme, whether contained in a manifesto or subsequently identified priorities, is implemented. This may include procedural measures concerned with the working of the authority, such as open government, as well as policy aims concerned with outcomes.

- *Party distinctiveness* – to maintain an acceptable level of 'distance' from the other parties, so that public perception of the party's identity does not become blurred.

- *Future electoral success* – to maximise the party's chances at the next local (or national) election. This objective can require both being able to claim credit for programme achievement in the eyes of the electorate, and the maintenance of a perceived acceptable distance from other parties, with the relative weight given to these, often conflicting, aspects varying between parties and authorities.

- *Status rewards* – the formation of an administration by a party holding the Chairs can have an attraction in its own right, apart from its impact on programme achievement, both to a party

used to holding the Chairs and to a party previously denied it.

In pursuit of these objectives, at least four distinctive party group strategies are possible (Leach and Stewart, 1992, p. 27):

- *The governmental strategy* – to press for a 'minority administration' with the party taking the Chairs and Vice-Chairs of all committees.

- *The co-operative strategy* – to agree a formal or informal accommodation with another party or parties, whereby the Chairs are secured by one party, or distributed between parties on the basis of some kind of agreement. This agreement may or may not be underpinned by an understanding at procedural and policy levels.

- *The opportunistic strategy* – to avoid formal or informal arrangements of any kind with any other party, but to exploit opportunities on an *ad hoc* basis through superior organisation.

- *The oppositional strategy* – to act as the traditional party of opposition, sitting on the sidelines and attempting to expose the shortcomings of the other parties.

The interplay between the different party strategies can lead to three different forms of administration (Leach and Pratchett, 1996):

- *Shared Chairs* – including Chairs shared by two or more parties operating on a *partnership or coalition* basis and Chairs without such a basis.

- *Minority administration* – in which one party holds all the Chairs.

- *No administration/procedural Chairs* – in which the role of Chair is stripped of its normal significance and operates on a procedural basis only.

However, each of these different sets of formal arrangements may be underpinned – or may not be underpinned – by a significant degree of *programmatic* co-operation between two or more of the parties involved (Leach and Pratchett, 1996, p. 15-16):

- Shared Chairs can reflect a shared programmatic commitment or, alternatively, be a matter of procedural accident or convenience.

- Minority administrations can be underpinned by tacit programmatic support from another party or can operate in the absence of such tacit support.

- No administration/procedural Chairs can operate in circumstances of a high predisposition of two parties to work together on a programmatic basis or in circumstances where there is no such predisposition.

In other words, in each case there is – in terms of decision-making processes and outcomes – a potentially more stable and consistent sub-category reflecting inter-party programmatic co-operation, and a potentially less stable and consistent sub-category reflecting the lack of such co-operation. The former can be referred to as a *politically integrated* balanced authority; the latter as a *politically fragmented*

one. The two labels should be seen in relative, rather than absolute terms.

## Changing patterns of co-operation and conflict

Hung authorities became the object of academic study in the early 1980s. Since then it has been apparent that, at one extreme, they can operate as effectively in terms of speed and consistency of decision-making as do majority-controlled authorities, and often with the bonus of greater transparency and openness of public debate. At the other extreme, there is no denying that hung authorities can be chaotic, slow-moving and full of rancorous political conflict, producing fragmented and inconsistent decisions, and proving extremely difficult to manage. However, writing in 1992, Leach and Stewart noted the capacity of hung authorities to learn from their experiences (Leach and Stewart,1992, p. 189):

> If hung authorities are seen as a learning experience, what one finds is what we would expect. Initially difficulties may be encountered because authorities have no experience to draw upon except that of majority control. Over time they learn from the new experiences, modifying initial approaches. There is a tendency for the authorities, even some high conflict ones, to settle down …

But the political context of hung authorities has experienced a major change since the mid-1980s. A certain amount of common ground between Labour and Liberal/SDP Alliance groups was beginning to emerge – particularly in those authorities previously dominated by Conservatives, where the onset of a hung authority offered an opportunity to 'break the mould'. However, both nationally and locally the two-party groups were more suspicious of each other than they are now. After all, it was as recently as 1980 that the SDP had broken away from the Labour Party. Former allies faced each other as protagonists across council chambers, as well as at Westminster. Moreover, in the 1983 General Election the Alliance had come within 2 per cent of the vote of displacing Labour as country's second most popular party. There was, then, much less 'natural affinity' between the Labour and the Alliance, and Liberal/SDP co-operation with local Conservatives was almost as common as it was with Labour.

Since 1995, and particularly since 1997, the Labour/Liberal Democrat 'agreement' at Westminster has been mirrored by a much stronger level of co-operation between the two parties locally than existed in the mid-1980s. Or, to put it another way, the rapprochement at national level has legitimised the *de facto* co-operation that had long been developing at local level. This has facilitated the move towards greater formal expression of such co-operation, not least through the relaxation of the Labour Party guidelines on inter-party relations in local authorities. There are now many hung authorities administered by what is, in effect, a Labour/Liberal Democrat coalition, although that term is rarely explicitly used at local level.

This tendency for hung authorities to become more integrated has been noted by a number of writers (Leach and Stewart, 1994; Game and Leach, 1995; Rallings, Temple and Thrasher, 1995), and confirmed in particular by the most comprehensive survey of hung authorities in the mid-1990s by Michael Temple (Temple, 1996). Temple writes (p. 55):

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**Table 6  Views on the impact of hung authorities**

| Percentage reporting | Quality of policy | | Quality of decision-making | |
| | Chief Executives | Party Leaders | Chief Executives | Party Leaders |
| --- | --- | --- | --- | --- |
| Worsening | 10 | 28 | 18 | 29 |
| Remained the same | 34 | 16 | 41 | 14 |
| Improvements | 39 | 48 | 28 | 49 |
| No response | 17 | 4 | 15 | 8 |
| Net balance reporting improvements | +29 | +20 | +10 | +20 |

*Adversarial politics has largely given way to more consensual ways of working. With few exceptions, Labour and Liberal Democrat leaders and councillors have responded positively to the changes … Conservative leaders are realistic enough to recognise that compromise is essential … Despite the greater demands placed upon them, officers are also overwhelmingly positive about working in a hung council.*

Temple's work indicates that when Chief Executives of hung authorities were asked about the impact of becoming hung on policy- and decision-making processes, there was in each case a perception that, on balance, improvements had taken place (see Table 6). Temple's findings on the operational qualities of hung authorities confirm the trends noted by Leach and Stewart in 1992:

*The belief that hung councils facilitate officer control is not supported by the evidence … the necessity for a wider consultative process enhances the democratic characteristics of hung councils … Decision-making does take longer, but that is not necessarily a bad thing for democracy … Concerns that long-term planning is replaced by ad hoc decision-making appear largely unjustified.* (Temple 1998, p. 55)

If one also acknowledges the greater openness and quality of debate in committee and council meetings (see Game and Leach, 1995, then it can be seen that, far from being a recipe for constraint and delay, hung authorities often involve real democratic gains – without losing the supposed benefits of majority control.

## Future trends

Currently, partnership arrangements – the preferred terminology – involving shared Chairs and an agreed common programme are much in evidence. There are, of course, exceptions. There are examples of power-sharing between Liberal Democrats and Conservatives, and examples of authorities where no two parties can develop any degree of joint working and which remain extremely difficult to manage. Typically, Labour/Liberal Democrat co-operation is less likely where there is a history of electoral rivalry between the two parties in a local Parliamentary constituency. However, the general trend is clear. Programmatic co-operation between Labour and Liberal Democrats – which may take the administrative form of a *de facto* coalition, shared Chairs, a minority administration, or even rotating or *ad hoc* Chairs (depending on the

political arithmetic and local preferences) – is now a dominant feature in hung authorities, to which it lends a new degree of stability and integration.

In 1995, amongst the 38 shire counties, metropolitan districts and London boroughs which were then hung, there were 10 examples of shared Chairs involving Labour and Liberal Democrats, compared with just three examples of chair-sharing between Conservatives and Liberal Democrats. There were no examples of Conservative minority administrations, but 10 of Labour minority administrations (typically supported by Liberal Democrats) and five of Liberal Democrats (typically supported by Labour). That pattern of inter-party support has almost certainly strengthened in the intervening four years (see Arnold, 1999).

These patterns of inter-party co-operation may, of course, change – particularly following the succession at Westminster of Paddy Ashdown by Charles Kennedy. The experience of the Labour / Liberal Democrat coalition in the new Scottish Parliament is another important test-bed. But it is difficult to imagine a scenario in which the co-operative experience of the past 10–15 years is completely overturned. At local as at national level, there is typically a good deal of common policy ground between Labour and the Liberal Democrats – certainly much more so than between Conservatives and Liberal Democrats. From this perspective at least, there is currently a promising basis for making the new cabinet or mayoral systems work. The likely effect of these changes, discussed in more detail in Chapter 5, will be to formalise *de facto* coalitions between Labour and Liberal Democrat where they exist, and to encourage further co-operation where it is present in embryonic form. There will be authorities where one or other of these scenarios does not develop. But the general trend is likely to involve the development and formalisation of Labour / Liberal Democrat co-operation.

# 4 Response of hung authorities to the new political management agenda

## The case for change

The 'democratic renewal' elements of the Government's agenda for the modernisation of local government extend well beyond the introduction of new political management structures to embrace community planning, new methods for increasing turnout at local elections and the enhancement of public participation. However, it is the new structures – the separation of executive and assembly, cabinet government and elected mayors – which have generated the most public and media interest, and which are central to Government's far-reaching agenda.

The analysis of the problems giving rise to the need for change is set out in the White Paper, *In Touch with the People* (DETR, 1998b), and in the more recent *Local Leadership, Local Choice* (DETR, 1999). It is rooted in a perception of the ineffectiveness of the committee system as a vehicle for taking decisions and as a transparent mechanism for accountability. Committee systems are seen as involving too many long and fruitless meetings. They are alleged to distort councillors' own priorities – survey evidence reporting that they would, in general, prefer to be spending more time representing their local communities. They typically involve little real democratic scrutiny, most decisions being taken elsewhere, and they are responsible for producing an 'attendance culture'. As *Local Leadership, Local Choice* puts it:

> *The committee system, designed over a century ago, does not work today. It is inefficient and opaque, and weakens local accountability. It is no system for the modern council, which needs to give effective leadership to its local community and to take decisions in a faster moving world to deliver quality services. People are not well served by it.*

## The three 'executive options'

The Local Government Bill largely confirms the options set out in the earlier draft Bill and the accompanying commentary, *Local Leadership, Local Choice.* Local authorities will be expected to choose one of three different models of decision-making, all of which embody a Westminster-style 'separation of powers' between an executive and an assembly. There is some recognition, however, that there might be other appropriate forms of local governance which fall outside this categorisation. The three proposed models are discussed below.

**A directly-elected mayor with a cabinet**
Under this model the mayor would be elected by the whole electorate. Once elected, the mayor would select a cabinet from among the councillors. The cabinet could be drawn from a single party or a coalition. It is likely that these cabinet members would have portfolios for which they would take executive decisions, acting alone. The mayor would be the political leader for the community, proposing policy for approval by the council and steering implementation by the cabinet through council officers. The Chief Executive and chief officers would be appointed by the full council, in line with current practice.

**A cabinet with a leader**

Under this model a leader would be elected by the council and the cabinet would be made up of councillors, either appointed by the leader, or elected by the council. As with a directly-elected mayor model, the cabinet could be drawn from a single party or a coalition. The model is very similar to that above, except that the leader (sometimes known as an indirectly elected mayor) relies on the support of members of the council, rather than the electorate, for his or her authority and can be replaced by the council. While the leader could have similar executive powers to a directly-elected mayor, in practice the leader's powers are less likely to be very broad, as there is no direct mandate from the electorate for the leader's programme.

**A directly-elected mayor and council manager**

Under this model a mayor would be directly elected to give a political lead to an officer or 'manager' to whom both strategic policy and day-to-day decision-making would be delegated. The mayor's role is primarily one of influence, guidance and leadership, rather than direct decision-taking. Using a private sector analogy, the mayor might resemble a non-executive Chairman of a company and the council manager its powerful Chief Executive.

The division of labour between the executive (whatever form is adopted) and the assembly or full council will be as follows.

The executive will:

- translate the wishes of the community into action

- represent the authority and its community's interests to the outside world

- build coalitions and work in partnership with all sectors of the community and bodies from outside the community, including the business and public sectors

- ensure effective delivery of the programme on which it was elected

- prepare policy plans and proposals

- take decisions on resources and priorities

- draw up the annual budget, including capital plans, for submission to the full council.

The council's responsibilities are to:

- agree the council's overall community strategies, including its education development plans, land use development plans, local transport plans and its local performance plans

- determine each year its revenue and capital budgets

- take those decisions which would represent a departure from the strategies and budgets which the council had previously agreed

- adopt the form of local governance under which the council operates

- make appointments to such committees and sub-committees as the council's new constitution provides, and to the executive where the new constitution so provides

- make or confirm appointments of the council's Chief Executive and chief officers as the council's new constitution provides.

Although under these definitions there remains a significant degree of choice open to authorities – e.g. as to what constitutes policy and to what extent the assembly should be involved in the formulation of policy – the distinction between the respective roles is, in principle, clear. With some notable exceptions, the response of local authorities to the 'new political management-structures' agenda has not been enthusiastic. Increasing numbers of authorities are developing proposals for cabinet government, but mainly, it seems, because they feel under pressure to do so. In the pattern of responses that is emerging, the 'cabinet with a leader' option is the overwhelmingly dominant preference. Hung authorities are under-represented amongst the councils that have already developed and made public proposals of this or any other nature.

It is possible that this picture – in particular the imbalance between cabinet government and elected mayor proposals – may change. It may change because of the legislation's provision that a petition of 5 per cent of its local electorate could force an authority to call a referendum on elected mayors, and an ensuing supporting-vote could oblige it to introduce this system. It may change through a 'knock-on' effect, whereby one or two London boroughs, metropolitan districts and unitary authorities introduce (with public support) elected mayors, and other authorities then feel that they will be disadvantaged by not following suit. (Consider, for example, the likely response of Bradford to an elected mayor in Leeds, of Leicester to an elected mayor in Nottingham, or of Bromley to an elected mayor in Croydon.)

But, for the moment, most of the thinking that has taken place in most local authorities in connection with the 'new political management structures' agenda has been about the 'cabinet with a leader' option, and how they might make that system work. Thus our empirical evidence in this report, from both the recent LGMB report and the nine case studies, necessarily focuses on the consideration of this option. With regard to elected mayors we have had to use our own judgement in forecasting possible outcomes (see Chapter 5).

## The criteria of evaluation

In making an assessment of the extent to which the new arrangements really could make a contribution to 'local democratic renewal', as understood and presented by the Government, four important criteria will need to be applied:

- Is the capacity for effective community leadership strengthened?

- Is there a demonstrable capacity for effective scrutiny?

- Is the capacity for effective local representation likely to be enhanced?

- Is the quality of decision-making (speed, consistency, accountability, transparency) likely to be enhanced?

In applying these criteria it will be important to make a comparison between hung authorities and authorities in which one party is dominant. As we have already demonstrated, the introduction of certain forms of PR, such as AMS, is certain to increase the numbers of hung councils and virtually eliminate councils with long-term one-party dominance (defined as holding 80 per cent or more of council seats).

The extent to which hung authorities and one-party dominated councils are likely to meet these criteria is crucial in assessing the viability of the arguments for the introduction of PR in local government.

## Evidence from the case-study authorities

In this section we report on the results of our visits to nine hung authorities in mid-1999. We interviewed Chief Executives and, where available, leading politicians about the response their councils had made (or intended to make) to the Government's exhortations to all authorities to experiment with new forms of executive or cabinet government, in so far as this is possible under current legislation. It is, of course, not possible to study directly the impact of PR in such authorities. However, it is possible and helpful to examine the way in which hung authorities are currently responding to pre-legislation opportunities to introduce cabinet/executive governments. In doing so, it will be possible to develop some insight into the feasibility of cabinet government in hung authorities, and its potential impact on community leadership, scrutiny, local representation and decision making.

The nine authorities were selected to give a reasonable mix of authority type, form of administration and nature of response to the Government's proposals. They comprised four shire counties, three metropolitan districts, one London borough and one shire district, and are referred to as authorities A to I in the Appendix, to preserve anonymity. The scope of the interviewing programme was restricted by the scale and timetable of the research project, and the following limitations should be emphasised:

- the nine authorities do not constitute a random or any other kind of statistical sample

- views on the likely impact of the Government's proposals were predominantly those expressed by Chief Executives, drawing on their experience of the pattern of political reactions which had so far emerged. In five authorities we interviewed the Chief Executive only; in the other four a leading politician was also interviewed. It was not possible to adopt the common research principle of 'triangulation'.

Nonetheless, we are confident that the views of the Chief Executives are a fair reflection of authority-wide perceptions. In the authorities where we were also able to interview members, there was very little discrepancy between the views expressed by member and officer respectively. The overall picture that emerges from our interviews is congruent with recent advisory work both authors have done with other hung authorities which are developing responses to the modernisation agenda. It is also in line with the conclusions of the recent LGMB-sponsored research project on emerging political management structures, which elicited a response rate of 75 per cent of all English and Welsh authorities. Thus, although the findings we present should be regarded as impressionistic, rather than conclusive, they do constitute a noteworthy and original input to a growing body of evidence.

## Different approaches to the agenda

Brief pen-portraits of each authority visited are provided in the Appendix to give some sense of the range and distinctiveness of the responses. However, it is helpful to precede these portraits with some general observations.

- There is a general perception – apparent from our interviews, other assignments and a recent research project (IdeA, 1999) – that the introduction of cabinet (or mayoral) government, when the legislation comes into force in 2001, will be more difficult in hung authorities than in those under majority control. Even if they are not enthusiastic about the idea, majority-controlled authorities can envisage how a cabinet system might work. But this is much more difficult for hung authorities.

- Partly as a consequence of the above, hung authorities have been more resistant to the change agenda, arguing that cabinet (or mayoral) government is inappropriate to their circumstances. It is striking that, of the first 30–35 authorities whose proposals to introduce some form of 'cabinet government' prior to the legislation were reported in the local government press, only five – Havering, Barnet, Dorset, Suffolk and Sefton – were hung (LGA, 1999). Hung authorities were thus significantly under-represented (15 per cent against 33 per cent) in this population of pacesetters, although recently more have begun to embrace the cabinet government agenda.

- Hung authorities share the lack of enthusiasm for elected mayors that characterises local authorities in England and Wales generally. Among the handful to have expressed an interest in this option, there are, with the arguable exception of the London borough of Hackney, no examples of hung authorities. There is no basis in the plans of hung authorities, therefore, for assessing the impact of the two 'elected mayor' options.

These general observations hide, however, a range of responses amongst hung authorities to the Government's exhortations to introduce cabinet government, in so far as this is possible under existing legislation. From our visits and other evidence (IDEA, 1999) it is apparent that responses can be categorised as follows:

- *Minimalist/reactive* – No experiments or innovations to be introduced before the legislation requires it – April 2001 being the widely anticipated change date. At most, different options will be 'explored' in the intervening period and the 'least disruptive' option developed when it becomes necessary.

- *'Stay ahead of the game'* – These are authorities that, although they have not yet introduced or developed firm proposals for change, recognise the value of doing so – or at least being seen to be doing so – often in response to strongly-expressed views by the Chief Executive. The argument is accepted that it is important for the authority to determine its own destiny, as far as possible, and not

to end up with a restricted choice, or a government-imposed option. The intervening period (1999–2001) is seen as an opportunity for the development of and experimentation with changes that suit the specific circumstances of the authority.

- *Pacesetters* – These are the authorities that have already introduced, or are about to introduce, some form of cabinet government in the spirit of the government's legislative proposals. This spirit of innovation rarely reflects an enthusiasm for the principle of an executive/assembly split, but rather an acceptance that change is going to happen. There is also a feeling that it is better to be proactive and to learn from, what is in effect, a two-year opportunity for experimentation, than to be reactive and ill-prepared for the inevitable change. In this sense, this category too can be seen as wishing to 'stay ahead of the game', but – to mix sporting metaphors – amongst the front-runners in the race to do so.

Of the nine authorities we visited, two can be classified as 'pacesetters', five as attempting to 'stay ahead of the game' and two as 'minimalists'. These categories are not, of course, precise ones, but they help to give a flavour of attitudinal differences.

## Conclusions

Although each authority visited is developing its own individual response to the 'new structures' element of the modernisation agenda, a number of more general themes and areas of common ground can be discerned from the case-study portraits. There is the distinction between the minimalists, the pacesetters, and those concerned to stay ahead of the game (see above). But the following conclusions are also highly relevant to the scenario-building exercise in the next section.

- Attitudes to the composition of the cabinet tend to reflect past experience. Hung authorities used to minority administrations tend to assume that a one-party cabinet – i.e. a *de facto* minority administration – will be the most likely outcome (or preferred model) in the new system. Hung authorities where there has been a tradition of partnership administrations between two parties, based on shared policy objectives, tend to assume a formalisation of such partnerships into a coalition cabinet in the new system. Authorities where it has been difficult to develop any stable form of administration have formed the view that an all-party cabinet is the only feasible option, at least for the time-being.

- Notwithstanding the impact of previous history, the imminence of the new legislation is leading to the contemplation of closer working between two party groups – typically Labour and the Liberal Democrats – in situations where there is little previous evidence of co-operation, but some programmatic basis for it.

- There is some feeling that the Government's agenda of options is too restrictive, as are felt to be some of the

specifications as to how the new machinery should operate. As a result, there has been some attempt to exploit a lack of clarity in the Draft Bill – e.g. by giving the assembly, working through a system of panels, a stronger policy-formulation role; by proposing that cabinet meetings should be open to the public; and by introducing mechanisms whereby the cabinet's executive powers can be 'clawed back', on a selective basis, by the council or a scrutiny committee. The concern to maintain openness of cabinet meetings is particularly strong.

- There is a strong move towards the establishment of a system of area committees, with devolved executive powers over local matters, as an integral part of the new decision-making structures. Six of the nine authorities visited had included this kind of initiative within their plans – even though it was not clear from the Draft Bill that the delegation of executive responsibility in this way would be permitted.

- There is a difference of view apparent as to whether the scrutiny process should be led and dominated by the opposition – in which case the expectation is that the party or parties forming the administration would play only a minor role – or whether it should involve all parties equally, including those involved in the administration. If an all-party cabinet is envisaged, the choice does not arise. Beyond these debates, there has been little direct experience of scrutiny, which has not proved an easy role to clarify and operate.

- Chief Executives have sought opportunities to convince local politicians of the need to develop a positive response to the 'new structures' agenda, in the face of, in some cases, a distinct political reluctance to do so. Such 'opportunities' have included an interest in achieving 'beacon council' status, the sense of a 'new start' engendered by the impact of the Local Government Review or of a Boundary Commission decision, through to the threat to invoke 'monitoring officer' powers.

# 5 Cabinet/mayoral systems in hung authorities – the three executive options reconsidered

## Introduction

In this section we provide an informed speculative analysis of how each of the three forms of executive government set out in the draft Bill and now in the Local Government Bill itself might work in a situation of no overall control. These outcomes are then compared with those likely to result in councils dominated by one party. As the introduction of PR would probably result in a considerable increase in the number of hung authorities and a virtual elimination of one-party dominated councils, this comparison is a crucial one.

For the 'cabinet with leader' model, the analysis draws on the results of the nine visits we made to hung authorities as this was, in every instance, their preferred option (see also Leach, 1999). For the two models involving elected mayors, these visits were of little direct assistance, as none of the authorities had, at that time, given serious thought as to how either option might work having, in most cases, dismissed them swiftly as 'inappropriate'. Indeed, six months on, we still know of only one hung authority – Solihull – that has attempted to work through at all systematically the implications of these models. Accordingly, the analysis of how elected mayors might work in hung authorities is developed from the application of the principles set out in *Local Leadership, Local Choice* and from the author's own knowledge of the way hung authorities currently operate.

Under the current voting system, if, as specified in the proposed legislation, there were

to be separate elections for the mayor and council members (i.e. council elections three years out of four, and the mayoral election in the fourth year), the result would be a greater likelihood of the elected mayor having a different party affiliation from that of the dominant group on the council. If mayoral and council elections were held in the same year, one might expect the current popularity of the competing parties to influence both results. If elections were held in different years, there is a greater likelihood that the relative popularity of the competing parties would have changed.

## Decision-making in hung authorities under an executive system

**Option 1: elected mayor plus council manager**
The circumstances under which this model is likely to receive serious consideration would be in less politicised authorities. It would occur if they come under greater pressure to present a mayoral option to their local populations, either as the result of a referendum triggered by a petition from 5 per cent of the electorate, or because of a change in rules by the Government that required more (or all) authorities to develop such proposals. In less politicised authorities it is likely that this mayoral option would be seen as preferable to the 'mayor and cabinet' model. Cabinet government in any form is less-developed in such authorities than in more party-politicised councils and it is not seen as compatible with the political culture of hung authorities. A strong Chief Executive, however,

is often to be found and provides a role model for a council manager.

If this premise is accepted, the likelihood is that an elected mayor – of whatever party (or none) – and a council manager would find themselves working with a hung assembly, in which political partisanship was low and where there was a significant number of Independents. Indeed, the possibility of an Independent mayor is greatest in such authorities.

In this model, although the designated executive is the elected mayor and the council manager, most of the *formal* executive power appears to be in the hands of the latter, who has responsibility *inter alia* for 'developing and proposing the budget', developing and proposing details of the 'policy framework', for 'implementing policy and securing service delivery'. The council manager would have to act under the 'political guidance' of the elected mayor, but what sanctions, if any, the elected mayor would have to ensure that her/his guidance was followed is unclear. Clearly, the manifesto of the mayor, whether party political or personal, would have to be accepted as a starting point. Beyond that, the details would presumably be a matter of discussion, persuasion and negotiation, with the council manager having the ultimate authority in terms of policy implementation and in what s/he presents to council, but requiring mayoral approval of the budget, the policy framework, and the community plan.

If the relationship between the elected mayor and council manager is a close and co-operative one – and it is in both individuals' interests that it should be – then it is likely that any measures requiring council approval would be jointly agreed. Each would play a part in ensuring that

the measures concerned were approved by the assembly, taking 'soundings' and building coalitions of support to overcome any resistance – the elected mayor through the use of political networks and the council manager through informal 'briefing sessions' with assembly members. The mayor's initial reference point would be his/her 'own' party (or Independent) group on the assembly, but the non-adversarial and 'weak partisan' climate of such authorities would extend the possibilities of networking of this nature beyond the confines of political parties and Independent groupings.

Although this process of negotiation is certainly less straightforward than if an elected mayor were working with a majority group from her/his own party on the council, it need not be unduly problematical. It is likely that there would be a tradition in such authorities of 'seeking a lead' from the Chief Executive (or Chief Executive/Leader) and making policy (in so far as policy is made) through a process of reaction rather than pro-action.

There are two other possible scenarios. First, tensions may develop between an elected mayor and council manager, with the former feeling that his/her 'guidance' was being ignored or not given enough weight by the latter. In this situation, it is likely that the elected mayor would actively seek to build a coalition within the assembly to prevent the agreement by the assembly of measures proposed by the council manager. If the elected mayor succeeded in this aim, then the council manager's own power would be circumscribed by the knowledge that the mayor and assembly (or a majority thereof) were well-organised to act as a countervailing force. If the elected mayor failed to build or maintain a supportive assembly

coalition, then the mayoral role would move towards that of a relatively powerless formal figurehead.

The other possibility is that an elected mayor would come to be faced with a council the majority of whom were hostile to his/her priorities and programmes, perhaps through a change in political composition in an election subsequent to that of the mayor. The result would be a much tougher negotiation process, with the council manager and mayor having to spend much more time trying to develop coalitions of support on an *ad hoc* basis, but knowing that it was only they who could present policy proposals to council – an important negotiating strength. Alternatively, the council manager could decide that it was more important to develop a good working relationship with the dominant forces in the assembly, which would have the outcome of marginalising the elected mayor.

**Option 2: cabinet plus leader**
On the basis of the stated intentions and preferences of all local authorities, whether majority-controlled or hung (IdeA, 1999), this option is likely – in the absence of any major change in the Government's proposed legislation – to prove the initially overwhelmingly dominant choice. It is thus analysed here in much more detail than the two elected mayor options.

In *Local Leadership, Local Choice* (paragraph 3.38) it is stated that, in this option 'the cabinet would be appointed by either the leader or the council'. In the latter case it would be for the council to decide the make-up of the cabinet by majority vote, according to its new constitution. In our view it is unlikely, generally, that the

leader will be authorised to select his or her own cabinet colleagues. The tradition is for Leaders and Committee Chairs to be decided by elections within the majority party group, and then voted through by that group in full council. It is hard to envisage a set of circumstances, except perhaps within Conservative majority groups with traditions of allowing the leader to select Committee Chairs, where party groups would voluntarily give up this power. It is even more unlikely in a hung authority, where all groups are likely to want to have a say in who represents them in a multi-party cabinet. Even if a minority administration were to be sanctioned, the council would be likely to wish to reserve the right to replace any cabinet members in the future, if the way they discharged their individual responsibilities were felt to be ineffective.

Of the three administrative options open to hung authorities at present – minority administration, coalition or partnership administration and no administration – the third ceases to be a possibility. The council will be required to appoint both a Leader and a cabinet (i.e. an 'administration') of one form or another. It can, however, choose whether to have a *one-party cabinet*, a *coalition cabinet* of two or more parties, in which a third party is expressly excluded, or an *all-party cabinet*.

The reality is that these choices would be the subject of intensive, inter-party discussion and negotiation – as they are now. The knowledge that cabinet posts would have to be filled at the first meeting of the council would act as a strong stimulus for at least two groups to agree an acceptable outcome in advance. The first council meeting would then act as a rubber-stamping exercise, formally endorsing a list of

cabinet members previously agreed informally.

As we saw in the previous section, examples of each of the three possible cabinet options – single party, coalition or all party – were anticipated in the transitional cabinet arrangements that have been initiated, or are being developed in the case-study authorities. The preferences will tend to reflect the political arithmetic and political culture of each authority. One possibility would be where there is some previous experience of co-operation – typically at present between Labour and Liberal Democrats – shared-policy objectives, or a knowledge that the real electoral competition in an authority is not between the two parties concerned; or any combination of these circumstances. In such a situation it is likely that a coalition cabinet will be informally agreed and then formally adopted.

If, on the other hand, there is no such basis for a coalition, then one of the other possibilities will be taken up. In an authority where there was a good deal of inter-party conflict, and a coalition was not politically feasible, there would be two options. The first would be to allow one party – probably, but not necessarily, the largest – to form a minority administration, in the recognition that it would have to seek compromises to get its policy and budgetary proposals through the full council. In these circumstances it would also be likely that the council would seek to retain the ability to take out of the executive authority of the cabinet those executive decisions that it felt (or a defined number of its members felt) required a full debate in public, with a view to reversal. There is a provision to this effect in the current arrangements adopted in London Borough of

Hammersmith and Fulham. Depending on its perception of its own effectiveness, or lack of it, the minority administration would have the option of resignation, in which case the council would have to appoint a new administration.

Alternatively, it would be possible for all parties to agree to share cabinet places on a proportional basis, with the leader either being voted for on merit, or accepted as the leader of the largest party. Although *Local Leadership, Local Choice* states that the executive would 'usually give specific portfolios to individual members of the executive' (paragraph 3.38), unless this becomes a requirement, it is likely that a cabinet of this nature would wish to operate as collectively as possible, and preferably in public. The problem of allocating individual portfolios amongst parties with differing political perspectives would be considerable. If this came to be required, it is likely that the cabinet collectively would wish to institute a 'claw-back' power – i.e. to call in executive decisions which were formally within the remit of an individual cabinet member. Alternatively, they may wish to make as clear a distinction as possible between executive decisions on *policy*, which would be taken collectively, and executive *implementation* decisions, which could, in principle, be taken individually by cabinet members of different parties. The potential problems of the allocation and operation of individual portfolios in an all-party cabinet had certainly been recognised in those authorities that had embraced this option and were visited for this research.

The preference for open meetings would stem from the desire of all parties in these circumstances not to be seen to bear responsibility for decisions that they did not

agree. In a situation where three parties held distinctive political positions, there would be many disagreements at cabinet and, presumably, a relatively large number of decisions going through on a majority vote. In a closed cabinet the minority view would not become public, unless the minority chose to issue a press-release making their position clear. In an open cabinet, such disagreements would become public, thus enabling any group to maintain its ideological identity with the electorate. However, open cabinets that would, in effect, be small Policy and Resources Committees with delegated powers, are not in the spirit of the Government's proposals.

A hung authority in which each of the three parties was determined to avoid partnerships or coalition with one another would be the most difficult type of hung authority to manage – as, indeed, it is now – with the greatest potential for political in-fighting, delay and disjointed decision-making. Disputes within an all-party cabinet would be likely to be replicated within the council chamber. For example, if the budget to be presented by the cabinet to the council were the subject an unresolved disagreement within the cabinet, the group whose view had not prevailed would certainly wish to re-open the debate in the council, which would have the power to refer the budget back. It is highly unlikely that the principle of collective cabinet responsibility, with all members accepting a majority decision once it had been reached, could be sustained in these circumstances. A minority administration would be equally prone to having its recommendations overturned in council, unless a good deal of sounding-out and negotiation had been undertaken beforehand.

Such 'sounding-out' and negotiation

processes are commonplace in political systems that regularly produce political mismatches between an executive and an assembly (e.g. the US presidential/congressional system). If a minority party, or even all-party cabinet, acknowledged the reality of the position it was in, the system could be made to work. For, presumably, it would ensure that it carried out the consultation and bargaining necessary to secure acceptance of its proposals to council, including the necessity to compromise or make concessions on a regular basis. Effective negotiation would produce a stream of policies and executive decisions that were not subject to acrimonious debate and delay in council. If the need for such negotiation and concession were not recognised, then the probability of rancorous conflict and delay would be heightened.

One of the longer-term effects of a move to local cabinet government is to increase the likelihood of coalitions. The difficulties involved in both minority administrations and all-party cabinets have already been identified. The former has the disadvantage, for the other parties, of allowing one party effective control of executive decision-making, and presents the party forming the administration with considerable problems of getting policies through the council. The latter, particularly if closed meetings are required, would be seen to compromise the 'separate identity' of parties wishing to maintain it, and would be unlikely to achieve cabinet unity. There would also be problems with the internal allocation of cabinet responsibilities. Both systems could be made to work, even in situations of three parties all wishing to maintain their distance, but at the cost of a great deal of time-consuming inter-

party negotiation prior to the formal presentation of proposals. The need for such negotiation processes would still be there for a coalition cabinet, but the nature of the network would be simplified by the more integrated nature of the cabinet.

Given the current extent of common ground in policies and priorities between Labour and Liberal Democrats at local level, together with the strength of the inter-party relationship at Westminster, our expectation would be that the greater political manageability of a coalition cabinet will have obvious appeal in authorities where joint-working has already been established. It would have attractions too in authorities where the two parties have begun to recognise the possibility of joint-working, even if it has not yet become formally established. There are similar possibilities for Conservatives and groupings of Independents. Even if the climate of inter-party relationships changes, the situational pressure towards coalition cabinets will be likely to remain, not least because of the political management difficulties associated with the alternatives.

Community leadership in the crucial external dimension of activity in the new system would be more difficult in an all-party cabinet than with either of the other two options, particularly if the low level of inter-party trust resulted in all-party representation, and regular disagreement, in important partnership arenas.

**Option 3: elected mayor plus cabinet**
In many ways the issues raised by this option are similar to those raised by the 'cabinet plus leader'. Once established, the executive, whether or not it includes an elected mayor, will face the same challenge of ensuring that its

proposals are passed by the assembly. In each case that challenge is, in principle, easier under majority control, where the cabinet is one-party and the same party enjoys a majority in the assembly. But there are also some important differences:

- Elected mayors bring with them the legitimacy conferred by the fact of their direct election – a legitimacy not shared by a council Leader. They also have a mandate to carry out an electorally-approved programme that may differ from the manifesto presented by a majority party in council at an earlier election.

- Elected mayors can select and dismiss their own cabinet colleagues – a power which may, but probably will not, be granted to a council Leader who has not been directly elected.

- Elected mayors can choose how responsibility is allocated within the cabinet, and may choose to concentrate executive power on themselves.

- The council cannot force an elected mayor out of office, although it can pass votes of no confidence in her/his policies or chosen colleagues.

The impact of these constitutional differences is that an elected mayor is in a much more powerful position than a cabinet leader – particularly if the latter's cabinet colleagues have been chosen by the assembly as a whole, rather than by the leader. The elected mayor's position is more secure – at least until the next mayoral election – and s/he has a strong

external reference point and the authority of direct election on the basis of a personal manifesto. In particular, an elected mayor is less vulnerable to the power of the party group than is a council Leader. Assuming a situation where an elected mayor is working with a majority party group of the same political complexion, the following features would be anticipated:

- regular meetings between elected mayor, cabinet colleagues and assembly members of the same party in private, to discuss policy initiative proposed by the mayor/cabinet

- an informal agreement on the part of the majority group to support such previously discussed initiatives in council – particularly if some influence in informal policy development groups is accepted by the mayor/cabinet

- the role of majority party groups on scrutiny panels would depend on the presence of a significant opposition and the attitude taken by that opposition to scrutiny (for further details see above section on 'cabinet plus leader' model).

There would always be the possibility of exceptions to this general pattern – for example, if there were a clear majority within the group that was opposed to a mayoral initiative and an expressed intention not to support it in assembly. The choice for the mayor would then be to try to negotiate support from other parties – which would threaten his/her long-term relationship with the party group on council – or to modify the proposal in such a way that it was acceptable to the group. There is also the possibility of a breakdown in relationship

between party group and elected mayor – particularly, perhaps, in a highly factionalised group, where the balance between the factions changes at an election subsequent to the mayoral election. This would make the position of the cabinet members selected by the mayor extremely difficult: do they resign or do they stay? It would similarly pose some hard choices for the mayor: does s/he fight it out in a battle of attrition as they try to establish a coalition, and cabinet, on an all-party basis, including members from the minority faction within the mayor's own party?

Ironically, the position of an elected mayor in a hung council would probably be less difficult than it would be dealing with a divided majority party. If there were a natural coalition partner, then it would be the mayor's decision whether or not to invite members from that party to form a coalition cabinet. Such a decision would most likely be discussed with the mayor's own party group beforehand, but the decision would be that of the mayor, which would remove the party group from any formal responsibility for the coalition initiative. If there were no natural coalition partner, there would be two options for the mayor: an all-party cabinet, or a cabinet consisting wholly of members from her/his own party. The former would be more likely to ensure the passage of mayoral initiatives through assembly, albeit probably in diluted form. The latter would be more likely to result in a battle of attrition between mayor/cabinet and assembly, but may be attractive if the mayor thinks it might be possible to exploit the lack of common ground between the two other parties.

An elected mayor faced with a majority in council from a different party would have little

choice but to respond to that reality. The response could be either by selecting key members from that party on to the cabinet, or, if that option was unacceptable to the majority council party, holding regular informal discussions with its leading members to try to develop budgets and policies which would be supported. The mayor's power of executive action remains, though there would certainly be pressure to introduce 'reference back' provisions. A situation involving a mayor and council majority from different parties would be difficult for all those involved. The hope would be that the desire to ensure that the authority dealt efficiently and effectively with its business would override the instinctive party-political temptation to make life impossible for the mayor.

If, as the Government currently intends, mayoral and council elections are held in different years, there would be an increased likelihood of a mayor from one party and a council majority of another. If mayoral and council elections were held in the same year, one might expect the current popularity of the competing parties to influence both results. If elections were held in different years, there is a greater likelihood that the relative popularity of the competing parties would have changed.

## Intra- and inter-party group behaviour

In many ways the stance taken by party groups will be the most crucial ingredients in the success or failure of the new arrangements in all authorities, as assessed by the criteria set out at the end of Chapter 3. The key choices facing party groups are as follows:

- whether the dominant group(s) is prepared to relax discipline amongst its own members, especially with respect to the scrutiny and local representation functions;

- whether the opposition group(s) responds by reacting to the proposals and decisions of the dominant group(s) on their merits, or whether it uses scrutiny/representation opportunities mainly as an opportunity for political party-scoring.

To the extent that groups find it difficult or impossible to relax party discipline, and a publicly conflictual style of inter-party relations is maintained, there will be a number of consequences:

- The capacity for effective local representation amongst non-executive members of the dominant group(s) will be heavily circumscribed.

- The capacity for effective scrutiny will likewise be reduced – both for the dominant group members, who will not choose to criticise their party colleagues in a climate where they feel opposition groups are displaying political opportunism, and for opposition members, if the scrutiny function becomes publicised.

- There will be a resulting marginalisation of the non-executive members of all parties.

In majority-controlled authorities with a tradition of adversarial inter-party relations there are real doubts about whether the requisite change of political culture will occur

(see Copus, 1999). What is likely to be the situation in hung authorities?

In the authors' view – and we reiterate that much of what we are providing here is, at most, informed speculation – there is a *greater likelihood* that effective local representation and scrutiny arrangements will be developed on an all-party basis, than in most majority-controlled situations. This is particularly likely to be so where there is some form of coalition cabinet in operation, which we have argued will become more likely under PR. The reasons for our views are as follows.

- Except in a 'minority administration', there is no single dominant party and hence majority/opposition modes of conduct are less appropriate.

- In a two- or three-party cabinet, decisions will often necessitate some form of compromise. It will be much more difficult to expect or impose public group support for such decisions than it would be with a single-party cabinet. Councillors of all parties would, then, be free to exercise their local representation and scrutiny roles.

- In an all-party cabinet in particular every party is involved in the 'administration'. All parties are both administration and opposition. Both roles therefore become less distinct than in other forms of control and it becomes correspondingly harder to use either scrutiny or local representation for 'political point-scoring' by one party in relation to a decision made by a cabinet member from another party. But, as we argued, collective responsibility for

decisions is to be expected in all-party cabinets.

It is acknowledged that all-party cabinets may be established in hung authorities where there exists a high level of inter-party conflict, and that such conflict would be likely to spill over into the operations of scrutiny committees and the assembly. However, one of the key features of PR is that it makes change from a hung situation to one of majority control less likely, especially where annual elections are retained. A good deal of the inter-party political opportunism found in hung councils derives from the assumption that the hung arithmetic is temporary and that there is, for one or more parties, a real prospect of majority control after the next election. The most likely form of PR to be introduced – AMS – makes changes of this nature less likely. There will be a greater incentive to make the hung situation work.

In a minority administration in a hung authority, the nature of inter-group politics is likely to be little different from that in a majority-controlled authority, except for the greater vulnerability of the party forming the administration. In the other two forms of cabinet – which are in our view much more likely outcomes – it is much more likely that traditional modes of group operation and dynamics will be challenged and changed.

## The scrutiny function

We have concentrated so far on the different alternative forms of cabinet in hung authorities, and on the inter-relationship between cabinet and assembly. It is important to also explore the implications for scrutiny, given the key role

earmarked for scrutiny in terms of checks and balances.

The most helpful starting point is perhaps to consider how scrutiny would work in a *majority-controlled council*, in which there is a clear distinction between a 'ruling party', which would take all cabinet seats, and an 'opposition'. One of the areas of greatest uncertainty in evaluating how scrutiny would work in a cabinet system is the way in which majority party members would behave. Would they openly criticise their own party colleagues, or the cabinet, in a public scrutiny forum? Or would they see it as their duty to refrain from such criticism and support their cabinet colleagues? This question is underpinned by a more fundamental one: the extent to which adversarial inter-party politics, supported by systems of group discipline, is likely to survive. Two alternative scenarios are set out below.

In the first scenario, adversarial party politics becomes re-established in the new structures and the conduct of council meetings continues relatively unchanged. In the second, adversarial party politics become diluted and a more open form of debate develops, in which there is much less predetermined constraint on individual party group members.

Similar choices apply to scrutiny procedures. It would be relatively easy in an authority with a conflictual inter-party climate for an *adversarial* ethos quickly to develop in relation to scrutiny. Scrutiny would be seen by the opposition as a chance to expose and embarrass the majority party, in its cabinet manifestation. Indeed, the very word 'scrutiny' is sometimes interpreted in an adversarial way, with House of Commons Select Committees a common reference-point. But, just as debate over a majority party's new

policy proposals does not have to be adversarial, neither does the operation of the scrutiny function. Scrutiny is better seen as a relatively objective *investigation* into a policy or a particular decision, before or after the event. In such an investigation, it is likely that strengths will be found, as well as weaknesses. A scrutiny report should give proper balance to strengths and weaknesses. If scrutiny were conducted in this spirit, it would become more likely that the executive will see it as less of a threat and more of an opportunity for learning. Non-executive members will see it as an opportunity to reflect on past (or intended) practice and to influence the executive.

The way in which non-executive members of a majority party operate in scrutiny mode will be influenced by the attitude of other parties. If opposition parties use it as an opportunity for an executive-bashing exercise, carried out in adversarial style, non-executive majority party members on the scrutiny panels are likely at the very least to remain silent and probably to leap to the defence of their cabinet colleagues. If opposition members adopt a more balanced perspective, it is reasonable to suppose that majority party members will act in a similar way, criticising where they feel this is necessary, praising where they feel praise is due. It is in relation to the scrutiny function that moves have already been made within the Labour Party to relax group discipline – i.e. to not apply the whip. This will encourage appropriate scrutiny behaviour, but will not be sufficient to sustain it if opposition parties are felt to be making political capital out of the process.

In a one-party-dominated council, it should prove relatively easy for the dominant party to relax group discipline in relation to scrutiny and

for non-executive members to take advantage of this relaxation of discipline. After all, if they do not scrutinise effectively, there is no one else to do so.

The other factor that could play a major part in the impact of the scrutiny process is the allocation of responsibility for identifying topics for scrutiny. The non-executive role is enhanced the more this selection process is dominated by assembly members. Again, the two scenarios identified earlier would come into play. In the first case, a majority party attempts to control the scrutiny process, by appointing its own members as Chairs and leaving its other non-executive members playing a distinctly subordinate role. In the second, the political climate is such that a majority party is prepared to allow non-executive members to make the running in selecting scrutiny topics, in the knowledge that an adversarial mode will not be used. In these circumstances, majority party members would be able to play a more pro-active scrutiny role, within the context of a more relaxed disciplinary regime. Again, it is not an overstatement to claim that the effectiveness of, and the member satisfaction involved in, scrutiny will stand or fall by the capacity of all party groups to develop new norms of operation.

How would adversarial politics and group discipline be likely to impact on scrutiny in *hung authorities*? In a *minority administration* there would be a distinction apparent between a dominant party, which formed the administration, and two opposition groups – unless one of the opposition groups was genuinely supportive of the administration without wishing to share in the responsibility of cabinet government. Given the vulnerable

position of the minority administration generally, it is likely that the pressures for the group as a whole to remain united in public would be considerable. In these circumstances opposition parties would be likely to dominate the scrutiny machinery – the minority administration being unable to stop them doing so – with all non-executive members of the minority administration's party playing a supportive, or inactive, scrutiny role.

With a *coalition cabinet* there would be an even more clearly-defined opposition: the party that has been excluded, or has excluded itself, from cabinet membership. There would be a clear expectation that this opposition party would dominate the scrutiny machinery. In this case, however, it would be more difficult to maintain group discipline amongst non-executive members of the parties forming the administration. This is because such discipline would not be a purely internal party matter, but a matter for two parties acting jointly. Given the inevitability of inter-party differences, at both cabinet and assembly level, and a likely suspicion on the part of non-executive members (common in current *de facto* Labour–Liberal Democrat coalitions) of 'deals' being done amongst party leaders, a greater degree of freedom from group discipline in the scrutiny function would be anticipated. Non-executive members of the coalition parties would feel more free to express themselves openly, whilst still seeking to challenge what they perceived as unjustified opposition criticism.

In an all-party cabinet, there would be little point in attempting to preserve party discipline in relation to scrutiny, because the distinction between 'ruling party' and 'opposition' disappears. All parties are both part of the

administration and part of the opposition. Depending on the political climate of the authority, the result could be a balanced all-party approach to scrutiny, in which policies and decisions were judged on their merits, or an additional arena in which to replicate inter-party disputes in cabinet and exploit further political point-scoring opportunities.

Whatever form of administration is adopted, there will be the choice as to *how* scrutiny is carried out. Although the existence of a clearly identifiable 'opposition' makes it more likely that scrutiny will be seen as an opportunity to give the executive a hard time, that will not necessarily be the outcome. It is possible that the whole climate of inter-party relationships may change, once the new system has been introduced. Similarly, although there is more opportunity for a genuinely deliberative approach to scrutiny in a hung authority with an all-party cabinet, because of the pointlessness of an attempt to impose group discipline in these circumstances, there is no guarantee that this opportunity will be taken. Political opponents at a non-executive level may choose to replay battles fought in cabinet or council chamber. Thus, in some hung authorities it is likely that the adversarial climate of inter-party politics will be slow to change.

## Capacity for local representation

Effective local representation and advocacy in any form of local administration depend on three key considerations. First, there is the attitude of each party group to the voicing of such representations in public arenas when the views expressed are at odds with policies or decisions reached collectively. Secondly, there is

the existence of appropriate arenas in which such local views can be expressed and countered. Thirdly, there is the preparedness of the administration to respond to the expressed views of local representation.

Typically, in a party group that is in power – either by itself or in coalition – there are significant restrictions placed on the public expression of 'local representation' amongst group members, if the views are at variance with a policy or decision arrived at collectively within the group. The emphasis placed on effective local representation in *Local Leadership, Local Choice* will only be possible if such constraints are relaxed. Arguably, it will be more difficult to sustain such constraints in certain administrative forms of hung authority under the new system. In a coalition, or three-party cabinet, policy and executive decisions will have to be negotiated and agreed collectively among parties within the cabinet, rather than by a single party. Some decisions may be referred back to party groups, but there will certainly be limits to the scope of such referrals. In these circumstances, it will be more difficult to impose discipline within party groups, and a new freedom for non-executive members to 'speak out for their localities' would be expected, subject to members' own concerns not to embarrass the administration which they are, after all, supporting. In a situation where executive decisions can, in certain circumstances, be 'clawed back' by the full council, local representatives would have an opportunity to influence the decision in this arena.

Members of party groups who are not part of the administration will generally feel free to express the views of local people in public debate – although there will still be some degree

of group discipline in relation to party priorities. In a majority-controlled council such views can be and often are discounted. In the more open situation of a hung council, with the possible exception of one run by a strong coalition, it would be much more difficult to ignore such local representation.

The scope for local representation is very much enhanced by a system of *decentralisation*, particularly if the area committees or forums involved are empowered to make decisions and allocate resources on matters of purely local concern. As noted earlier, the majority of the hung authorities we visited had already introduced such machinery, with or without such powers, or had expressed an intention to do so (legislation permitting) in a situation that is conducive to enhanced local representation. There will, of course, continue to be local representation issues that raise questions about policy on an authority-wide basis, and which cannot be decided locally. Such issues would then be subject to the informal attitudes to local representation that developed in scrutiny committees and full council.

As noted earlier, one-party majority administrations in a hung authority would be likely to be predisposed to keep group discipline as tight as possible in all circumstances. Whether they would be able to sustain this position is open to question, given the ability of backbenchers from other parties to challenge executive intentions in scrutiny panel or full council.

## Capacity for community leadership

The authority for community leadership is clearly greatest in the two elected mayor models, because of the mayor's direct election on the basis of a personal manifesto that sets out a leadership agenda. That authority is more likely to be exercised effectively in the elected mayor plus cabinet option, because of the personal executive power of the mayor and the ability to select her/his own cabinet. With the elected mayor plus council manager option, the effectiveness of community leadership would depend on other considerations – in particular, the strength of the mayor's relationship with the council manager and the extent of the common ground between them, and the ability of the mayor to build a coalition of support within the body of the assembly. Failure on either, or both of these counts would seriously weaken the authority's capacity for community leadership.

There are two sets of potentially advantageous circumstances for community leadership in a hung council operating a cabinet with Leader model. The first is where there is a well-integrated coalition cabinet, in which there is a consensus about which party should hold the leadership. The second is where there is a single-party minority cabinet, which can nonetheless normally rely on the support of a small third party when policies and policy discussions are put to the full council. In both situations the authority of the Leader within the cabinet is likely to be high, thus enabling, to some degree at least, a personalised approach to community leadership. In the first instance, so long as close working relationships between the two parties comprising the cabinet are sustained, there is likely to be continuing support for community leadership instruments – e.g. the draft community plan – and for key external policy recommendations – e.g. a Single Regeneration Budget bid from the full council.

**Table 7 Different executive/assembly models in situations of no overall control**

| | MODEL A<br>Elected mayor plus council manager | MODEL B<br>Elected mayor plus cabinet | MODEL C<br>One-party cabinet plus leader | MODEL D<br>Coalition cabinet plus leader | MODEL E<br>All-party cabinet plus leader |
|---|---|---|---|---|---|
| Likely circumstances of choice | Less politicised authority with strong Independent presence, faced with public support for EM | Politicised authority responding to public support for EM | One party close to a majority, with support from small third party | Two parties with record of co-operation and close correspondence of aims | Lack of perceived basis for coalition between any two parties |
| Likely focus of executive power | Council manager, but possibility of council manager/mayor executive partnership | Elected mayor plus key appointed associates | Leader plus individual cabinet members with portfolios | Leader plus individual cabinet members with portfolios | Collective cabinet (meeting in public?) |
| Allocation of power between executive and assembly | Assembly likely to reserve wide range of powers, resulting in weak executive | Mayor's legitimate authority likely to result in strong executive. | Assembly likely to reserve wide range of powers, leading to weak executive | Strong executive feasible, if an established pattern of inter-party co-operation | Assembly likely to reserve wide range of powers, leading to weak executive |
| Scope for community leadership | Only if mayor can generate support from council manager and assembly | High, so long as mayor can establish a constituency of support, in assembly | High, if third party support holds; otherwise vulnerable to assembly constraints | High, so long as basis of coalition remains stable. | Variable, depending on inter-party dynamics |
| Operation of scrutiny arrangements | All-party involvement; investigative | All-party or opposition-dominated, depending on status of mayor within his/her group | Dominated by opposition; limited involvement from party forming administration; adversarial | Dominated by non-coalition party involvement; adversarial? | All-party involvement; investigative. |
| Scope for local representation | High, reflecting traditions of such authorities | High level of expression (all party); questionable influence | High, though least in party forming the executive | High; degree of influence subject to negotiations | High, with good deal of scope for influence |
| Party group discipline | Relaxed, reflecting traditions of such authorities | Variable, depending on how involved mayor becomes in party group | Stance of opposition will determine scope for relaxation of group discipline | Circumstances likely to lead to relaxation of discipline | Variable, depending on inter-group dynamics |

That likelihood is reduced in the case of a single-party cabinet, dependent on the terms of the third party's support.

The scope for community leadership is likely to be more circumscribed in hung authorities where there is either a one-party minority administration that does not enjoy the explicit or tacit support of another party, or an all-party cabinet that has been formed through the failure of any two parties to identify an adequate basis for coalition. In the first case, however strong the authority of the council Leader within the cabinet, his/her scope for manoeuvre is likely to be limited by regular use of 'call-in' powers by the full council and by difficulties in getting the requisite enabling instruments – e.g. the community plan – through the full council. In the second case, the scope for community leadership within the cabinet will be circumscribed by lack of a real basis for cohesive collective decision-making within the cabinet and by the likelihood that, even where collective decisions can be reached, they will be susceptible to being overturned in the full council.

## The overall picture

Table 7 summarises our considered views about the likely impact of a move to an executive/assembly model of local government in hung authorities, under several different scenarios. On balance, and on the basis of a range of criteria, we conclude that cabinet or mayoral government would be as workable in a hung situation as under majority control. There would be hung authorities that proved very difficult to manage in the new circumstances, just as there are at present. But, given the

pressure towards coalition administrations that is likely to be a feature of the new system, we would expect such fragmented hung authorities to decrease as a proportion of the total.

*Community leadership capacity* in a hung authority would be strongest under the elected mayor plus cabinet option, a strong coalition administration, or under a minority administration operating with the committed support of a third party. It would be more problematic under a weak minority administration, a weak and isolated elected mayor operating with a council manager – except in so far as the latter could exercise community leadership – or a divided all-party administration.

The *effectiveness of scrutiny* would depend on the attitudes of the party groups concerned both to internal group discipline and to the extent to which scrutiny should be used for party political point-scoring purposes. It is argued that in most forms of administration it would actually be more difficult to sustain group discipline in relation to scrutiny, and hence the possibility of genuine all-party scrutiny of executive decisions would be higher than in majority-controlled authorities. Similarly, there would, in our view, be greater scope for the *exercise of local representation*, less circumscribed by considerations of group discipline. On balance, therefore, it is difficult to sustain the argument that the increase in hung authorities, which would be likely to follow from the introduction of PR, would undermine the feasibility of cabinet/mayoral local government. On the contrary, in most of our modelled scenarios it would actually facilitate the effectiveness of scrutiny and local representation.

## One-party dominated councils

If a PR system were to be introduced that achieved anything approaching statistical proportionality then, as we saw in Chapter 2, 22 of the 32 London boroughs (61 per cent) would, on the basis of the 1998 elections, have been hung – as would 18 of the 36 metropolitan districts (50 per cent). Given the lesser degree of one-party dominance in shire districts (see Table 1), our best estimate of the impact of PR in 1998 is that around two-thirds of all authorities in England would now be hung. Nowhere would the opposition parties have less than 30 per cent of the seats.

If, however, PR were not to be introduced, there would remain a sizeable proportion of authorities dominated by one party: currently just under 20 per cent, using the definition of the dominant party holding over 80 per cent of council seats. How would these councils be likely to perform in relation to the four criteria: community leadership, scrutiny, local representation and decision making?

The capacity for the exercise of strong and decisive community leadership would arguably be greater in these circumstances, particularly for an elected mayor, but also for a Leader elected by the council itself. Similarly, decision-making would probably be quicker, with fewer decisions referred back to full council or scrutiny panel. But in relation to scrutiny and local representation, unless the behaviour of party groups changes in a fundamental way, there would be in one-party dominated authorities a profound democratic deficit.

Consider the following scenario.

A group that achieves a large majority in a first-past-the-post council election takes advantage of its dominant position to vote through a constitution concentrating power in the executive, and minimises the power and responsibilities of the assembly. It votes its own members into the Chairs of all the scrutiny panels, with a private agreement that they should not 'rock the boat'. All scrutiny agenda items are agreed between cabinet and scrutiny Chairs. There is no relaxation of group discipline, nor any freeing of debates from pre-orchestrated political constraints. The alternative 'channel of influence' for non-executive members of the majority party is the retention, and indeed extension of the role of party group. Local issues continue to be brought to party groups, informal policies are discussed there and informal scrutiny even takes place. But all these deliberations take place in private, leaving the minority of opposition members to dominate the formal scrutiny proceedings. Their ability to do so is constrained by the majority party's control of the agenda. Non-executive majority party members are expected to support their cabinet colleagues on scrutiny panels, or stay silent.

This scenario is totally at odds with the spirit and purpose of the Government's democratic renewal agenda. Yet, to judge from previous experience, it is a possibility in all one-party dominated authorities and a probability in more than a few.

# 6  Conclusion

- There are currently 150 hung authorities in Britain – that is, over one-third of the total. Over the past ten years the proportion of hung authorities has fluctuated between 25 per cent and 35 per cent. They are thus a well-established and significant feature of the local government landscape under the first-past-the-post system.

- Under any system of PR the number of hung authorities would increase considerably. Under a wholly proportional system only 10 out of the 32 London boroughs would currently be under majority control and only 18 out of the 36 metropolitan district councils. Under an AMS similar to that used for elections to the Scottish Parliament and Welsh Assembly, the likelihood is that up to two-thirds of local authorities in Britain would be hung, under present patterns of party support.

- The introduction of a proportional system would have the effect of reducing electoral turnover of councillors and councils. Fewer councillors would lose their seats as a result of election and the party control of councils would fluctuate less than it does at present.

- If ward sizes, especially in rural areas, are not to be increased still further, AMS is to be preferred to STV or party-list systems, whether open or closed. There is also evidence that AMS is more comprehensible to the public than other, previously unfamiliar, electoral systems.

- Academic evidence since 1981 has shown that, at best, hung authorities can operate as effectively in terms of speed and consistency of decision making as majority-controlled authorities, often with the added bonus of decision transparency and openness of political debate. At their worst, however, they can be fragmented, slow-moving, inconsistent, rancorous and extremely difficult to manage.

- Since the early 1990s, stable integrated hung authorities have become more common and fragmented conflictual examples fewer in number. This trend owes much to the increased rapport between Labour and Liberal Democrat groups at local level, reflecting a degree of shared policy interest, and is supported by the improved relationship between the parties nationally. Fragmented, rancorous hung authorities constitute at present probably no more than 10 per cent of the total.

- Hung authorities have been less pro-active than their majority-controlled counterparts in responding to the Government's encouragement to establish cabinet-style government in advance of the legislation. Those that have responded have emphasised in their proposals the following features:
  - a mix of one-party, two-party and all-party cabinets
  - a preference for open rather than closed cabinet meetings
  - the introduction of area committees as an important element of the 'checks and balances' on the power of the cabinet.

- Neither of the elected mayor options had at the time of our research attracted any significant degree of support from hung authorities: less even than from majority-controlled authorities. However, the elected

mayor plus council manager option would have an appeal for less partisan hung authorities, if they were obliged to select an elected mayor option.

- In our judgement, the increase in the number of hung authorities likely to follow the introduction of PR would not be an impediment to the introduction of the Government's proposals to introduce an executive/assembly split in local government. The political dynamics would be different from those in majority-controlled authorities, but the new system could and probably would be made to work. Similarly, the case for PR is not diminished by the likelihood that it would lead to more hung authorities.

- The process of developing a new system would be likely to lead to more coalitions, especially in the foreseeable future between Labour and Liberal Democrat groups.

- There would, however, be likely to be a minority of hung authorities that found it difficult to adapt to the demands of the new system. These would be characterised by lengthy decision-making processes, inconsistent decisions and a high level of internal conflict. But the probability of no overall control becoming a permanent feature of such authorities would make inter-party accommodation more likely in the medium term.

- In the absence of PR there is a real danger that scrutiny and local representation functions could be rendered ineffective, in councils where one party is dominant, tight party group discipline is maintained and the scope for opposition minimised.

- In a top-up PR system, there would be a distinction between councillors directly elected from local (ward) constituencies and those elected through a top-up list system. Evidence from overseas suggests that the latter are by no means necessarily viewed as inferior in status. Indeed, members of party leadership groups are often elected through the list system.

- In British local government there would be a greater congruity of the electoral system with the new political management arrangements if top-up members were elected for the local authority area as a whole, rather than from large sub-authority constituencies.

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# Appendix: Case studies of nine hung authorities

## Authority A

Authority A is a rural shire district in the Midlands. After 15 years of Conservative control it became hung in 1994, since when the Liberal Democrats, the largest party, have operated a 'minority administration', losing the very occasional vote in full council. The council's partisanship remains generally low-key, with a significant Independent representation (seven following the 1999 election), relaxed party discipline, not infrequent abstentions and occasional cross-party voting.

The council regards itself as having already responded to the modernisation agenda, in that it has recently streamlined its committee system. There is a *Strategy Committee* to which three *panels* report: Building Local Democracy, Supporting Local Economy and Environmental Sustainability. The panels appoint and receive reports from small, time-limited *task groups*. This system, which has replaced the familiar service committees, operates in conjunction with six *area committees*, whose remit is shortly to be extended from planning to 'community services'. The panels (and task groups) are concerned primarily with policy development and to a lesser extent policy review. There is also a *scrutiny panel* chaired by a Conservative opposition member, which is at a very early stage of development and still searching for a role.

Although it would not be difficult to develop the new structure into a cabinet system, there is little enthusiasm for doing so amongst any of the political groups. The Liberal Democrat preference would be for a multi-party cabinet (excluding the Conservatives) of around 12: the same size as the current Strategy Committee, but larger than that permitted in the Local Government Bill. A Conservative cabinet would be more likely to be one-party only. There are no immediate plans to transform the existing Strategy Committee into something more identifiable as a cabinet.

## Authority B

Authority B is a London borough, hung since 1994 after a long period of Conservative domination. Until recently, there has been a Labour minority administration – although not one that has involved any kind of partnership or deal with the Liberal Democrats, the smallest party. Following a defeat on its budget proposals earlier this year, the Labour administration resigned and was replaced by a minority Conservative administration, although there was a difference of view within the group about whether they should take this step.

There was little interest in the modernisation agenda prior to the 1998 election. What action there has been had taken place during the few months immediately preceding our visit. In September 1998 a 'Modernisation Task Force' was set up, but has made little progress. None of the party groups have been at all enthusiastic about the move towards an executive or cabinet, although many of the Labour group recognise that 'something' should be done. The task force has now been replaced by a 13-strong sub-committee.

Under pressure from the Chief Executive, following the publication of the Draft Bill, an

outline proposal began to emerge, featuring a cabinet/executive board model with 'locality committees' added-on (as the price for Liberal Democrat agreement), which will deal with planning and minor environmental matters. There are still many basic questions to be resolved – e.g. whether the cabinet should be single- or multi-party (although the latter is unlikely in the current political climate); whether there should be deputies to the portfolio holders; and what the division of labour should be between cabinet and council. There has been little progress either with the scrutiny function; it is unclear whether or not the committee/panel will be led by opposition members.

Response to the Government's agenda has been slow and painful, reflecting the unstable nature of the hung authority and the lack of any predisposition to inter-party partnerships. The Chief Executive hoped that by December 1999 a firm position on the modernisation agenda would have been reached, but at the time of our visit many obstacles to this outcome still remained.

## Authority C

Authority C is a shire county. Since 1974 it has experienced periods of both majority Labour and Conservative control and periods of no overall control. It has been hung for 14 of the last 18 years, during almost all of which time the council has been run by a Labour minority administration. Currently, Labour is only one seat short of an overall majority and the council operates 'as if Labour were in majority control'. There has rarely been any informal understanding between Labour and the Liberal

Democrats to underpin the minority administration.

The initial reaction of the Labour group to the modernisation agenda was one of total opposition, and resentment at 'being told how we are to run our council'. However, both Leader and Chief Executive are concerned to 'keep ahead of the game'. There is an emerging proposal which is very close to the Herefordshire model (LGA, 1999) and involves a single party executive, supported by all-party policy-development panels and service teams, and a scrutiny role led by the opposition. Also proposed are five area panels/committees, matching the district council areas within the county; these will have devolved powers.

It is anticipated that the most difficult structural element to get agreed will be the executive function, where Labour members will be concerned that a small decision-making body will challenge the pre-eminence of the group. There is also the support of the other parties to be secured, since the Herefordshire model requires unanimity. The publication of the Draft Bill was helpful in the way it limited cabinet membership – to nine in this particular county – thus making it easier to argue for a single-party executive committee.

Other elements of the proposals include five policy reference groups and a scrutiny committee (and a number of scrutiny panels), working closely with the area committees. The main scrutiny committee would be chaired by the opposition leader (who in the Herefordshire model sits as an '*ex-officio*' member of the executive).

At the time of our visit the aim was to launch the new structure in September 1999, but it was acknowledged that there was a good deal

of both inter- and intra-party negotiation required if this aim was to be realised.

## Authority D

Authority D is a rural shire county. It has been hung continuously since 1981. Since the mid-1980s Labour has been the strongest party and, between 1985 and 1993, operated as a minority administration with Liberal Democrat support. In the 1993–97 period there was a more formal Labour/Liberal Democrat joint administration. In 1998, after a reduction of council size, and following a move to unitary status of one of its erstwhile districts, the Liberal Democrats became the largest party. They have operated as a minority administration for the past year – although at the time of our visit their position was looking increasingly vulnerable.

The response to the modernisation agenda has come primarily from the Council Leader and the Chief Executive. The aim has been to build a community representation/scrutiny model 'from the bottom up'. The proposals that have been developed by no means fulfil all the requirements of the Government's agenda. A cabinet has been proposed, but its role is largely a co-ordinating one, with executive power retained in the existing committees. It was expected that the cabinet would be one party, drawn from whichever party forms a minority administration. The authority was hoping to persuade the Government that the abolition of committees with executive functions is not appropriate for this kind of authority, and for the kind of area it represents, but that otherwise the proposed changes take on board the principles of the Government's approach.

Other features of the proposals include three four-member *Scrutiny and Performance Review Panels*, part of whose responsibility will be the monitoring of service delivery against the relevant service plans. It is likely that the chair of the Audit and Central Services Scrutiny Panel will be the opposition leader. There will also be established five *Area Committees*, consisting of all councillors living in the area and dealing with all 'patch' issues. Each Area Committee will have a cabinet link-person, whose constituency base is outside the area. There will also be a series of *task groups* set up to deal with particular issues – e.g. social exclusion.

## Authority E

Authority E is a metropolitan district that was Conservative-dominated between 1974 and 1991. In 1991 the Conservatives lost control, although (with the exception of one year) they have remained the largest party since. Between 1991 and 1996 there was a coalition administration involving the Conservatives and the Independents, dominated by the former. In 1996 Labour formed a minority administration, with the support of the Liberal Democrats. In the 1999 elections the Conservatives made sufficient gains to enable them to retake all the Chairs, although there is a Labour mayor – the first ever in the Borough! Labour had wished to continue in office, but on the basis of an official pact with the Liberal Democrats, which the latter refused.

The council has taken no steps on political reform other than to form a working party of leading members of all parties. This working party deliberately deferred its first meeting until after the publication of the Draft Bill, so that it could better judge what the Government

wanted. At its first meeting the Chief Executive was authorised to undertake a scenario-writing exercise. He was examine each of the three models in the Draft Bill, visualising the positive and negative features of how each would work in the borough over the 2002–2004 period. The council manager model is being treated, unusually, as an equal contender, with possible appeal to the borough's stakeholder group and its managerially-inclined population. The most likely preferred outcome is, however, cabinet plus leader, which the Labour group is known to support.

A couple of years ago the Council undertook a restructuring of its committee system, introducing two corporate committees – Strategy, and Operations and Audit. The former is supported by a number of member-led, and supposedly time-limited, Strategic Advisory Groups on key organisational issues – e.g. community safety, leisure, the environment. The Operations and Audit Committee will become, in effect, the scrutiny committee, though members prefer the idea of 'overview' to scrutiny. The authority has done quite a lot of work over the past few months developing this overview role, with various exercises, seminars, etc. and those members involved have taken to it with some enthusiasm.

## Authority F

Authority F is a metropolitan district in the north-west. It has been hung continuously since 1986, during this time it has seen a variety of administrative forms (most commonly a Labour minority administration), rarely involving any evidence of sustained inter-party co-operation or support. Much of the time, inter-party

relations have been suspicious and sometimes hostile, and the authority has been an extremely difficult one to manage. The situation was complicated recently when the Boundary Commission visited the authority to decide whether part of the its area should be detached, to form a separate authority.

The Boundary Commission recommendation for 'no change' was published in 1998 and proved a spur to action in relation to the modernisation agenda. It is now accepted that the authority will survive in its present form. It is widely accepted politically that it will continue to be hung for the foreseeable future. The three party leaders, who have the ability to work together, have recognised that it is important to 'stay ahead of the game' in relation to new political management structures. They have managed to persuade their groups to support this process, though the support remains somewhat fragile. There is also a weariness with the history of long-drawn-out battles of attrition and the slowness of the decision-making machinery. Thus, a number of contextual factors have fortuitously come together to facilitate the development of a positive response to the Government's exhortations that local authorities should develop new structures prior to the legislation.

The main features of the council's proposals, due for implementation in May 1999, are as follows:

- a new *executive cabinet* of 11 (slightly above the size permitted in the Draft Bill), involving power-sharing among all parties

- the cabinet to meet *fortnightly and in public*

- six *'ratification committees'* – one for each cabinet portfolio – to meet fortnightly to receive/consider/determine cabinet members' proposals

- a single *Scrutiny and Review Committee*, comprising 11 councillors who are neither on the cabinet nor on a ratification committee

- a *call-in procedure* – up to five days before a cabinet decision is actioned, any member can refer it to the relevant ratification committee

- a *service consultation panel* for each service, to include representatives from 'partner' organisations

- a *management board* – of leading officers and members to meet weekly in private

- *area committees* to be established, probably 10–11 in number, comprising all local ward members and a cabinet member, which will exercise delegated powers on local issues.

These proposals could not have been introduced without all-party support. The continuation of that support is potentially fragile. The new proposals are seen as a 'learning process' and will be reviewed at regular intervals.

## Authority G

Authority G is a northern metropolitan borough. It was hung continuously between 1980 and 1989, and has since alternated between periods of majority Labour control and periods of no overall control, typically with Labour

forming a minority administration. In 1998–99 Labour held exactly half the seats and controlled the council, when necessary, through the casting vote of the mayor. In 1999 Labour lost seven seats and the borough became hung again, a result which had long been anticipated, even by the Labour group.

Rarely in the past 20 years have any party groups worked together when the authority has been hung. This was true particularly in the 1992–95 period, when, for reasons of personality and electoral competition, there was little basis for any form of partnership between Labour and the Liberal Democrats.

Since 1997–98, though, the inter-party climate has improved. Following an extremely critical OFSTED report on the management of the Education department early in 1997, all parties recognised that it was important to restore the image of the council, both locally and nationally. The Education department was overhauled and, for the first time, the education budget was agreed and publicly endorsed by all three party groups. It was in this climate of seeking to convince the Government of the council's ability to deal with its own problems that the three party leaders agreed that it should develop a response to the options for changing political management structure in *In Touch With the People*. This process, led by an all-party working party, commenced in September 1998 and operated on a stage-by-stage basis. The cumulative set of proposals was approved in May 1999 for implementation.

The main features are as follows:

- an *all-party cabinet* of eight (one more than Draft Bill maximum), to meet in public every fortnight

- the cabinet to be structured on the basis of *six portfolios*, reflecting broader 'community governance' topics rather than traditional service areas

- a *private briefing/deliberative session* for the cabinet, Chief Executive and other chief officers every alternate fortnight

- six *scrutiny committees* to be established, mirroring the cabinet portfolios, with the relevant cabinet member not eligible for membership

- *scrutiny panels* to have the power to 'call-in' cabinet decisions which they think merit a wider public discussion. If agreement can be reached with the cabinet, the cabinet then makes the decision. If not, it is referred to full council

- council meetings to take place every eight weeks

- the case for area committees to be considered shortly.

As with Authority F, it was emphasised that the proposals *had* to be the subject of all-party agreement; otherwise progress would not have been feasible. It was acknowledged that there is an area of uncertainty about how the cabinet will cope collectively with the fact that all three parties will hold specific posts and portfolios, in some cases with very different political viewpoints. But the mood was one of cautious optimism.

## Authority H

Authority H is a shire county that has been hung continuously since 1981. Over much of this period it has operated in a relatively well-organised way, with coherent decision-making. Usually there has been some kind of mutual support or partnership between Labour and the Liberal Democrats, sometimes involving the sharing of Chairs, sometimes not. But for most of the 1993–97 period the Conservatives and Liberal Democrats shared Chairs. Whatever the form and composition of the administration, business has usually been conducted amicably, with the leaders of all three parties coming together on major issues affecting the future of the county – e.g. the Local Government Review.

Following the Review, two of the county's districts gained unitary status and the council's membership was reduced by a third. This change provided the opportunity for a radical overhaul of decision-making structures, prior to the formal transfer of power to the two new unitaries. The changes involved a streamlining of existing committee structures – rather than an early attempt at cabinet government – and a move towards a system of decentralised area committees, based on existing districts. Although the county was not envisaging making further changes in 1999–2000, several of the elements of the new structure have the potential for adaptation into elements of a cabinet/assembly structure.

The new structure introduced in 1998 has the following features:

- a *Policy Committee* (20 members) plus *four main committees* (15 members each), including a new Community Development Committee. Sub-committees have almost totally been discontinued

- *22 Boards*, of five members each, which act as agencies for policy development and review in respect of particular policy areas or client groups

- *Six Area Committees*, based on District Council boundaries, which (currently) have no decision-making powers, but rather identify and champion key issues of importance to the area, and broker partnerships with outside organisations to bring together the skills and resources to address these issues

- *Nine Select Panels* to explore and make recommendations on a range of topical cross-service issues – e.g. Best Value, Economic and Social Disadvantage, Local Agenda 21.

Not surprisingly, experience within each of three new types of structure – Boards, Area Committees and Select Panels – has varied, but members have come to see benefits in each of them. The Select Panels have found it hardest to identify a clear role and way of working. However, in at least some area committees, the community advocate/community governance role has 'taken off' and the members involved have valued the opportunity to learn about and specialise in a particular area of interest to them. There is a view that the Boards will provide an appropriate mechanism, in principle, for the scrutiny role, when it develops under the new legislation.

The county, even if it sets up an umbrella Scrutiny and Overview Panel, would wish to continue to operate the scrutiny function through a series of small topic-specific panels, similar to the existing boards. There is also a

strong predisposition to strengthen the area committee machinery by providing it with delegated executive powers over local issues, so long as the legislation permits this. Such a move is seen as an important contribution to the checks and balances needed in relation to a cabinet system. Politically, a Labour/Liberal Democrat coalition cabinet is the most likely outcome, if current support patterns continue – these two parties currently operating an 'informal cabinet'.

## Authority I

Authority I is a shire county, hung continuously since 1981. During that period it has been rare for any form of partnership – formal or informal – to have existed between any two of the three groups. Chairs have been rotated and/or defined purely in procedural terms. Reflecting the lack of inter-party co-operation, decision-making has been slow and cumbersome, and the authority has found it difficult to develop any kind of corporate strategy. The budget process has typically been protracted with much conflict although, in recent years, Labour and the Liberal Democrats have identified a growing common ground, which has been reflected in the content of the budget.

There was initially little enthusiasm for the Government's political management proposals. A number of seminars were held, but members were reluctant to move away from the familiar committee system and found it had to envisage how a cabinet could possibly work in the fragmented political climate of their county. Under considerable pressure from the Chief Executive, however, they were persuaded of the importance of responding positively to the

White Paper. The Chief Executive was able to use the agenda to help to address some of the county council's other problems – e.g. its lack of corporate direction. The mechanism for developing a response has been a Members' Working Party consisting of the leading members of each party.

At the time of our visit, the Chief Executive was hoping to present an 'Options and Structure' report to the council by the end of June 1999, based on the work of the Members Working Party. The need to respond to the new agenda has helped to facilitate and formalise the degree of Labour/Liberal Democrat co-operation, which was already developing. This co-operation, however, has been and is likely to continue to be a slow and painful process, partly reflecting the fragmented nature of the Liberal Democrat group. The likely outcome of the

structure review is a form of cabinet in advance of the legislative requirement. Under current conditions a power-sharing cabinet involving Labour and Liberal Democrats is the most likely outcome.

Other features of the system are likely to include a relatively strong council role – reflecting a desire to limit the power of the executive – although recent attempts to generate serious debate about big issues facing the county had not been encouraging. There will also be a scrutiny committee, but little thought had yet been given to how it will work and it is likely that, without training, many members will be ill-equipped to carry out the scrutiny role. Area committees may or may not develop as a further feature. If they do, they will be complicated by the fact that there is a high level of 'dual membership' within the county.