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EXTERNAL STAKEHOLDER PARTICIPATION IN OVERVIEW AND SCRUTINY PROCESSES: A CASE STUDY OF FOUR ENGLISH LOCAL AUTHORITIES

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Abstract

Overview and scrutiny (OS) is an integral and once statutorily required aspect of the new political management arrangements introduced by the Local Government Act 2000. Ten years on, the varied nature of local government has resulted in a diversity of governance arrangements. These incorporate OS functions that have implemented different elements of their general role, as it was originally envisaged, with varying degrees of emphasis and success. The thesis uses a grounded theory approach to analyse data arising from observation of OS processes and semi-structured interviewing of OS chairs, scrutiny officers and external stakeholders of four English local authorities. It makes an original contribution to knowledge by investigating the 'external scrutiny' element and the extent to which external stakeholders are being involved in OS processes as a means to enhance local democracy and augment OS enquiry evidence bases. Over the years, various Acts of Parliament have consolidated and strengthened the 'external scrutiny' role, which originally gave non-executive members a focus beyond their own local authority services and competencies. It has since developed into an enhanced and increasingly important aspect of core local authority business, which now sees local government OS empowered specifically to hold large scale service delivery partnerships to account to a greater extent than ever before. In an era of Total Place, local governance, joint commissioning, shared services and collaborative procurement, OS has been equipped to enable non-executive members, through influence, to effect genuine improvement in their localities. However, the research has shown that making this a success is problematic, as cultural differences, organisational resistance and issues of legitimacy confront external scrutineers. The theoretical contribution of the thesis states that a willingness to perform, and the practical undertaking of, external OS has enhanced the democratic component of local governance through a two-pronged approach that can be characterised as 'monitoring / accountability' and 'service improvement'. This enhancement is qualified by the fact that engagement in OS processes is generally of experts / professionals, typically from the public sector. As a corollary of this and the increasingly complicated cross-cutting issues facing policy makers, OS has developed into a highly technical exercise, which may add to the difficulties encountered in attempting to involve lay stakeholders: indeed, the general public has not been engaged consistently and systematically. It is theorised that 'hard' and 'soft' role delineations exist within OS processes that influence this – hard role delineation is seen as a barrier to general public engagement - and lend themselves most readily to 'monitoring / accountability' and 'service improvement', respectively. The latter of these is found to have greatest potential for more substantive external stakeholder engagement and the use of innovative practices, and it is theorised that deliberative democratic approaches, which flexible OS arrangements are well equipped to implement, are key to strengthening OS's role as they enable inclusion, consensus building, triangulation and quality assurance of the findings of OS enquiries. This is in the pursuit of stronger recommendations for service improvement, built upon wide ranging, properly deliberated evidence bases.

Contents

Tables, charts and figures

This thesis is for my family,

Amanda, Zania and Marshal.

With all my love and thanks for your support.

Acknowledgements

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Declaration

I declare that the work contained in this thesis has not been submitted for any other award and that it is all my own work.

Name: Reece Bowman

Signature:

Date: 22/6/10

1. Introduction

Overview and scrutiny (OS) and developments around it raise age-old questions relating to representation and democratic legitimacy. These combine with more current debates on democratic renewal, particularly those on the desirability of a more participatory democracy, as a primary concern of the thesis. The ever-increasing emphasis on partnership working across sectors (which includes community groups), and where OS fits in the context is the second major concern of the thesis.

OS brings together non-executive councillors in non-political party partisan committees to drive improvement and hold the council's executive – usually a leader / cabinet arrangement, but also elected mayors and executive committees - and its partners (NHS, etc.) to account. OS achieves this typically through the use of formal committee work but, in pursuit of their objectives, OS functions also:

- Deploy committee working groups to investigate specific topics and make recommendations;
- Commission external research by academics and others;
- Hold public hearings; and
- Work in partnership with other scrutiny bodies such as neighbouring councils' OS functions, NHS Local Involvement Networks (LINks) and Police Authorities.

Some OS functions are able to draw upon dedicated scrutiny officers devoted solely to the support of OS, but others are reliant upon non-dedicated officers of the council with different full time roles. Usually these are democratic services or policy officers, but occasionally officer support from different professions are drawn in to support OS on a need basis. OS is described in far greater depth in chapter 3.

In a post-recession public sector characterised by retrenchment and contraction, OS faces the challenge of proving its worth. One of the ways in which it can do so is by accessing the views of service users by using various methods. Councillors are seen to be particularly well placed to be able to do this, given their electoral mandate and their physical location in the community they represent, of which they have unique knowledge and insight into the concerns of residents. This is invaluable to the task of holding to account and contributing to the perpetual task of public service improvement.

Figure 1: OS's role in local governance
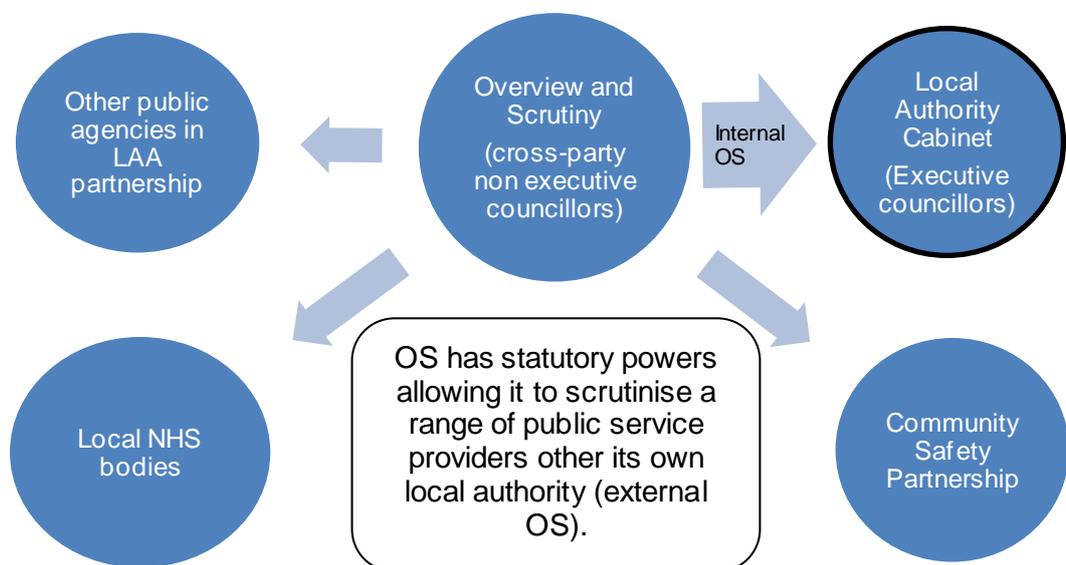
Also see Appendix C (p. 294) for a more in-depth depiction of the role of OS in local governance.

There is a trend towards more participation, especially at the local level, which has exacerbated under New Labour (Aspden & Birch, 2005, p. 2) largely as an attempt to reengage people in their communities and governance. This accelerated further prior to the 2005 general election, which led to 'a distinct blossoming of rhetoric about the importance of deep and genuine participation, from think tanks, lobbyists and politicians' (Bowden, 2005, p. 60). The development of OS has taken place in this context and accompanies new roles for elected members, such as 'community leader' (ODPM, 2004, p. 11) and 'place-shaper' (Lyons, 2007).

Both of these titles reflect the view that councillors can play unique and electorally mandated roles in relation to the public and council partners. The new roles exist alongside the aforementioned powerful imperative to involve citizens in the work of OS and, if properly realised, can make councillors an integral part of their communities, engaged in a form of public scrutiny which combines representative and participatory democracies in holding a wide range of partnerships and public service bodies to account.

To achieve this enhanced accountability requires the active buy-in of a range of council partners. Whilst OS is a local government service, its reach is potentially wide-ranging, with elected members able to influence policy across a number of service providers. To fulfil the difficult task of effecting change via the exercise of influence, rather than executive power, councillors need to engage successfully the full spectrum of knowledge and expertise in today's public services. This is desirable for two reasons: firstly, to make intelligent contributions that are of value; secondly, to provide essential legitimacy and rigour to OS evidence bases, upon which effective recommendations for service improvement can be developed.

When compared to other elected member arrangements, OS is seen by the thesis as a particularly useful means of accessing the knowledge and expertise needed to develop policy in a complex, multi-layered governance environment. This is due to its negation of party politics, allowing partners to engage with it without fear of politicisation; its potential for flexible working arrangements and its ability to engage with a range of external stakeholders, from PCT chief executives to children and young people. The value that elected members can bring in terms of the lay perspective, unrivalled local knowledge and 'the common touch' can all be successfully utilised through effective OS. For this reason a main premise of the thesis is that OS is highly empowering for elected members, assuming a range of criteria are fulfilled. These relate principally to how well OS is practised, how well it is received and the extent to which it is resourced, all of which are elaborated later in the thesis.

As well as being empowering for non-executive members, OS can genuinely add value in the correct set of circumstances. This is the most important justification for a system of OS, and in local authority areas where it can be said to be doing so, there is no other arrangement which allows members to make a difference in such a systematic and genuine manner. OS endows non-executives with the tools to draw the most powerful figures in an area into the purview of the locally elected representative. Officials that are accountable directly to central government are now also subject to statutory requirements concerning their answerability to non-executive councillors.

The fact that OS cannot force change does not dilute its capabilities; to suggest so is to misunderstand the nature of policy making in an era of local governance and partnership. To explain, even executive members control directly only a very limited proportion (the non-ring fenced amount controlled by the local authority they control) of what is spent in a locality by the state (see DCLG & Treasury, 2010). The totality of the public spend that is controlled locally is negotiated with other agencies in partnership. Therefore, it could be said that beyond the relatively small amount spent by the council, both executive and non-executive elected members stimulate change through influence rather than directive. The best OS functions have developed into formidable influencing mechanisms and, as such, are very well placed to develop local public policy in an 'area-based' age. Using a grounded theory approach, the thesis makes an original contribution to knowledge by exploring this rapidly developing field of local authority external OS. The thesis situates OS within a broader context of democratic renewal, a policy agenda comprising devolutionary and governance measures with the aim of reinvigorating democracy.

At the national level this involved the formation of a Scottish Parliament and Welsh Assembly, reform of the Lords and in local government the introduction of new political management arrangements (Morrison, 2001). The latter were intended to open up decision making and give a clear idea of where responsibility for decisions lay (DETR, 1998a). Other benefits were to include speedier and more efficient decision making and greater

accountability, due to the formation of powerful Overview and Scrutiny Committees (OSCs) as a democratic check.

The thesis identifies some of the main concepts underpinning the democratic renewal agenda, namely social capital, communitarianism and deliberative democracy. The political management arrangements of which OS is a part owe much to these concepts, as social capital and communitarianism often go hand-in-hand with a desire to hold decision makers to account. More transparent formal political structures in both central and local government were intended to facilitate this alongside newer forms of participatory democracy, many involving substantive deliberation, rather than just token consultation. The thesis is particularly concerned with the extent to which deliberation is being used by OSCs to elicit and amalgamate the widest possible range of views into coherent evidence-bases. This follows from an assumption that flexibility of approach, as allowed by deliberation, is the most effective way to engage with the various external stakeholders that need to be engaged; including for example, the aforementioned PCT chief executives through to children and young people.

Findings

The research has revealed a clear trend towards the engagement of experts in OS processes. The trend is multi-layered, in that expert testimony is favoured, experts and their work are predominant focal points, and expert advice is privileged. 'Experts' in the OS context are found, usually, to be public officials of mid- to senior rank, rather than local politicians or service users. Their position as the focal point of much OS work is viewed as a microcosm of the broader reality of public policy making and service delivery under a centralised and public management model which allows little space for local political leadership.

The thesis explains the privileging of experts by reference to global and national phenomena, principally public management and centralisation, respectively. The former is viewed as a means by which public managers

and/or experts have come to the fore due to numerous influences such as the prevalence of increasingly complex 'wicked issues' without an immediately obvious political solution. Democratic malaise has, in turn, contributed to a decline in perceived electoral legitimacy, posing particular problems for the local politician wishing to extend his or her influence over council partners, as required by the partnership scrutiny agenda. Extensive centralisation and overbearing external audit and inspection are also viewed by the thesis as a severe constraint on local political competency and leadership.

A conclusion that is drawn is that public engagement in formal political processes, as promoted by the democratic renewal agenda, has not been well-served by OS across the case study authorities. However, what has emerged is a function that is beginning to engage successfully public sector partners and, to a more limited extent, those in the voluntary sector. Private sector engagement is almost non-existent and there is very little evidence of sustained general public involvement.

To summarise, the thesis argues that building on the best of OS, its deliberative elements and ability to work in a non-party political manner, is the key to its ongoing success. Deliberation is seen as the principal way in which the wide ranging views of various stakeholders, with varying levels of personal and organisational competencies, can have their views heard. OS is the forum in which electorally mandated lay scrutineers can balance these views deliberatively, with a view to developing resilient evidence bases upon which recommendations can be built.

1.1 A cross-disciplinary approach

The thesis is a cross-disciplinary (political science / public administration), qualitative examination of OS and how it is engaging with local authority external stakeholders. The following briefly explores the thesis in ontological and epistemological terms with the intention of providing a better understanding of the underlying assumptions behind the research (Marsh &

Furlong, 2002). Methodology will be explored separately at a later stage in the text (see p. 129) as a means of framing and introducing the research findings.

Political science

The political nature of OS necessarily places any study of it within the realm of political science. Within the discipline the thesis reflects the anti-foundationalist and broad view of what constitutes the political (Marsh & Stoker, 2002, p. 9). A vital part of this in the study is the delineation from the outset of two separate but inextricably linked concepts: politics and party politics. The (superficial) absence of party politics in OS certainly does not mean that politics in a broader sense is absent. Indeed, the research proceeds from the premise that, particularly in the context of greater partnership working, politics and policy-making takes place in a wide variety of settings, including, but not limited to OSCs, cabinets and council chambers. This is one of the main reasons for exploring the engagement of external stakeholders in OS. The anti-foundationalist view has in turn led to an interpretive approach to the research (Bevir & Rhodes, 2002), which is explored in depth in the methodology chapter.

Public administration

Lowndes (2002, p. 90-91) has described public administration as a sub-discipline of political science, which could imply that the actual situation of the thesis is within the public administration field within the broader discipline of political science. However, it is argued here that the political elements of the study place it more generally within the field of political science, whilst the focus on service improvement and OS relationships with the public sector in general also places the work within the field of public administration. This consideration underpins the claim that the thesis is a cross-disciplinary concern.

Public administration is part of 'a profusion of words to describe the study of the public sector ... all referring essentially to the same thing, which is how

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the administrative parts of government are organised, process information and produce outputs in policies, laws or goods and services' (Hughes, 2003, p. 7). OS is a fundamental part of how 'administrative parts of government are organised', and a key part of its function is to influence outputs, policies and services of not only the council, but increasingly a broader range of public service providers.

1.2 Structure

The thesis moves from an introduction to the topic, to a review of the literature with an introduction to key concepts, then to the methodology employed in the research. Findings are then presented in the context of the existing literature and the methodology employed. Findings are presented firstly in a manner which best utilises the grounded theory method employed. Secondly, clear practical lessons from the research with implications for the operation of OS are incorporated into a separate sub-chapter.

Literature review

OS has been a source of much consternation amongst academics and practitioners. Whilst it has provided a considerable shift in the way local democracy and administration is and can be conducted, which in turn has raised political issues, criticism has emerged. The basis of this criticism and important concepts are explored in the literature review chapters which act as a preamble to the research that follows. Marshall and Rossman specify two main purposes of the literature review:

> *First, it provides evidence for the significance of the study for practice and policy and for its contribution to the ongoing discourse about the topic (often referred to as contributing to "knowledge"). Second, it identifies the important intellectual traditions that guide the study, thereby developing a conceptual framework and refining an important and viable research question* (2006, p. 26).

In outlining the relevant concepts and the debates around them, the approach in the introductory chapters roughly follows the first two stages of

'normative theorising' outlined by David Beetham (1996, p. 28-29); the final stages are addressed by the research. Normative theorising consists of:

- 'An analytical or conceptual component, addressing the question: What is the meaning of a given concept (democracy, freedom, justice and so on), and what are the criteria by which we can tell whether, or how far, it has been attained in practice?
- A justificatory component answering the questions: Why should we value it? Why is it important to us?
- A critical component, answering the questions: How far are the criteria or principles entailed by the concept realised in a given situation or set of institutions? And how far does practice measure up to a justifiable normative standard or ideal?
- A practical aspect, addressing two rather different questions: What institutional arrangements are, or might be, most effective in realising the principles in question? At what point does realising these principles bring us into conflict with other principles that we value?
- Which social or political groups might plausibly act as the bearers, protagonists of beneficiaries of the values in question?'

Flick has also outlined the many uses of the theoretical literature, insights and information derived from which are described as 'context knowledge' (2006, p. 58-59). The literature review also plays a particularly important role in the grounded theory research project (Strauss & Corbin, 1998, p. 49-52), a role which is explored in greater depth in the methodology chapter.

The literature review first sets the background by briefly describing British local government from an historical perspective. The emphasis then shifts onto the changes which have characterised local government; this necessarily involves a more detailed look at the post – 1974 situation, a new epoch for local government (Gyford, 1991). Classical political scientific concepts such as representation and participation are then examined, providing Beetham's 'analytical or conceptual component' (1996, p. 28). A

vital part of this is realised in explaining some of the arguments (see point 2, above) for greater citizen participation. It is assumed that liberal democracy and representative politics have generally operated successfully enough to require no further justification in this text, although ideas to the contrary are explored in some depth.

The headings are, therefore, broad, and provide introductions to the main concepts that they describe; the main purpose of this being to set the context in which the research will be conducted. Some of the main concepts behind the Labour government's democratic renewal agenda, social capital, deliberative democracy and communitarianism, are then described to provide a context for the development of OS, itself a part of the agenda intended as a means to greater transparency and democratic accountability in local government.

Methodology

The methodology chapter discusses the grounded theory approach and the rationale behind its use. It also

- Explains how the sample of case study local authorities was decided
- Describes the research methods employed
- Describes some of the main methodological risks and strategies employed to mitigate

Findings

The layout of the research findings is arranged according to the concepts that emerged from the data. Findings are also interspersed with direct quotations from interviewees and other sources. This is in keeping with the interpretive approach of the research and is intended to illustrate the main issues raised by the interviewee in as pure a form as possible. It also negates a key issue highlighted in Thomas and James' (2006) critical engagement of grounded theory, whereby the use of its procedures 'relegates the original voice – the narrative – of both the respondent and the discussant in the research exercise' (*Ibid.*, p. 24).

Separate sub-chapters deal with theoretical conclusions and practical lessons from the research. The former explicates a grounded theory of external stakeholder participation in OS processes, whilst the latter derives practical lessons from the research, intended for use by practitioners.

1.3 The concept of 'externality' employed by the thesis

Several concepts are employed by the thesis including, amongst others, a notion of 'externality' that could usefully be explored in more depth. In the context of the thesis 'external', when used to describe OS activity or stakeholders, is used with reference to anything or anyone not within the mainstream scope of the local authority concerned. For example, the term 'external stakeholder' is used to denote any individual or organisation not directly employed by, or under the direct control[1] of, the local authority. Similarly, 'external OS' refers to OS of policy outcomes in the community, specific geographical areas, public policy themes, partnership working, etc: '"External scrutiny" is the term used to describe a political assembly applying the process of scrutiny to bodies outside the control of its own executive' (Sandford, 2005, p. 5). This is as opposed to a focus which would be solely concerned with the 'host' local authority's own performance and policy in isolation. To illustrate this, the following are examples of items of business that may appear on OSC agendas, and would generally be considered 'internal' OS:

- Council directorate performance reports
- Corporate restructures: the implications
- Items relating to duties specific to the council in question: e.g. how the authority is fulfilling its statutory duty to provide a comprehensive library service
- Items relating to specific systems or processes that the council uses or has responsibility for implementing across public services in an area: e.g. the Common Assessment Framework

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[1] Commissioned services or services delivered at 'arm's-length' would fall into the 'external' category for the purposes of the thesis.

'External OS' is an intentionally broad definition and could include OS of:

- A specific geographical location: e.g. reducing obesity in a specific ward
- Specific partnership work: the production of a crime and disorder Strategic Assessment and resultant priority setting by the partnership (in this case Community Safety Partnership) concerned

The broad definition of external was adopted to contrast the very specific and universally accepted definition of 'internal' OS: OS focussed specifically on the host council's executive. Statutory powers enshrined in the following Acts introduced and then augmented external OS:

- Local Government Act 2000 – introduces OS
- Health and Social Care Act 2001 – introduces health OS and related external OS powers
- Police and Justice Act 2006 – introduces OS of Community Safety Partnerships
- Local Government and Public Involvement in Health Act 2007 – gives OS the power to scrutinise a range of organisations responsible for the delivery of 'Local Improvement Targets'.

1.4 Research objective and questions

The ever-changing system of public service delivery provides a challenge to democratically elected representatives. To exercise any level of influence over the multi-layered and highly complicated array of service providers and partnerships, they must use the systems and processes at their disposal. To those councillors not on the executive – a large majority – this involves the effective use of OS, an imperfect but potentially powerful way of provoking change. On this premise, the following research questions are based:

- To what extent are councillors practising external rather than internal OS?

- To what extent are OS functions engaging external stakeholders in their work?

- To what extent are aspects of OS practice representative of a more deliberative style of local democracy?

- Is OS furthering the democratic renewal agenda?

The objective of the research is:

- To evaluate the OS role of the non-executive councillor in terms of democratic renewal in a local governance context.

2. Local government in the UK

This chapter introduces local government and the main themes of interest that are prevalent in the literature. The history of local government is very briefly described before the focus shifts onto the changing role of the council, again, with relevant analyses from the literature. The chapter concludes with a description of New Labour's approach to local government with short discussions of the main features, such as partnership working. The role of councillors is then established, leading into the next chapter which reviews the literature on OS.

2.1 Local government in the UK: a history

The history of British local government is long. Boroughs have governed themselves under Royal Charter since mediaeval times (Elcock, 1994, p. 30). It was not until the 19th Century, however, that the 'maze of parishes, commissions and other public bodies were almost completely replaced by multi-functional local authorities of the kind with which we are now familiar' (*Ibid.*, p. 30-31). By 1888 and the Local Government Act (LGA) of that year, county councils were established 'by a somewhat reluctant Conservative administration under Lord Salisbury' (Keith-Lucas & Richards, 1978, p. 12), and by 1894, wherever a borough council did not already exist, urban and rural district councils were established (Elcock, 1994, p. 31). The Municipal Corporations Act 1835 had standardised the electoral procedures in borough councils to replace the many different provisions outlined in respective charters. By 1894 the framework in place was largely that which existed until 1974 (*Ibid.*). The LGA (1972) from 1974 abolished county boroughs and reduced the number of counties in England and Wales to 47, incorporating 333 non-metropolitan district councils. Six metropolitan counties and 36 metropolitan districts were established in urban England (Wilson & Game, 2006, p. 52). According to Leach (2004, p. 77), the 1974 reorganisation also exacerbated the trend of party politicisation in local government.

Central government reports and inquiries have had varying influence (this section is based on Wilson & Game, 2006, p. 98-100). Maud (1967) addressed criticisms of the committee system; namely those which claimed that councillors were too concerned with day-to-day administration at the expense of broader policy and strategy issues. Among the 'radical' (Wilson & Game, 2006, p. 98) prescriptions of Maud, was that which stated all but the very smallest authorities should have a management board consisting of between five and nine senior councillors with far-reaching delegated powers. Authorities should also appoint a chief executive officer, and committees and departments should be trimmed down. The proposals were met with hostility as councillors feared becoming second-class members excluded from the board. Sentiments similar to those aired in response to the executive provision of the recent LGA (2000).

The Bains committee (1972) advised on the new internal management structures of local authorities in England following the LGA (1972), and Paterson (1973) advised on the new arrangements in Scotland following the LGA (1973). Both reports essentially argued in favour of a corporate approach, rather than the departmental approach which had predominated. The elite management board of Maud was thus 'left in the long grass' (Wilson & Game, 2006, p. 99). Stephanie Snape has stated that both Maud and Bains 'produced a trend towards streamlining committees' (2004, p. 62); a trend which was to have far-reaching effects. Following the recommendations of these two reports, the majority of newly established authorities appointed chief executives, senior management teams and set up policy and resources committees. Whilst Maude, Bains and Paterson had focused on organisational structures, Widdicombe (1986) looked at elected members and the party political side of UK local government. Left wing Labour councillors, known as the Municipal, or New Urban Left had raised concerns within the Conservative government attributable to 'radical, interventionist policies' (Wilson & Game, 2006, p. 99), providing the rationale for Widdicombe. Whilst the positive features of party politics, such as greater voter choice and better accountability were welcomed, the committee were concerned about the position of minority parties and non-affiliated members.

This was within the context of a Conservative government that 'were able to remove functions and finance because local government was not greatly loved or respected by its electorates' (John, 2004, p. 47). The recommendations of the committee led to a number of checks and balances, namely, in the Local Government and Housing Act 1989 the effective banning of one-party committees and sub-committees, and the forbiddance of public political activity for senior officers. These provisions did not seriously challenge the majority party prerogative to 'determine and see implemented its policy proposals' (Wilson & Game, 2006, p. 100).

Further moves away from the committee system were advocated in the 1990s. Michael Heseltine's consultation paper *Internal Management of Local Authorities in England* (1991) introduced the idea of experimentation in creating executive models of local decision-making (Snape, 2004, p. 62). A Working Party in 1993 led a further, detailed examination of alternatives to the committee system; a report from the Commission for Local Democracy (1995) recommended directly elected leaders/mayors for councils; and Lord Hunt's select committee (1996) recommended freedom for innovation in political management (Snape, 2004, p. 62-63).

Following the election of New Labour the movement towards alternatives to the committee system accelerated in light of the new government's belief 'that the traditional committee system had become inefficient, too time-consuming for members and too removed from local electorates' (Wilson & Morse, 2004, p. 23). Lord Hunt sponsored a private member Bill promoting freedom to innovate in executive arrangements, matching the 'experimental and voluntary' (Snape, 2004, p. 64) approach advocated by Heseltine. The Bill faltered and the government intervened to set boundaries and the timetable for change. The government's proposals for executive arrangements were detailed in the White Paper, *Modern Local Government: In Touch with the People* (DETR, 1998a). The alternatives consisted of leader and cabinet, elected mayor and cabinet, or an elected mayor with a council manager. Adoption of either mayoral system would require a referendum in the locality concerned.

A concession in the passage of the ensuing LGA (2000) through the House of Lords resulted in the incorporation of a 'fourth option' for smaller authorities with fewer than 85,000 residents, comprising a 'streamlined committee system with integrated overview and scrutiny' (cited in Snape, 2004, p. 64). By far the most popular option was the leader / cabinet model, with all but 3 percent of those that had to change adopting the system (Stoker, 2006b, p. 11). It has been speculated that this choice represented the 'least change' option, indicative of the 'dynamic conservatism' endemic in some authorities (Pollitt & Birchall, 1997).

2.2 From 'providing' to 'enabling'

Gyford (1991, p. 21) traces a role shift back to a reappraisal which started in the mid 1970s concerning the function of local government in society. Significantly, this involved the recognition of new social groups creating their own demands for services. In addition to this there was an operational reappraisal which had taken two forms. Traditional methods of service delivery were reassessed; reassessment also took place regarding relations with other sectors. In the latter case, 'multi-sector provision has been canvassed as a means of accommodating growing public pressure for the diversity and choice said to be thwarted by municipal monopoly' (*Ibid.*).

The idea of the 'enabling' authority had its roots in the Thatcherite 'New Right' tendency. Then Secretary of State for the Environment, Nicholas Ridley (1988) made a notable contribution in his pamphlet *The Local Right: enabling not providing*; as his portfolio incorporated local government his work received some attention. In it he argued for increased value for money, efficiency and accountability, and reduced waste, duplication and unnecessary functions. He welcomed the introduction of the Community Charge to meet these goals but lamented the fact that the private sector role in local government had not increased. Ridley suggested that public sector provision should always be questioned in circumstances where the private sector could do the job itself, stating that if this approach were to follow, the

emphasis on the monopoly provider role would be supplanted by an emphasis on an 'enabler' role (cited in Gyford, 1991, p. 153). The community charge itself was seen in part as a means of changing the relationship between service user and provider:

> *The intention behind the community charge has been to make every adult feel as if they are in effect compulsory shareholders in the municipal enterprise, anxious to see their "investment" used prudently and sparingly and to protect themselves against any excessive calls upon their purse. The shareholder model of local government can thus be seen as one which envisages a more active protective role on behalf of those who are the funders of local government , in place of the rather more passive role of ratepayer (Ibid., p. 161).*

This approach illustrated not only the revised view of the community *vis-à-vis* the council, it was also indicative of the broader change of attitude regarding the 'providing' role. No longer were the community to be seen as passive recipients of paternalistic services and welfare. The emphasis was now on the community as empowered shareholders, a role more in keeping with ever increasing levels of diversity and activism.

The fundamental shift away from the providing role caused great consternation. Barron *et al* describe this controversy from two opposing perspectives:

> *The "New Right" argues for an "enabling" authority (or alternatively a "community company") which would provide very little itself but would contract with others (usually private companies) to provide services. The "New Urban Left" sees the solution in a systematic exposure of the local authority to the opinions and interests of the groups which comprise the local community (1991, p. 197).*

The New Labour approach fell between these two in taking a more pragmatic stance towards tendering for services to coincide with the abolition of CCT (DETR, 1998a, para. 17, p. 5 and para. 7.27, p. 56-57). The emphasis was on achieving best value regardless of who acted as service provider (DETR, 1998b).

2.3 Social transformation

The changes faced by local government were also brought about by numerous social transformations (Gyford, 1991, p. 23). In addition to this, contributing to the changing context of local government is what Stoker (Stoker, Unknown, p. 3-4) describes as the shift from 'hard-wiring' challenges to the 'soft-wiring' of society. This analysis refers to the move from a primary concern with, for example, the provision of infrastructure and the clean and reliable supply of utilities, to a concern with environmental, social and community-oriented issues against the backdrop of modern globalisation. Some of the societal changes highlighted have undermined the social geography not only of the 'golden age' of local government (pre World War II - Gyford, 1991, p. 26, 56 & 86) but also of the post-war, 'local arm of the national welfare state' period (*Ibid.*, p. 28).

The processes described by Gyford, de-industrialisation and counter-urbanisation, 'have left city authorities coping with an ebbing economy and their counterparts in the shires wrestling with the problems of a wave of development' (*Ibid.*, p. 28-29). Of high importance in this regard was the move from an industrialised urban society to a population shift from the cities, de-industrialisation and new forms of production. In dealing with population dispersal from urban areas, local government in the cities faced demands for policy to address reduced economic activity and to promote it anew; all in the context of declining local tax revenues (*Ibid.*, p. 28).

Population decentralisation pressured the rural growth areas into the provision of services which matched the expectations of the new influx. This took place alongside local demands pertaining to the control of the commensurate level of growth and development. In response to these new demands the question of adaptation was viewed as an issue of policy and resource as opposed to structure (*Ibid.*, p. 28-29). Gyford states an alternative view: 'it may also be argued that the transformations under way in society over the past two decades do ultimately require not only new policies but also new forms of organisation through which to deliver those policies'

(*Ibid.*, p. 29); a statement of considerable foresight given the sweeping change instigated six years later by New Labour. Arguments around 'post-Fordism' underpin this stance in debating whether large-scale industrial era bureaucracy is sufficient in a post-industrial world. The decline of assembly-line production methods pioneered by Henry Ford, has led to the post-Fordist argument that 'new technologies are drastically altering production, stocking and retailing methods, leading to a new pattern of small batch production of customised products and employing a more versatile workforce with a greater degree of autonomy on the job' (*Ibid.*).

The author goes on to highlight two ways in which the post-Fordist / Taylorian model of local government was deemed inadequate in the move towards a post-Fordist world (*Ibid.*, p. 30-31). Gyford describes the argument that rigidities inherent in Fordist local government rendered it unsuitable for changes associated with broader post-Fordist trends. Service users and their increasing vocalism and activism challenged further the Fordist local government paradigm:

> *... attachment to uniform, standardised forms of local service provision no doubt owed some of its origins to bureaucratic convenience and to beliefs in economy of scale and "rational" use of resources … Increasingly however the recipients of local services have come to expect them to reflect user rather than provider requirements* (*Ibid.*, p. 31).

This factor is of extra significance when placed in the context of another social transformation described by Gyford. Of equal importance was 'the emergence of an increasingly diverse society and of a less deferential, more assertive political culture' (*Ibid.*, p. 23). Taken in sum, the social changes described in this chapter provided a significant catalyst for the reform of local government political management.

2.4 Conflicting images of the state

Differing images of the state can also provide frameworks to characterise the changed role of local government, three of which are forwarded by Chris

Skelcher (2000). The first concerns the 'overloaded state' of the 1960s and 1970s in which welfare bureaucracies reliant on representative democracy delivered services to a largely passive community.

The 'hollowed-out' state (cited in Skelcher, 2000, p. 5) of the 1980s and early 1990s occurred within the context of a political desire to reduce the role of the state. Governmental bodies were fragmented and increased use was made of arm's-length organisations accountable through patronage and market-based systems. This could involve two changes in public service delivery mechanisms. The first would involve the reallocation of activities to bodies outside the state, i.e. privatisation or contractual relationships with the private and/or voluntary sectors. The second transferred responsibility from primary, multi-purpose governmental bodies to secondary, single-purpose agencies (*Ibid*., p. 7). The final image, the 'congested state', arose with the desire to tackle cross-cutting 'wicked issues' through plural governance in the form of partnerships. This occurred 'in response to the problems inherent in the fragmentation arising from hollowing-out' (*Ibid*., p. 3).

The pluralistic approach has meant that '[a]uthority has flowed from elected bodies to quangos but then on to the new partnership structures' (*Ibid*., p. 16), leading the author to state that '[p]artnerships are the new quangos, in the sense that their board appointments, decision-making processes and transparency to public inquiry and scrutiny are as opaque now as quangos were in the early 1990s' (*Ibid*., p. 17). This analysis adds further to the imperative for a stronger form of local authority external scrutiny.

2.5 New localism

Gerry Stoker has called for a 'new localism' which combined with a 'practice of public engagement and participation lays the foundations for a new form of networked community governance' (Stoker, Unknown, p. 1). This governmental form surpasses old-fashioned public administration and New Public Management approaches 'to provide a focus for both integrated

service and programme delivery and the capacity to engage and involve a large number of stakeholders in influencing policy' (*Ibid.*).

Stoker bases the case for a new localism on the grounds that it is a sure response to the complex issues of modern governance; it allows for a more engaging democratic style fit for the needs of today, and it encourages civil renewal in fostering trust, empathy and social capital (*Ibid.*, p. 2). Civil renewal 'is about giving people a stronger sense of involvement in their communities and a greater say over their lives' (*Ibid.*, p. 7) and combines equal measures of rights and responsibilities, both social and political. The current era of networked community governance that is upon local government emerged in the mid 1990s and 'demands a complex set of relationships with 'higher' tier government, local organisations and stakeholders. The relationships are intertwined and the systems of accountability are multiple' (*Ibid.*, p. 21). Elected members today are just one 'system of accountability', although they remain one of the most effective given their democratic legitimacy, knowledge and links to the people in their locality. A more deliberative and inclusive OS function better fits the reality of Stoker's networked community governance.

Table 1: Eras of local governing

	Elected local government in the post-war setting	Local government under New Public Management	Networked Community Governance
Key objectives of the governance system	Managing inputs. Delivering services in the context of a national welfare state	Managing inputs and outputs in a way that ensures economy and responsiveness to consumers	The overarching goal is greater effectiveness in tackling the problems that the public care most about
Dominant ideologies	Professionalism and party partisanship	Managerialism and consumerism	Managerialism and localism

Definition of public interest	By politicians / experts. Little in the way of public input	Aggregation of individual preferences, demonstrated by customer choice	Individual and public preferences produced through a complex process of interaction
Dominant model of accountability	Overhead democracy: voting in elections, mandated party politicians, tasks achieved through control over the bureaucracy	Separation of politics and management, politics to give direction but not hands on control, managers to manage, additional loop of consumer assessment built into the system	Elected leaders, managers and key stakeholders involved in search for solutions to community problems and effective delivery mechanisms. System in turn subject to challenge through elections, referendums, deliberative forums, scrutiny functions and shifts in public opinion
Preferred system for service delivery	Hierarchical department or self-regulating profession	Private sector or tightly defined arms length public agency	Menu of alternatives selected pragmatically
Approach to public service ethos	Public sector has monopoly on service ethos, and all public bodies have it	Sceptical of public sector ethos (leads to inefficiency and empire building) – favours customer service	No one sector has a monopoly on public service ethos. Maintaining relationships through shared values is seen as essential
Relationship with 'higher' tiers of government	Partner relationship with central government over delivery	Upwards through performance contracts and key performance indicators	Complex and multiple: regional, national, European. Negotiated and flexible

(From: Stoker, Unknown, p. 19)

2.6 Partnership

A greater emphasis on partnership working across sectors underpinned New Labour strategy. Local Strategic Partnerships (LSPs) bring together the main service providers in an area to coordinate effort in tackling the problems best dealt with using a multi-agency approach. Currently,[1] a Sustainable Community Strategy (SCS) stating the long term vision for an area is developed by the LSP. A Local Area Agreement (LAA) is then negotiated with the Department for Communities and Local Government (CLG) via the Government Office for the region.

In two-tier areas LSPs currently exist at both tiers, with the upper tier LSP responsible, in consultation with the lower tier (each district area has an LSP), for the LAA. The LAA is to be the practical expression of the SCS, containing local priorities and appropriate targets to achieve the vision developed in the SCS. Monies are currently made available to the LSP from central government in the form of a non ring-fenced payment known as the Area Based Grant (ABG). The pooling of local budgets is also encouraged. The broader partnership framework in an area feeds into the LAA priorities, as do (to varying extents) the activities of the individual organisations comprising the LSP. In the case of some councils cabinet portfolios are now aligned to the LAA priorities. In all cases council plans will describe the way in which local authority outputs are furthering the LAA priorities. OSCs are also increasingly aligned to the LAA objectives, reflecting both the importance of holding partnerships to account and the recent legislative imperative contained in the Local Government and Public Involvement in Health Act 2007.[2]

In two-tier areas in particular, partnership frameworks have become very complicated. The arrangements at county level tend to be, essentially, mirrored at each district's level, meaning that the potential for duplication and excessive bureaucracy is considerable. The burden that these arrangements

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[1] Coalition government policy on this requirement is currently unknown.
[2] The Act includes the power for OS to hold LAA partners to account in relation to their performance against 'Local Improvement Targets' (LAA targets).

can place on agencies that are not coterminous with a single district area is also a major issue. Lightly resourced police and NHS partnership teams often find themselves struggling to attend regularly an array of partnership meetings in various different localities.

In terms of priorities, many LAAs are relatively uncontroversial and seemingly apolitical. This is a reflection of the fact that many partnerships are dominated by officers with no apparent party political agenda. In addition to this, LAAs are negotiated with central government and many others, meaning that the resultant priorities within them reflect a mixture of concerns, driven by the requirements of various agencies' performance management arrangements. This would include, amongst others, the civil service's Public Service Agreements (PSAs), local government's local and National Indicators, and police force Analysis of Policing and Community Safety (APACS) indicators. LAAs are therefore a big compromise, involving in some instances trade-offs between partners' priorities and measures. Except where certain priorities are highly uncontroversial, this can lead to friction over which prevails.

Certain findings of this doctoral research illustrate some of the issues facing effective partnership working which any OSC would have to be aware of. For example, findings confirmed that entrenched ways of working can pose a threat to effective partnership working, especially where people within organisations delineate both inter- and intra- agency responsibilities very uniformly. An example of this encountered during the doctoral research was a council middle manager who stated that community safety 'was the responsibility of the police', when referring to his non-attendance at meetings of the local Community Safety Partnership (CSP). This is short-sighted when it is considered that community development, CCTV, street lighting, anti-social behaviour teams, housing services, etc. are provided by councils or their agents; all of which play a large role in securing community safety. Non-attendance, or delegated attendance, at partnership meetings is just one symptom of organisational 'silo' mentality. At a higher level this might include passive attendance or complete withdrawal. It could also include

intransigence over the pursuit of particular shared goals, unwillingness to pool budgets or share resources, or an intolerance of the needs of other organisations when altering service provision. Such partnership working issues are important considerations for OSCs wishing to enact partnership scrutiny powers. They must have effective strategies in place in order to see the full picture, including the many barriers to effective partnership working described.

At operational level the doctoral research noted examples of both good and bad practice in the CSP concerned. Several of the partnership actions that had been agreed at the strategic level were not being passed down to subordinate officers by the (frequently non-attending) involved council middle managers. This meant that, essentially, the overarching strategic level partnership was wasting time in attempting to involve the council in deliberations. To complicate matters further, the strategic level partnership set the direction of an operational partnership, meaning that the potential for break downs in communication was even greater. However, despite this, what was observed generally in the operational level partnership (the Tasking and Coordinating Group) appeared to be effective partnership working of the variety that delivers actual change on the ground, with partners at the correct level in their respective organisations to be able to deploy and directly influence frontline staff. The importance of this was that they could ensure that the principles of partnership working were translated into actions in the teams they controlled. An example was the partnership working around a 'bottle watch' scheme, which marked bottles of alcoholic drinks in off-licenses with tags unique to each premises. This enabled agencies to trace discarded bottles collected in areas where young people congregated, giving an idea of which off-licensed premises were supplying them.

The operational level Tasking and Coordinating Group was able, via its membership, to ensure that council street wardens were recording the tagging details on each bottle they found. This information was then shared with the group and passed on to the local neighbourhood policing team. The group also had access to useful, restricted access, police intelligence which

was used to inform Tactical Assessment documentation. This gave partners access to the latest data, including the names of individuals. This in turn allowed interventions to be made by the appropriate partner body, whether it was an early intervention, enforcement action or ongoing support.

2.7 Councillors

The shift towards the 'enabling' authority had a large impact on the elected member role. Pratchett and Wilson summarise the essentials of this: 'the role of councillors has been affected by the increased use of single purpose non-elected bodies operating locally. The dominant role of local authorities in direct service provision has been challenged and elected government is now only part of a complex mosaic of local governance' (1996, p. 14; Bound *et al.*, 2005).

The previous section covered briefly the role and development of partnerships, which have recently been the cornerstone of local governance arrangements. The impact of 'local governance' and partnerships on the role of elected members has yet to be fully established, as each local authority area is different. Where one local authority area has allowed the development of it to impinge on the role of elected members, others have placed members in a steering position. The reality is that a number of agencies are exhorted to an ever-increasing extent to work more closely together; the recession and developments such as Total Place are added imperatives (DCLG & Treasury, 2010). This drive does not emanate only from central government, as increasing numbers of local public sector bodies are aiming to realise the savings to be had by sharing services and working jointly. Therefore partnership working will, undoubtedly, characterise the future of local service provision, with alterations to the elected member role increasingly likely as a corollary.

A main concern for the elected member role is that potentially only one (in unitary areas) of the major strategic partners is directly accountable to them. Most agencies are accountable to separate boards, and/or directly to central

government. Indeed, some agencies will be actively inimical to elements of local political involvement, especially where it is likely to lead to operational interference. The most recent and high profile example of this involves the police service, where a perceived politicisation of the Metropolitan Police Commissioner, ultimately leading to his resignation, provoked a robust response from senior police figures (Dodd, 2009). Despite this, there is an expectation that in the context of Total Place, local authorities will lead 'with their unique local democratic mandate' (DCLG & Treasury, 2010, p. 5). In theory this is relatively uncontroversial, but complicating matters are the aforementioned convoluted lines of accountability and generally low turnouts in local elections, which in turn lead to issues with the democratic mandate proclaimed by councillors. Later in the thesis an idea of 'competing legitimacies' is explored (see p. 216), which may prove an even greater challenge to the abilities of councillors to effect change.

The changing elected member role: the historical context

The move towards the enabling local authority and the emphasis on partnership is only the latest step in a gradual reframing of the elected member role which has taken place over thirty years. This began with the privatisation of many state functions, the setting up of single purpose service delivery agencies and the competitive tendering of the remnants of much remaining state provision. This was underpinned by a Thatcherite ideology only slightly amended by John Major, whereby 'state employees are poorly motivated, unless they are on performance-related pay ... their activities need to be measured and controlled ... managers should be given the right to manage ... only if the function could not be privatized ... the private sector [is] inherently better than the public' (Flynn, 2007, p. 28).

When put into practice, this set of principles shrank the overall power of elected members alongside overall levels of direct state provision. In government, the Labour Party erred away from the view that privatised services are necessarily superior. In practical terms this meant a move away from compulsory competitive tendering, but the stringent performance

management regime implemented by the party (only lightened late in the final Labour governmental term) suggests that views of public managers and their abilities have not altered much since the previous Conservative administrations. There has, therefore, been no subsequent resurgence of any significance in the competencies of councillors, in relation to direct service provision since 1997. However, the then central government tended towards a positive view, suggesting new and potentially wide ranging roles such as 'community leadership' (DETR, 1998b; LGIU, 1999). Others, in turn, took a more negative view, stating that broader global developments such as managerialism sidelined politicians in general, whilst privileging experts (Hughes, 2003). It can be said that other pressures on the role of elected politicians are not restricted to the local level, but represent a broader challenge for democratic government at all levels, including globally (Strange, 1996) and continentally (Dinan, 1999). This could ultimately have broader implications for electoral legitimacy and understandings of democracy itself.

2.8 Summary

This chapter has set the context for the study by summarising the main trends in local governance, with particular focus on the role of the local authority. The role of the council in modern governance has been established, although it is an ever-changing picture, heavily subjected to central government direction. Given the increasing emphasis on partnership working, which has accelerated due to recessionary pressures and other agendas, the important role for external OS is clear to see. Members, through OS, can provide important 'bottom up' accountability to partnerships which were often notable for their democratic deficits. The success or otherwise of this is in large part dependent upon a range of factors, not least OS itself being able to demonstrate the value it can bring. This is a significant challenge, as organisations other than local government are unused to elected member challenge. Members themselves must be willing and able to extend their focus beyond the local authority, and adequate support must be in place to allow them to do so.

3. Overview and scrutiny

This chapter builds overview and scrutiny (OS) into the picture of local government developed in the previous chapter. Using the literature on the subject as a guide, it highlights the main issues and trends in OS to-date. This in turn allows the research project to be grounded in the body of knowledge on the topic currently in existence; it allows the research already undertaken to inform the project so that the work is not done in isolation; finally, it demonstrates that the project is making an original contribution to knowledge on the subject.

3.1 Overview and scrutiny: the background

Fundamental change has occurred in local government political management since the Local Government Act 2000. The change involves the move from the committee system to an executive and OS arrangement, which has split councillors into respective executive and non-executive roles. However, to limit change in such a way to structural and functional arrangements is facile; the change qualifies as 'near revolutionary' (Wilson & Game, 2006, p. 111). What had been brought about was a near-complete revision of the role of the councillor.

The councillor of old, immersed in a system in which '[t]he dominance of party politics and group discipline meant that in many authorities decisions were taken in private group meetings and enforced by the whips at committees' (Stewart, 2003, p. 58) was replaced. In its place was the scrutineer, a new breed incorporating new roles, described by Snape and Dobbs (2003) as the lobbyist, the policy analyst and the challenger.

The rationale for the change was provided by a broader democratic renewal agenda, which viewed local government as essentially opaque and staid in its political management (DETR, 1998a). A changing society was seen to have a greater desire for oversight of its elected representatives, alongside a

more demanding attitude which required choice and personalisation of services (DETR, 1999). Low turnouts in local elections were attributed, in part, to this lack of transparency. New arrangements were intended to address this by creating a clear point of contact for local concerns in the form of an easily definable executive.

However, the new arrangements were not always welcomed, as the work of Michael Cole (2002) at Devon county council has shown. Research by Cole revealed that councillors were 'at least sceptical' (2002, p. 44) about them. This was related to party political matters and feelings of frustration at the removal of the decision making role. One key complaint related to the composition of the authority in question; the dominance of the Liberal Democrat ruling group limited the capacity of OS to constrain the executive. Many councillors argued that the removal from decision-making had reduced their capacity to represent their electoral divisions; with this they felt resentment at their loss of competency given the interest of many in policy matters (Cole, 2002, p. 44). With broader implications for the envisaged community leadership role (DETR, 1998b) was the finding that councillors felt no greater levels of community involvement under the new structures, as most members already spent significant time in this capacity.

Such complaints would not have been unusual as the new arrangements were being introduced. In some authorities cultures would have gradually began to change, especially as 'wins' for OS accrued. Other authorities' OS functions would have languished, many due to lack of resourcing and an unwillingness to scrutinise for party political reasons. Smaller authorities with fewer than 85,000 residents were able to adopt the fourth option of a 'streamlined committee system'; nevertheless, these authorities were still obliged to constitute at least one OSC. This alternative arrangement led to an interesting case study of how a long standing system of decision making was made to co-exist with a new and externally enforced form of internal accountability. This is the subject of the following sub-chapter.

3.2 Overview and scrutiny in alternative arrangements

Overview and scrutiny was the way in which the new executives were to be balanced. Whereas before executive power had resided in full council and in delegated form in the policy committees, it was now concentrated in the hands of an individual or in the hands of portfolio holders and cabinets. An exception to this arose from a last minute concession won from the government in the Lords during the passage of the LGA (2000). For authorities with fewer than 85,000 residents a fourth option, dubbed the 'streamlined committee system', was made available. This allowed the continuation of the committee system with the addition of OS arrangements.

The researcher managed the overview and scrutiny function in a fourth option authority and has therefore been fortunate to be able to observe at first hand the nuances of the system. Differences are not as great as some may believe. The most fundamental difference is in the way in which executive power is dispersed throughout the policy committees of the fourth option authority. This is in contrast to the concentration of executive power found in the other new political management arrangements. Ultimately executive power is vested in full council which then delegates power down to the policy committees. Because there is no executive *per se*, the role of scrutiny was often placed by members alongside the party-based scrutiny of policy which takes place during policy committee deliberations. Distinction often had to be made between scrutiny of this variety and the qualitatively different, non-party political overview and scrutiny. Often OS activity was viewed as a supplement to the scrutiny which took place in the policy committees. This is not to say that overview and scrutiny was not highly valued. It was, however, seen as an extra layer of scrutiny which could pick up on issues and examine them in depth in a non-partisan environment.

A principal difference that was observed was the fact that very little 'monitoring' activity took place, of the variety that fills agendas in larger authorities. This type of activity would include receiving officer reports on particularly important topics such as the progress of large infrastructure

projects or actions taken to tackle a specific 'wicked issue'. This could easily be attributed to the fact that such work is undertaken in the party political environment of policy committees, with cross-party member oversight of each and every officer report. In this regard, the monitoring and executive functions are not separated out as they are in OS systems (although obviously there is still a monitoring role retained by the executive). In practical terms, this meant that members of the two OSCs felt able to forego monitoring activity (except for certain high level items) in favour of scrutiny reviews, which filled the OSCs' work programme. The doctoral research has shown that many stakeholders are of the view that scrutiny reviews are the most valuable OS output. The coalition government has since indicated a desire to allow councils to choose their own political management arrangements, which may result in many returning to the committee system of decision making. Therefore, a discussion as to how a council with a newly established committee system could retain this, the best of OS, is included in the conclusion chapter.

3.3 The day to day operation of overview and scrutiny

It can be hard for the individual not involved in OS to envisage the internal workings of an OS function, especially in terms of the day-to-day activities and resourcing of OS support. The following sub-chapter explains the operational fundamentals of OS. This is done in the knowledge that while varied OS arrangements exist in local government, the basic principles of OS support are, essentially, universal.

The OS review / service improvement process

It is useful to split the OS review process into three segments, consisting of generally three different stages. These stages can be roughly characterised as a beginning, middle and an end. Or, in less abstract terms, the scoping stage, the evidence gathering and recommendation stage, and the tracking of recommendations. Before the scoping stage of a review comes the selection of an appropriate topic which will usually be included in the OSC work programme, mainly formulated at the start of the municipal year. The

work programme is an iterative document, and sufficient flexibility must be built in to allow for emergent issues as the year progresses. It is especially important with the advent of the Councillor Call for Action (CCfA) that this flexibility is present, given that a CCfA can arise at any time and the OSC concerned will be obliged to consider it in formal session.

Work programmes are usually developed initially through identification of cabinet member and senior officer priorities and issues with specific services. Central government policy can influence whole OSC work programmes, an excellent example being the Every Child Matters agenda which has influenced both district and county council OSC work programmes encountered by the researcher. The requirements of the external OS role also mean that where the resources are available to do so, external stakeholder opinions are sought on the content of the work programme.

There are issues in consulting external stakeholders, not least the vitally important need to manage expectations. This would mainly involve outlining the fact that OSCs do not exercise executive power, but instead shape policy and procedures through evidence-based deliberation and the exercise of publically mandated influence. Usually predetermined topics on the work programme will comprise the scrutiny reviews, although on occasion a topic will arise which will warrant urgent review. In the case of any topic, before work commences it is thoroughly scoped.

The scoping stage of a scrutiny review will usually consist of decisions regarding some or all of the following:

- Rationale
- Witnesses
- External involvement
- Methodology
- Site visits
- Officer support

- Indicators of success
- Outcomes

The scoping stage delineates the topic and should prevent 'drift' during the course of the review. At this stage potential witnesses are identified who may be able to provide useful evidence to inform the process of building recommendations. The importance of identifying the correct witnesses for a review is obvious when one considers the key factor underpinning scrutiny's effectiveness: a strong evidence base. An often heard criticism of OS (usually from members) is that it is 'toothless', but the best response to this is to highlight that scrutiny is what one makes of it, and good scrutiny is tied inherently to a strong evidence base. A broad and comprehensive evidence base mitigates a lack of executive control by allowing non-executive members to effectively compel action from the executive, purely on the basis of solidly evidenced recommendations. If a strong enough case can be built by taking evidence from a variety of stakeholders, the effectiveness of scrutiny in policy development becomes clear. The primary argument of this thesis is that OS can be a site of external stakeholder participation and democratic renewal, leading on a practical level to stronger evidence bases upon which recommendations for service improvement can be built.

Following the scoping stage, meetings will take place, facilitated by officers, where evidence and information will be presented. Meetings can be held anywhere appropriate and it is recognised as good practice that OSCs get out and about, into the community they represent. The role of the officer in the meeting varies and generally hinges on the competency of the members involved. Given that scrutiny should be member led, and assuming that the meeting is effectively chaired, officers generally avoid intervening unless invited to do so. Generally, the scrutiny officer is seen as the facilitator of the meeting, providing a steer if necessary and providing the background research and knowledge to allow members to conduct their deliberations on the topic at hand. Members and officers bring two sets of distinct but symbiotic qualities to the scrutiny process. Some members that this

researcher has encountered suffered frequently from crises of confidence, and, when faced with technical data retreated into a 'what do I know?' mentality. It had to be pointed out to such members that here lay the strength of the elected member, a strength which qualified them uniquely for the scrutiny role on behalf of the general public: the lay perspective. Technical information presented to an OSC will usually be simplified to allow an informed amateur to comment and query the data. A typical example of this is the use of traffic lights or smiley faces to denote the direction of travel of performance indicators presented to the OSC. It is also a primary example of the value of having public representatives scrutinise the information; if an untrained member can assimilate the information, then so too can a member of the public.

Knowledge of an area, comprising detail such as geography, demographics, diversity and local concerns place members at an advantage over career officers, who may live outside of the area and never truly grasp the nature of the aforementioned specialist knowledge. Only by continuous exposure to the day-to-day case work and complaints that members face, could an officer hope to claim a level of local knowledge to match that of the elected member. In an era of customer facing, bespoke services, this specialist local knowledge is more important than ever, a fact that is often forgotten by both members and officers.

Formal meetings of an OSC, or a working group of an OSC, will often be complemented by site visits, interviews, focus groups and desk-based research. Ideas around the efficacy of the research undertaken are similar to those found in academic research; there is a strong emphasis on triangulation and the need to balance conflicting views and avoid bias. The added dimension of party politics appears, in most cases, to not be present in the OS functions observed by the researcher. This is in contrast to the findings of earlier research conducted shortly after the establishment of OS in a particular authority, which found that party political considerations were hampering the effective operation of the function (Cole, 2001a). Some of the OS functions observed by the researcher have, on various occasions, sent

chairs and other interested members on some of the many training courses specifically on questioning skills. In some cases there was reluctance on behalf of certain members to avail themselves of such training, and reports from those who had participated were often negative in terms of the extent to which the training was applicable in their authority, or was practical as opposed to merely theoretical. Questioning in OS review meetings observed was in some instances unfocussed and often parochial. Members have, however, been observed injecting reality into the technical world of officers. The main example in this case was an officer who was reporting on the authority's progress in implementing child safeguarding measures and referred to the need to meet Ofsted targets. A member of the OSC was very quick to point out that the focus should instead be on the needs of the child, rather than the requirements of Ofsted.

After a period of evidence gathering which will have employed various research methods depending upon the size, scope and duration of the project, a report will be produced and submitted to the council's executive. The report will contain recommendations for service improvement. Where recommendations impact on the work of partner agencies, a response will be sent to the governing body in question, which will hopefully issue a timely response stating whether or not the recommendations have been accepted. In the case of the council's executive, a report will be issued detailing which (if any) of the recommendations have been accepted for implementation. The report will usually contain timescales for implementation, and the OSC in question will then take an ongoing interest in how the recommendations are progressed. An important point is that once the recommendations have been accepted by the executive, they are then owned by it. Despite this fact, in general, OSCs will take an active interest in the implementation of recommendations arising from their work. OSCs are also ideally placed to hold the officer and, often less frequently, cabinet member charged with their implementation to account for any progress or otherwise made.

As mentioned, members and internal stakeholders spoken to typically feel that OS reviews are the biggest contribution that OS makes in terms of

adding value. It is much easier in an agency such as a council to view victories in terms of measurable outcomes. Unfortunately, many good outcomes cannot be directly linked to OS recommendations. Their specific impact is all too easily lost amongst the efforts of others, who may be only too willing to accept the credit. Executive members and relevant officers can easily claim that 'it was going to happen anyway', which consequently removes a lot of the credit for service improvement from OS. This can often mean that making the case for OS can be hard, and any discussion of outcomes arising from OS intervention is contentious. The other aspect of OS work is the monitoring role, which is, occasionally, even harder to justify in terms of value added, simply because the role is concerned with accountability, an abstract concept which is impossible to quantify for the purposes of business cases or performance indicators. It remains of high importance, but in discussions with senior internal stakeholders, it was often this aspect of OS work which was hardest to sell.

The monitoring role

The principal concerns expressed by the aforementioned senior internal stakeholders centred on the need for continual reports to OS on seemingly perennial issues. It was often the case that such requests from OSCs were perceived as reflecting particular member 'hobby horse' issues which were not when taken in isolation of any value. This wasted officer time when often reports took several weeks to prepare.

Despite these concerns, the reality is that the monitoring role is of vital importance, especially in terms of holding key figures to account for their actions. It assists in making local decision-making more transparent and allows members to unlock information which would otherwise be unforthcoming. In the vast majority of cases there is nobody else questioning the decision-maker or their data, so if OSCs were not acting in that capacity then in all likelihood nobody else would. The monitoring work of an OSC is in that regard a vital democratic function but, as mentioned, it is one that is hard to defend in terms of easily identifiable outcomes. Positive outcomes exist,

but they are abstract and in many ways offer a kind of assurance rather than effect change (e.g. has due process been followed? Has value for money been achieved? Is service performance high enough?). Such monitoring activity may prompt a more in-depth review, which is when the 'value work' (as it is perceived) takes place.

In the larger authorities OSCs are swamped with potential items of business and the scrutiny officer has a key role in conjunction with the OSC chair in topic selection. Typically the OSC will decide in open session that it requires a report on a particular issue and a request will be made by the scrutiny officer to the appropriate report author, which will invariably be a relatively senior officer. The report is received, hopefully, in time for analysis before the OSC formally meets to discuss it, but often the report is delivered 'just in time' with little available opportunity for preview.

The OSC meets and the report author and / or appropriate other will present to the OSC on the subject. Following the report the OSC will question the author and may decide that a follow-up report is appropriate. It has been observed that some senior officers can obfuscate in reports both discreetly and adeptly, meaning that it is often very difficult to reproach or question their performance. In one authority observed, where cabinet members attend on issues relating to their portfolio they will form a double act with 'their' officer, usually with the officer providing the technical knowledge of primary interest to the OSC. The cabinet member in the case of this authority is, however, the primary focus of the OSC, as the OS function of the authority has particularly emphasised their role of holding the executive to account. The OSC concerned therefore directs questions to the portfolio holder, who can provide a description of his or her group's policy on the issue, but will invariably defer to the officer on operational, financial or statutory matters. Much of the OSC questioning and business across the councils researched is officer focussed, which is not necessarily a problem, but prompts the question of what the cabinet member role is in relation to his or her portfolio, especially when technical questions are usually fielded by senior officers within the relevant portfolio of services. An interesting and positive effect of insisting that cabinet

members themselves give account is that it strongly compels them to increase their own knowledge and aptitude or else face potential humiliation in the public setting of the OSC meeting. This can only be beneficial to local democracy.

To illustrate the varied ways in which OS is practised, two examples from the case studies have been included focussing specifically on the operational aspects of OS.

Example 1: County council

The council operates four scrutiny committees, three of which are aligned to internal departmental structures; the fourth is the statutory health scrutiny committee. A fifth joint scrutiny committee exists to hold the LAA partnership to account, and consists of both district and county council members. chairmanship of the four internal committees is shared between the ruling group and the main opposition group, with two chairs allocated to each group and rotated at the midpoint and end of each council session (4 years).

Scrutiny officers are the key figures supporting the work of the OSCs, with a scrutiny officer assigned to each committee to facilitate its activities and to provide advice. The scrutiny officer works with a dedicated democratic services officer that provides administrative support (the production of minutes and agendas, the latter in conjunction with the scrutiny officers) and constitutional / procedural advice. An extremely valuable extra resource is a dedicated scrutiny liaison officer, a fairly senior manager (approximately fourth-tier) within the directorate under scrutiny, charged with being the key point of contact and advice on the services concerned. This individual is the 'sounding board' in many respects for the scrutiny officer, and can point the committee in the right direction within the large county council directorates.

The relationship between the scrutiny officers and the chairs of the OSCs is close and synergistic. There is great emphasis placed on the member-lead,

which characterises effective scrutiny, and scrutiny officers are keen to play a facilitative rather than lead role. Despite this, the expertise and knowledge of the scrutiny officer often means that they enjoy a powerful role in relation to the committee; this is always in conjunction with the chair, who ultimately arbitrates committee business.

The size and complexity of the county council departments means that the scrutiny officer develops an expertise that he or she would not normally develop in the smaller district councils. District council scrutiny officers tend to develop broad ranging knowledge on a more diverse range of topics, especially where OSCs remits are thematic and crosscutting. In the case of the county council, scrutiny officers become experts on the particular services they are scrutinising, especially where, as in the case of this county council, OSCs are aligned to the large departments of the authority (e.g. Children and Young People's Services). The same is true for committees of members, which over the life span of a council will accrue considerable knowledge and expertise on the services and issues in question.

Particular emphasis is placed on the attendance of cabinet portfolio holders at OSC meetings. OS members themselves have been especially vocal in this, seeing it as the duty of the cabinet members to be well informed enough to discuss the services they preside over and to be held to account by non-executive members through the OS process. Cabinet member attendance is normally requested for specific items, although there is a debate amongst those involved in scrutiny at the authority as to whether executive members should attend every meeting by default. In many cases cabinet members attend scrutiny meetings voluntarily, regardless of whether any formal invite is issued.

There is separation between the development of policy from the outset (pre-implementation policy development) and the development of policy through scrutiny recommendations. In the case of the former, specific groups (separate from scrutiny) operate in a policy development capacity under the chairmanship of the relevant cabinet portfolio holder. Senior officers take

reports and nascent policy along to the groups and present alongside the relevant portfolio holder on the policy. This kind of policy development often takes place within OSCs, although many authorities' OS functions do not develop policy in this manner at all, instead engaging in policy development 'after the event' through the recommendations produced by scrutiny reviews. It could be argued that the best OS functions engage in both pre- and post-implementation policy development, assuming that policies presented to the OSCs are strategic, appropriate and worthy of committee time and resources. Moves towards this system are, at the time of writing, under discussion at the authority.

A corollary of departmentally aligned OSCs is an inward focus. At the authority this is reflected in the relatively low levels of general public involvement in the scrutiny process (the exception being the work of the Health and Adult Social Care committee), other than the involvement of statutory co-optees on the Children and Young People's Services Scrutiny committee. Interestingly, a scrutiny officer speculated that the county council is more distant from the public than the district councils, leading to commensurately lower levels of public engagement. It should be noted that often, broader external stakeholder involvement takes place in the context of scrutiny reviews; this is true at the council, where review groups commissioned by the respective OSCs speak to external stakeholders in the development of evidence bases.

A contrast here can be drawn between the way in which district and county council OS functions operate. In district councils observed by the researcher, the bulk of OS activity involves reviewing specific topics. The OS work programme tends to consist of scrutiny review topics and there is little monitoring activity takes place aside from occasional forays into performance management or budget scrutiny of some form. County and unitary council OS functions include a far greater array of activities and many err towards a commissioning model of OS, whereby the 'parent' OSC constitutes subgroups comprising OSC members, co-optees, external stakeholders, etc. In the case of this council, the scrutiny team occasionally enlist other officers

of the authority (usually graduate trainees) to support the review groups. This is seen by the scrutiny team as a means to commandeer extra resources, but also it is seen as an opportunity for the recruits to work with elected members; an opportunity which rarely arises for junior officers under the new political management arrangements.

As well as constituting subgroups to examine discrete topics, the OSCs also conduct ongoing scrutiny of issues via reports from appropriate senior officers / executive members. This involves much larger and iterative work programmes, comprising far wider topics and items for committee consideration. This difference is most likely due to the size of the organisations concerned and the relative complexity of the topics. To illustrate this point, the examples given above consist of a district council (employing 500 staff in total) 'generalist' OS function and a county council 'specialist' OS function (aligned to the Children and Young People's Services Department, itself employing 4000 of a total of 17,000 county council staff).

The council operates a prize-winning budget scrutiny process; when the cabinet is developing its budget proposals, individual scrutiny members from the respective committees pair with the appropriate directors to discuss the issues arising from executive proposals. The use of the same pairings over many budget cycles has meant that the members involved have developed significant expertise in the services concerned. This allows the paired member to act as a well informed champion and resident expert for the parent committee on the issues discussed. Later in the budget process, the OSCs question 'their' cabinet portfolio holder/s on the content of the majority group budget. To balance what is a party-politically contentious process, the opposition group 'shadow' budget is then scrutinised in a separate session. The findings from both proceedings are then reported to council in time to inform the budget setting process. As in other leader/cabinet authorities, full council agrees the budget and policy framework within which the cabinet operates.

The non-partisan way in which the process has been conducted has been recognised by both OS and cabinet members, and is testimony to the way in which members can set aside party political differences in the scrutiny forum. It is interesting to note that despite this, scrutiny officers have highlighted occurrences of overt party political confrontations in the budget scrutiny process. The researcher observed too, that in one meeting examining the opposition budget proposals, a leading shadow cabinet member questioned whether the same line of enquiry (regarding whether or not the budget proposals had been risk assessed) had, or would, have been put to her cabinet portfolio holder counterpart.

Example 2: District council

When in existence,[1] the council operated two OSCs with respective 'internal' and 'external' remits. The model of political management employed by the council was the 'streamlined committee system', or 'fourth option'; an arrangement with potential implications for OS. Members of the authority were defensive of the streamlined committee system, maintaining that it offered greater scrutiny than any of the executive political management arrangements utilised elsewhere. The policy committees, which were aligned to the council directorates, offered party political scrutiny which complemented the non-party political OS.

The two OSCs were supported by a single scrutiny manager operating in isolation. The support provided by the scrutiny manager included administrative duties such as minute-taking, with minimal support from democratic services. Only around the time of the authority's final Corporate Assessment was scrutiny support increased following the submission of a successful revenue growth bid by the scrutiny manager, which secured a scrutiny officer. Given the resource constraints described, the work undertaken was limited and primarily comprised scrutiny reviews involving

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[1] The authority was abolished in the 2008/9 round of Local Government Reorganisation (LGR).

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the entire committee (rather than commission smaller review groups). The relatively small committees (seven and eight members, respectively) allowed the entire membership to be involved when topics were reviewed. The main method employed for the gathering of evidence for reviews was the semi-structured interview, using a parliamentary select committee-style approach. This involved pre-ordained questions to the witness/s attending the committee; the chairs consistently stated before each interview that questions gave rise to questions, which was intended to prime the witness for the broader-based questioning which occasionally arose from the pre-ordained questions. Scrutiny support was heavily involved in producing questions for the committees, which were then invariably ratified without question in pre-meetings. Members then proceeded to recite the questions verbatim, with occasional deviations where the need arose. This approach meant, inevitably, that OS in the council was heavily officer-led, with a great, bordering on excessive amount of power exercised over and on behalf of the committee by the scrutiny manager.

Other activity undertaken by the OSCs included 'Performance Clinics', which allowed members to dissect the performance of each directorate using performance indicators, budget exception reports and excerpts from service plans and departmental risk registers. The process engaged certain members who were either ambivalent or cynical about the OS process, as they felt better able to hold the key decision makers (in this case the senior officers) to account. Comments from senior managers suggested that they too found the process beneficial.

The small size of the OS function meant that there was certain flexibility in the way in which work could be undertaken; there was less formality, decisions were consensual and everyone got the chance to speak. These benefits were mainly as a result of the smaller and, therefore, less formal committees. Larger authorities can replicate this (as many do) by commissioning smaller working groups when reviewing topics in-depth.

Key themes in overview and scrutiny research

Numerous works have emerged on the prospects and barriers facing OS since its foundation. Ashworth and Snape highlighted the 'quite staggering' (2004, p. 539) efforts expended by bodies such as the Improvement and Development Agency (IDeA) and the then newly created Centre for Public Scrutiny (CfPS) in attempts to develop OS. They went on to highlight the four key roles of scrutiny: holding cabinet to account, best value reviews and general performance management, policy development and review, and external scrutiny. Importantly, Ashworth and Snape found that scrutiny was struggling to fulfil its role in several key areas, such as operating as an effective check on local decision-making. Whilst the public had not been engaged to any great extent evidence was emerging that in cross-cutting issues some engagement had occurred. More positively however, scrutiny was making a difference through in-depth policy review.

Michael Cole's (2001a) study of Devon county council focused on members and their response to modernisation. Devon county council was chosen for its innovative and embracing attitude to modernisation; it's open, 'scrutiny friendly' culture; its leader and cabinet model and finally because of the sheer size of the area covered and the amount of services offered by the authority. After semi-structured open-ended questioning on five main areas: the implementation of the reforms; the decision-making process; the availability of information about the council; the impact and operation of the scrutiny committees; and the proposition that the changes gave members more time to represent their electoral division, Cole reported the following. Party discipline still hampered scrutiny; access to information had been problematic; most non-executive councillors felt excluded by and critical of the reforms; there was concern over the combination of policy recommendation and executive review, and finally the implication was that members felt less able to represent their wards.

Subsequent work by Cole (2001b) found that members missed the flow of information which was a regular part of the old committee system. Under the

new system, the 'need to know' criterion which had usually applied to internal documents and information no longer applied to them, as they ceased to enjoy privileged access as decision-makers. Furthermore, Cole expressed concern over a potential conflict in loyalty between party group and scrutiny, and how no differentiation has been made in the roles of councillors operating at various different tiers in an area. He also stated that executive control of the budget makes securing extra provision for OS a chore, especially when competing against front-line services for funding.

On that basis Cole made the following points. Central government should aim to strengthen the scrutiny role, possibly by ring-fencing funds and separating the review and policy development roles. Party discipline needs to be weakened and access to information strengthened. Cole states that in the White Paper *Modern local government: in touch with the people* (DETR, 1998a) the government erroneously assumed that councillors were unhappy with the frequency of meetings and the lack of contact with their constituents, an assumption contradicted by academic research (Cole, 2001b). Additionally, the White Paper offered no justification for the belief that the new structures would enhance community interest in the work of the council. Finally, Cole identified councillor conservatism as possibly the most significant barrier to the effective operation of the new arrangements. councillors wanted a decision-making role and did not think that greater time spent with the people of their ward was necessary; meanwhile executive councillors were unlikely to relax party discipline and may utilise the new arrangements to strengthen their control over policy making.

Difficulties encountered in the delicate balance between party discipline and the needs of scrutiny are investigated by Steve Leach and Colin Copus (2004). Four models of party group behaviour are identified: partner, arbitrator, filter and leviathan. Leach and Copus go on to describe what constitutes effective scrutiny, namely 'added value', arrived at either in a substantive sense (e.g. better decisions) and in a democratic process sense (e.g. better informed debates). They describe the party group system as 'the antithesis of the overview and scrutiny process, predicated as it is on

openness, transparency, inclusivity and cross-party deliberation' (*Ibid.*, p. 338).

The following table summarises the basic features of Leach and Copus' model of party group behaviour (*Ibid.*, p. 340-342):

Table 2: Models of party group behaviour

Model	Characteristics
Partner	Almost complete relaxation of group discipline. Deliberative, not a decision-making body. Councillors speak and vote without deference to the party group.
Arbitrator	Group tries to make scrutiny work. Applies whip sparingly and not at all to the results of scrutiny reviews. Scrutiny seen as means of holding executive to account.
Filter	Applies whip to most business. Filters information as it places itself between executive, OS and full council. Does not whip in scrutiny but self-imposed whip may be prevalent.
Leviathan	Real scrutiny takes place in group meeting as scrutiny function is whipped. Party group as deliberative and decision-making body demanding absolutely loyalty and obedience in public.

Leach and Copus found that the party groups researched were gathered around the filter and Leviathan models, which 'sit closest to current practices and represent minimal, or no change, in the conduct of council politics'. However, they went on to argue that to ensure executive accountability and the effectiveness of the OS role, party groups should be emulating the partner and arbitrator models (*Ibid.*, p. 352).

3.4 Summary

This chapter has explored the day-to-day workings of the typical OS function, with a particular focus on practicalities. The following chapter will explore the concept of representation, the political system built upon it and some of the problems facing the two, specifically to illustrate the democratic context in which OS is operating.

4. Theories of representation and participation

4.1 Representation

There is a unique legitimacy conferred by democratic election, but it has to be realised by the way that leadership is shared and provided (ODPM, 2005, p. 19).

This chapter aims to elaborate some of the theoretical perspectives on the current state of liberal, representative, democracy. On that basis both the challenges facing and the prospects for democratic renewal and external stakeholder engagement through OS can be appraised. Certain perspectives would see the government's goal of democratic renewal and enhanced participation as compromised by aspects of liberal democracy, including the emphasis on the individual and the market, and the fundamental nature of the current representative system.

The vision of local democracy described by the government builds on the representative model by advancing citizen empowerment: 'Effective representation involves acting both as advocates and as leaders for wards and neighbourhoods' (*Ibid.*, p. 18). The community leadership role implies politically active localities, in which people recognise their 'leader', even if this is undeveloped. It can be argued that this is entirely in keeping with the ethos developed in the shift toward the 'enabling' authority. Empowered communities fit the picture of less paternalistic public services in their willingness to probe and question. This image is far from the traditional conception of British-type democracy which is, to borrow the terminology of Robert Dahl, a polyarchy. This system incorporates public contestation and limited participation but is removed from an 'ideal-type' democracy, 'one of the characteristics of which is the quality of being completely or almost completely responsive to all its citizens' (1971, p. 2).

Democratic malaise

Local government has been criticised for the woefully low turnouts at many council elections, which have in part prompted central government calls for democratic renewal (Meadowcroft, 2001, p. 38). Democratic malaise has been seen as endemic throughout the formal political system, from local to supranational levels, with many joining in the critique of liberal democracy within the context of lowering electoral turnout, elite dominance, globalisation, and seemingly increased public apathy towards formal politics.

Apathy is a particular issue for all institutions that rely upon electorally mandated legitimacy, such as council political management arrangements. The effect that this has on OS is quite significant, as the doctoral research has shown that a compromised electoral legitimacy places members at a disadvantage when making policy recommendations that challenge professional or expert orthodoxy on a given matter (see p. 216).

Commentators on the state of representative democracy and its institutions have offered critiques (Crouch, 2004) and alternatives to the system (Barber, 2003; Held, 2006). Bellamy and Raab have specified '[s]everal well-established, mutually reinforcing phenomena' (1999, p. 524) with which the perceived democratic malaise of today is commonly associated. These include:

- '... the growth of the mass political party as a response [to] the creation of the mass electorate, leading to the development of oligarchic party machines;
- the accompanying development of party discipline both in Parliament and outside, leading to the control of the elected house by the political executive;
- the development and commercialisation of the media of mass communications, leading to the erosion of the public sphere by highly managed forms of sound-bite politics;

- the increasing complexity of social and economic problems, and the growing interdependence between the institutions of civil society and government organisations in developing and implementing policy, leading to the transfer of policy-making outwards to the twilight world of policy networks;

- the shift of power and authority upwards to the European Union and downward to regions and nations, exacerbating the "hollowing-out" of the British state' (*Ibid.*, p. 524).

Others have highlighted more specific issues which contribute to democratic malaise. Hardin (2003) has claimed that those who bother to cast votes do so in the mistaken belief that they will count in terms of outcomes; a belief which has resulted from proselytising to that effect. More enlightened people may simply abstain from voting and engagement, leading to wider-spread disengagement. At a local level it may be even harder to identify outcomes arising from an individual vote, due to the less than comprehensive UK local government remit (Batley & Stoker, 1991).

Post democracy

The emergence of a 'post democratic' system has fostered a negative model of citizenship concerned with the 'activism of blame and complaint' (Crouch, 2004, p. 13). This is receiving greater emphasis as opposed to a positive model of citizenship, grounded in positive conceptions of a citizen's rights, which would 'stress citizens' abilities to participate in their polity: the right to vote, to form and join organizations, to receive accurate information' (*Ibid.*). Negative rights to Crouch 'are those which protect the individual against others, especially against the state: rights to sue, rights to property' (*Ibid.*).

When the system itself is loaded against 'positive' participation by citizens, it does not actively enable participation through OS processes, which would go some way in explaining one of the key findings of the thesis: OS functions have failed to involve lay people sustainably and to any great extent (see p. 208). Significantly for OS, Crouch does state that single issue groups are

growing in importance (*Ibid.*, p. 15). They have mobilised successfully in response to provocative issues such as nuclear power at both local (Baggott, 1998) and international levels (Byrne, 1998).

Whilst this type of group actively engages with formal political institutions to further a cause or agenda, another type which has grown considerably over the years actively avoids such political engagement (Crouch, 2004, p. 15). These groups have developed 'to fill the gaps in care left by a retreating welfare state' (*Ibid.*, p. 16). Where this is the case it adds to the argument for a refocusing of OS away from statutory service providers, where others are 'filling the gaps' left by reducing state provision. This is especially relevant in the context of recent moves towards a commissioning model of service provision and joint commissioning by partnerships.

Liberal individualism: a barrier to participation?

Barber (2003) has forwarded a vision of participatory politics which he terms 'strong democracy'. His work forwards a powerful critique of liberal democracy using two perspectives, both of which have negative implications for public engagement and participation. The first refers to the 'Newtonian politics' (*Ibid.*, p. 26-45) of liberal democracy which grounds political theory in mechanics and material considerations. This disposition can be traced back to the 'pre-conceptual frame' of liberal democracy, its

> *... most striking feature [being] the physicality of its language and imagery. There was a "thingness" about Hobbesian and post-Hobbesian liberal thought that seems to have been both new and extraordinary in the history of political discourse. Mimicking the newly revealed physical cosmos of the scientists, political theorists suddenly began to depict the human world as inhabited by units, particles, and atoms, things with a solidity and externality quite at odds with the traditional teleological, psychic, and spiritual understandings of the human essence* (*Ibid.*, p. 34).

Goodwin has described similarly the favoured theoretical methodology of the era: 'Liberal thought evolved at a time when the favoured scientific method was to decompose objects and substances into their smallest parts and to

examine how these combined to form the whole, a method which Hobbes claimed to adopt in *Leviathan*' (1997, p. 36). This led in part to subsequent liberal emphasis on the individual, as '[Hobbes] and other more liberal theorists take the individual as the basic unit of society and view the latter as no more than an aggregate of individuals' (*Ibid*.). The liberal emphasis on the individual described by these analyses can be viewed as problematic for enhanced political participation.

Obviously, participation has and does occur frequently throughout modern liberal democracy, although the analysis of Barber would place such participation in the realm of self-interest and consumerism, a view which corresponds with MacPherson's (1962) concept of 'possessive individualism' (see Balibar, 2002, especially p. 300). The supplementary benefits of participation, one example being the educative effect (Pateman, 1970), are not typically considered. Participation within the conventional liberal democratic framework, to Barber, can and will only ever be viewed as self-interested individuals collaborating for personal gain: a means to a purely selfish end. This poses a challenge for the OS function attempting to involve the public. As OS is focussed on strategic policy review and development, it may be hard for members of the general public to discern how involvement in OS will result in a direct personal benefit.

Barber's attack on liberal democracy is based on the theory's assumptions about human nature and its supposed antipathy to substantive collaborative action. The author argues that the 'pre-conceptual frame' of liberal democracy and it's, 'genetic reasoning' has 'endowed it with its stubborn intolerance of complexity, ambiguity, experience, and process; and they have burdened it with pretensions to objectivity and philosophical certainty that have often proved inimical to practical reason and to participatory political activity' (2003, p. 29).

The main contribution Barber's critique of liberal democracy can make is in pointing out that the suppositions of liberalism, especially those which would see mankind as essentially uncooperative and apolitical, are built on

less than solid foundations. Clearly then there is potential within the framework of the representative system for more citizen participation. Barber deconstructs the liberal argument that human nature is inimical to deeper participation and shows it to be theoretically questionable, a fact of key significance to the democratic renewal agenda. Nevertheless, any potential there may be in this regard is limited by confusion and apathy amongst the public over what constitutes the political; a fact clearly and empirically verified by the annual *Audit of Political Engagement* conducted by the Electoral Commission and the Hansard Society (2007). The audits look at sixteen engagement indicators.[1] In the 2007 audit 1,490 UK adults (18+) were interviewed face-to-face at home. The indicators are grouped as follows:

- Knowledge and interest
    - Know own MP's name
    - Passed political knowledge quiz
    - Feel knowledgeable about politics*
    - Feel knowledgeable about role of MPs
    - Interested in politics*

- Action and participation
    - Have discussed politics
    - Propensity to vote (general election)*
    - Presented views to MP/councillor
    - Electoral activist
    - Political activist*
    - Political membership/giving

- Efficacy and satisfaction
    - Getting involved works*
    - Trust politicians generally
    - Satisfied with Parliament
    - Satisfied with their own MP
    - Think present system of governing works well*

The chart below summarises the findings of the four audits to 2007:

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[1] All sixteen indicators were examined in audit 2004 and 2007. The intermediate years only looked at the marked (∗) indicators.

Chart 1: Public attitudes to engagement over four years
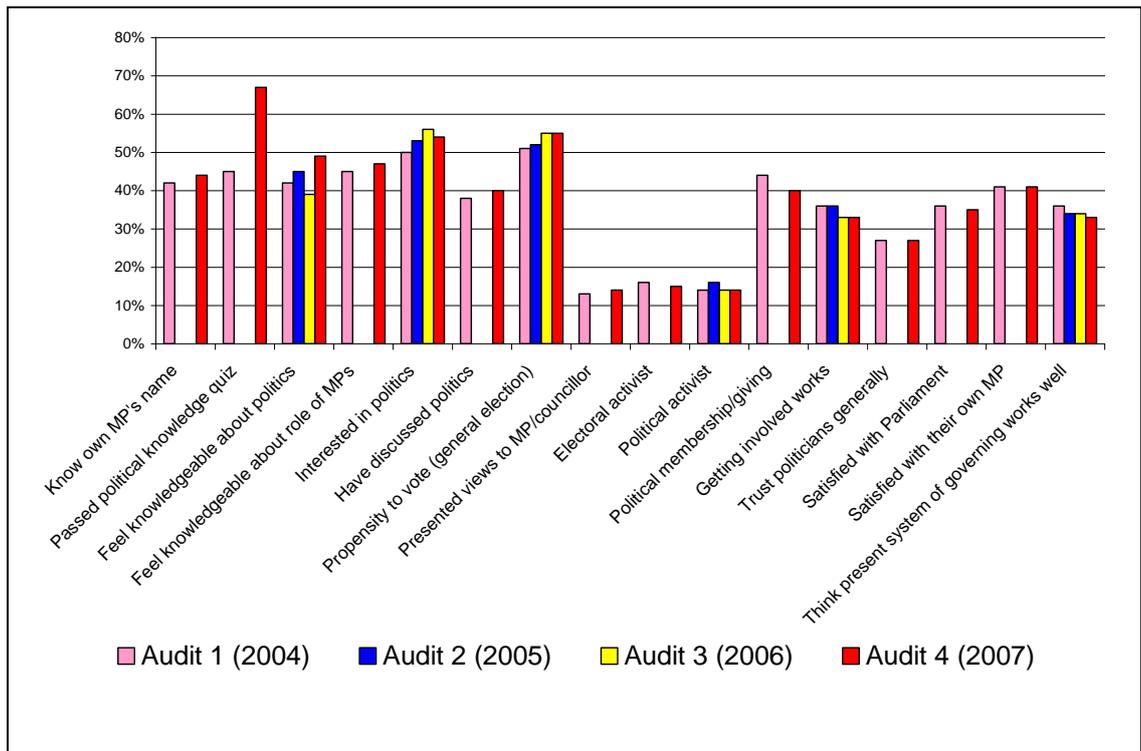
The findings of the most recent audit show a relative stability in levels of engagement which has persisted since the first was conducted. Whilst this is still cause for concern, given generally low levels of engagement, it nevertheless detracts from the argument of those that speak of wholesale democratic decline.

An increase in those with knowledge of politics has occurred and levels of perceived personal knowledge have also risen. Whilst many people reported discussion of political issues with family and friends, few connected the discussions with the political process. They failed to recognise issues such as the war in Iraq and asylum as political. Of greater significance is the report that at least a quarter of people who have discussed an overtly political issue such as the House of Lords fail to equate the discussion with politics, and it is speculated that politics as a brand is off-putting to people (The Electoral Commission & The Hansard Society, 2007, p. 49). This is viewed with concern, the audit arriving at the conclusion that '[t]he most widespread obstacle to greater activism, then, is apparently neither hostility to politics or a complete dismissal of its value, but a low assessment of its importance by

people who perhaps might be more active were it a higher priority for them' (*Ibid.*, p. 51).

Building on similar large scale studies of engagement (Almond & Verba, 1963; Parry *et al.*, 1992), Pattie, Seyd and Whiteley develop the picture of engagement in the UK today by highlighting a trend they refer to as the 'atomised citizen', characterised by '[t]he rise of individualistic forms of participation at the expense of collectivist forms' (2004, p. 275; also Stoker, 2006a, p. 185-186). Individualistic forms of participation include voting and donating money, whilst other forms include contact participation, such as speaking to a representative or writing to the media, and collective participation at events such as public meetings and demonstrations (Pattie *et al.*, 2004, p. 265).

Using the broad definition of participation adopted by the authors, it appears in good health. Indeed, over a twelve month period more than 80 percent of people participated in some form. The explanation for this broad definition of participation is that 'a narrow focus, say on electoral participation, will miss much of the participation which is actually going on' (*Ibid.*). In this approach the authors have adopted the wider conception of politics which sees it, rightly, as involved in all aspects of human interaction. They have not limited participation to the realm of the formal, representative political framework.

The Engagement Audit (see p. 68) is focussed on a less broad-based conception of participation, primarily involving formal political institutions and their agents (MPs and political parties), and is consequently less optimistic. The findings of the engagement audit may well indicate that the public now conflate politics with party politics, the mechanisms and agents of which are now widely distrusted (Pattie *et al.*, 2004; Coleman, 2005). This can be assumed due to the frequent discussion of current issues, despite the failure of many to comprehend the inherently political nature of the topics concerned. That such deliberation on political matters takes place is an indication that political discourse is not the issue; rather, it may be that the public has a commonly held view which limits the idea of politics specifically

to party politics. Topics of interest are not seen as political, whist distrusted politicians and bureaucrats are. This may contribute to the lack of willingness to participate more formally, despite the view of many who state that they would like a say in how the country is governed (The Electoral Commission & The Hansard Society, 2007). Forms of participation may have to steer away from party politics and embrace non-partisan deliberation, at least until trust in politicians and the formal political process can be restored.

Non-party political OS could potentially act as a vehicle for broader democratic engagement in these circumstances, although the involvement of politicians may pose problems. However, in reputational terms, councillors have fared better than national politicians in light of the recent expenses scandal (LGC, 2009). This could mean that those tempted to get involved in local democratic processes may not be as disinclined to do so by recent events in Parliament.

This sub-chapter has examined the concept of representation by drawing on a combination of theoretical literature and practical research findings. It has examined the state of political engagement within the liberal democratic system, thus illustrating the challenges facing overview and scrutiny in engaging certain external stakeholders.

4.2 Participation

This chapter focuses primarily on the literature on public and other external stakeholder involvement in political processes and, by linking this to OS, draws it into the broader scope of the thesis. It describes the theoretical underpinnings of New Labour policy, which saw representative democracy augmented by elements of participatory democracy, and develops on the content of the previous chapter. One of the principal contributions to knowledge that the research makes is in filling a gap in the literature: research findings and theorising on broader, cross-sector, external stakeholder involvement in OS processes, none of which are covered in the review of the literature that follows given the paucity of relevant material.

Democratic participation varies in its extent, means and in its motivation. The classic example of the varying extent of participation is Sherry Arnstein's (1971) typology which places participatory initiatives on an ascending ladder of participant competency, ranging from manipulation to citizen control. Dibben and Bartlett split participation broadly into a minimal, 'consumerist' role, focusing on the participant as a consumer of services, and a stronger 'collectivist' strand emphasising a greater role in decision-making (Dibben & Bartlett, 2001, p. 45).

In common with Arnstein's (1971) work, the *Involve* report, *People and Participation* describes an increasing degree of public competency in participation. These range from *inform*, where the public is provided with objective information on a problem or initiative; *consult*, in order to gain feedback; *involve*, to allow public aspirations to be duly aired and considered; *collaborate*, partnership working with the public in decision-making and ultimately, *empower*, which places final decision-making competency in the hands of the public.

Many have theorised participation in other different terms. Vivien Lowndes and colleagues (2001a; also Cole, 2004 for analysis of Devon County Council) discussed the means of participation, describing consumerist methods, traditional methods, forums, and consultative and deliberative innovations. In terms of motivation, Susan A. Banducci *et al* (2004) have examined the effects of minority representation on empowerment and participation. Fisher and Webb (2003) also described participant motivations and found that views on libertarian/authoritarian issues, post-materialism and Europe, amongst various others, are common catalysts to get involved. Leadbeater (2004) has also described as a motivating factor the personalisation of politics which can be achieved through participation.

How authorities constitute the 'public' that they wish to consult is the main concern of Barnes *et al* (2003; see also Gyford, 1991, p. 1-22). Barnes *et al* view 'the public', 'the community' and 'citizens' as social constructs. For

example, 'citizenship' must be viewed as consisting of differences that 'inform both access to the dialogic process and the legitimacy of different voices heard within it' (Barnes *et al.*, 2003, p. 380).

The ways of conceptualising participation described above pose questions for OS in terms of its capacity to involve external stakeholders; the thesis makes an original contribution to knowledge by analysing this issue in much greater depth (see p. 169). However, current thinking on OS would suggest the following. Firstly, the competency bestowed on participants by OS is, ostensibly, limited by its lack of executive power, although, as described later in the thesis, this may be largely irrelevant in an era of partnership governance characterised by influence rather than executive power. Secondly, the means of participation provided by OS are wide-ranging. They depend primarily on the culture of the OS function concerned, the imagination of those involved and the level of OS support available. Typically the means deployed in OS engagement activities are consultative and, frequently, deliberative. This is discussed further in the findings section of the thesis. Finally, in terms of motivation, OS functions may find that external stakeholder opinion varies. What constitutes a motivation to participate to OS members and local authority internal stakeholders may not represent a similar motivation to external stakeholders.

Co-option

In the broader local government context participation has taken many forms; varying levels of competency have also been bestowed in the process. One of the oldest and most commonly used forms of participation is co-option. It is widely used in the OS context today, providing a valuable means of involving experts and other interested parties. Co-option pre-dated the Municipal Corporations Act 1835. When the Act was being developed, co-option came under scrutiny in parliamentary debates which addressed the relationship between appointment and election (Gyford, 1991, p. 55). The Lords took the view that unelected appointments were a vital check on democracy and with the passage of the 1835 Act they exacted a price in the form of the

aldermanic system, 'whereby the elected councillors added to their number by choosing non-elected aldermen to form one quarter of the total membership of the council'. Gyford refers to this arrangement, which continued until the abolition of the aldermen in the 1970s, as a 'reformulation of the co-optive principle, designed to temper electoral pressure through the presence of the local equivalents of elder statesmen' (*Ibid.*).

The Local Government Act 1894 introduced the power for councils to co-opt non-elected voting members onto committees. Ultimately, the benefits of co-option have been seen in terms of the 'acquisition of expertise, the promotion of good inter-organisational relations and the representation of specific affected interests' (*Ibid.*, p. 56). Opponents have voiced their arguments in terms of both practice and principle. Specific concern lay in potential party-political abuses of the system and in questions of public accountability.

Lobbies, pressure groups and social movements

OS is operating in a policy environment filled with groups attempting to exercise influence over decision makers. For example, the business lobby has been identified as one of the most powerful forces in politics today, at all levels of governance (Klein, 2001). The motivations of the business lobby are mainly financial; participation is often perceived to be not borne of a sense of altruism or public good. In contrast to this, many organised pressure groups and social movements become involved in politics to effect positive change (Brown, 1998; Carter *et al.*, 1998; Harvie *et al.*, 2005; Leite, 2005), often around single issues of concern (Griggs *et al.*, 1998; Read, 1998; Thomson *et al.*, 1998). Other campaigns can be founded, simply, on NIMBY-ism (not in my back yard) (Ridley, 1998, p. 310), a powerful force in the UK (Pattie *et al.*, 2004, p. 39).

Campaigns focused specifically on a local issue have often developed to incorporate a much broader, more strategic, outlook, in some cases out of necessity 'to avoid being played off against each other' (Doherty, 1998, p. 371), in other cases as consciousness of an issue grows (McLeod, 1998).

Social movements are distinguishable from pressure groups in that they organise at first temporarily in response to an issue. The Stop the War Coalition is an example of a social movement which developed out of its initial remit. The activities of the group in opposition to the war in Iraq led in part to the development of Respect, a political party with a broad manifesto. As Wilson and Game point out, there are also numerous groups which exist in the community who 'burst into political life' (2006, p. 337) only when an issue affects them directly.

The political composition of a local authority can have a big effect on the influence that such groupings can exercise (Gyford, 1991, p. 45). The more left wing authorities may embrace community, cause and voluntary sector groups which challenge the *status quo*. The more centrist councils may be keen to engage the widest range of groupings and for Conservative councils groups may be seen as an obvious alternative to the council's monopolistic hold on service provision (Wilson & Game, 2006, p. 340). These party-political considerations would, theoretically, be put aside in the OS context. This would, perhaps, provide greater potential for the involvement of such groups in the OS process; although their involvement would have to be counter-balanced by opposing viewpoints. If this were not to happen, then the objectivity of OS could be called into question.

Democratic forms, proportional representation and participation

Representative democratic systems vary in their openness to citizen participation. *Patterns of Democracy* (Lijphart, 1999) analyses the forms and performance of governments across 36 democracies. Tellingly, Lijphart finds that across a range of social indicators, consensus democracies; those with far greater levels of citizen participation, fare better than their majoritarian[1] counterparts (*Ibid.*, p. 258-274). The following is derived from pages 9-47 of *Patterns* and summarises the key differences of the two models:

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[1] Lijphart refers to the 'majoritarian model' interchangeably as the 'Westminster model'.

Table 3: Characterising majoritarian and consensus democracy

Majoritarian democracy	Consensus democracy
Concentration of executive power in one-party and bare-majority cabinets	Executive power-sharing in broad coalition cabinets
Cabinet dominance	Executive-legislative balance of power
Two-party system	Multiparty system
Majoritarian and disproportional system of elections	Proportional representation
Interest group pluralism	Interest group corporatism
Unitary and centralised government	Federal and decentralised government
Concentration of legislative power in a unicameral legislature	Strong bicameralism
Constitutional flexibility	Constitutional rigidity
Absence of judicial review	Judicial review
A central bank controlled by the executive	Central bank independence

Whilst there is no greater voter and representative congruence[1] under PR (Blais & Bodet, 2006), numerous factors can make consensus democracy more conducive to participation.

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[1] Level of correspondence between views of citizens and policy positions of the government.

Firstly, the multiparty system can reflect a broader cross-section of opinion. Secondly, proportional representation grants a far greater chance of gaining a voice to smaller party groups - Lijphart has shown that consensus democracy and voter turnout are positively correlated (1999, p. 285) – and interest group corporatism provides a channel for strong participation. However, interestingly, Blondel *et al* speculate that in the case of European Parliamentary elections the opposite effect is true. PR depressed electoral turnout by distancing candidates from voters and by leading to confusion and dissatisfaction (1997, p. 265).

As the UK is a majoritarian democracy it would appear that, based on Lijphart's analysis, it is disadvantaged at a systemic level in relation to consensus democracies in terms of its ability to engage with its citizens. This, in combination with Barber's (2003) verdict on the inherent participatory shortcomings of liberal democracy and Crouch's (2004) post-democratic view (see Chapter 4.1, p. 62), would appear to pose a particular challenge for OS functions wishing to engage with local residents.

ICT, E-democracy and direct representation

Stephen Coleman (1999; Coleman *et al.*, 1999) and many others (Acland, 2003; Carter, 1999; Löfgren *et al.*, 1999; Lyons, 2007) have investigated the central role that ICT can play in modern democratic governance, campaigning (Ferguson *et al.*, 2006) and in connecting citizen to representative (Coleman, 1999). It has also been shown that the internet has broadened the numbers of those politically active (Gibson *et al.*, 2005), although in general the internet is more useful in opinion-formation than decision-making (Buchstein, 1997, p. 260).

To underpin and develop his arguments in relation to the utility of IT in modern governance, Coleman (2005) has related in detail to the apathy facing representative democracy. Research he draws upon illustrates the

lack of public trust in political institutions and in politicians generally. The following chart illustrates findings concerned with the latter:

Chart 2: Perceived honesty of people commonly encountered[1]
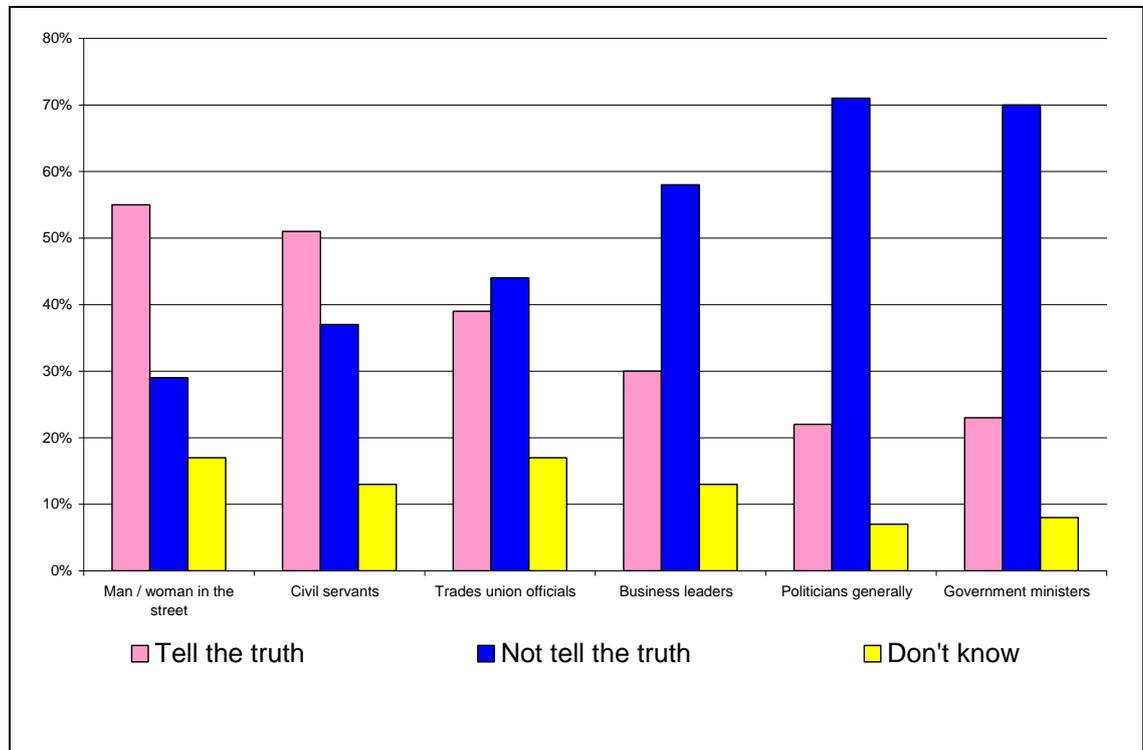
Coleman argues 'for the need to promote a closer, more conversational relationship between citizens and their representatives' (2005, p. 12) and believes that the future of democracy lies in 'direct representation' which can be realised through the medium of IT.

Campbell *et al* concur in stating that '[t]he rapid growth of the Internet over the last five years has created a medium for debate, which is unparalleled in history' (1999, p. 400). They cite the Minnesota Electronic Democracy Project, founded in 1994, as one of the earliest examples of this in a formal political context.

There is a growing literature dealing with the processes, operation and prospects of 'wired' consultation (Dialogue by Design, 2005). There have also been considerable developments in the use of ICT in electioneering and campaigning (Docter *et al.*, 1999; Ferguson *et al.*, 2006). However, others

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[1] Based on data from Coleman, 2005, Figure 2, p. 2.

have been less positive about the potential of the internet as a 'public sphere' (Dean, 2003). Bellamy and Raab (1999) have also very cautiously appraised the usefulness of ICT in governance. Whilst acknowledging the possibilities the author's also highlight conservatism in that 'members will not give way to megabytes' (*Ibid.*, p. 525).

Another main concern forwarded is the extent to which competency is devolved via ICT. In doing so an interesting parallel is drawn with Sherry Arnstein's (1971) *Ladder of Citizen Participation*, which classifies participant competency within a linearly structured typology. The resultant 'ladder of informatisation' (Bellamy & Raab, 1999, p. 520-521) is an attempt to place ICT application within similar terms from the standpoint of parliamentary democracy. The authors are at pains to state that 'it would not destabilise representative democracy' (*Ibid.*, p. 527), and instead claim that it could augment existing arrangements.

In retaining a more measured approach to the potential of ICT in democratic renewal, the authors are commendably aware of both its importance and its limitations: 'informatisation is almost certainly important and may even be *necessary* for reinvigorating parliamentary democracy, but it is hardly *sufficient* to deal with either the scale or nature of its problems' (*Ibid.*, p. 533, authors' emphasis). David Held has stated: 'Typically, experiments to enhance voter feedback and citizen communication provide avenues for deepening political participation within *existing* patterns of liberal representative politics' (2006, p. 250, author's emphasis). This would seemingly add to the suggestion that such initiatives are constrained by the limitations imposed by the representative system, as discussed in previous chapters .

It therefore follows that the use of ICT in OS processes could potentially fall prey to the limitations imposed by the broader representative democratic, majoritarian system as operated in the United Kingdom. As an inseparable part of that system, OS is hampered by the confines within which it operates. However, as OS can adopt more flexible ways of working, there is limited

scope for the use of ICT as an administrative tool and as a means to garner wider opinion. Council ICT policies may prove an additional, institutional, barrier to this being utilised to its full potential.

Making participation a reality

Fung (2006) develops a holistic view of participation in building his 'Democracy Cube'. The cube places participation on a three-dimensional

Figure 2: Fung's democracy cube
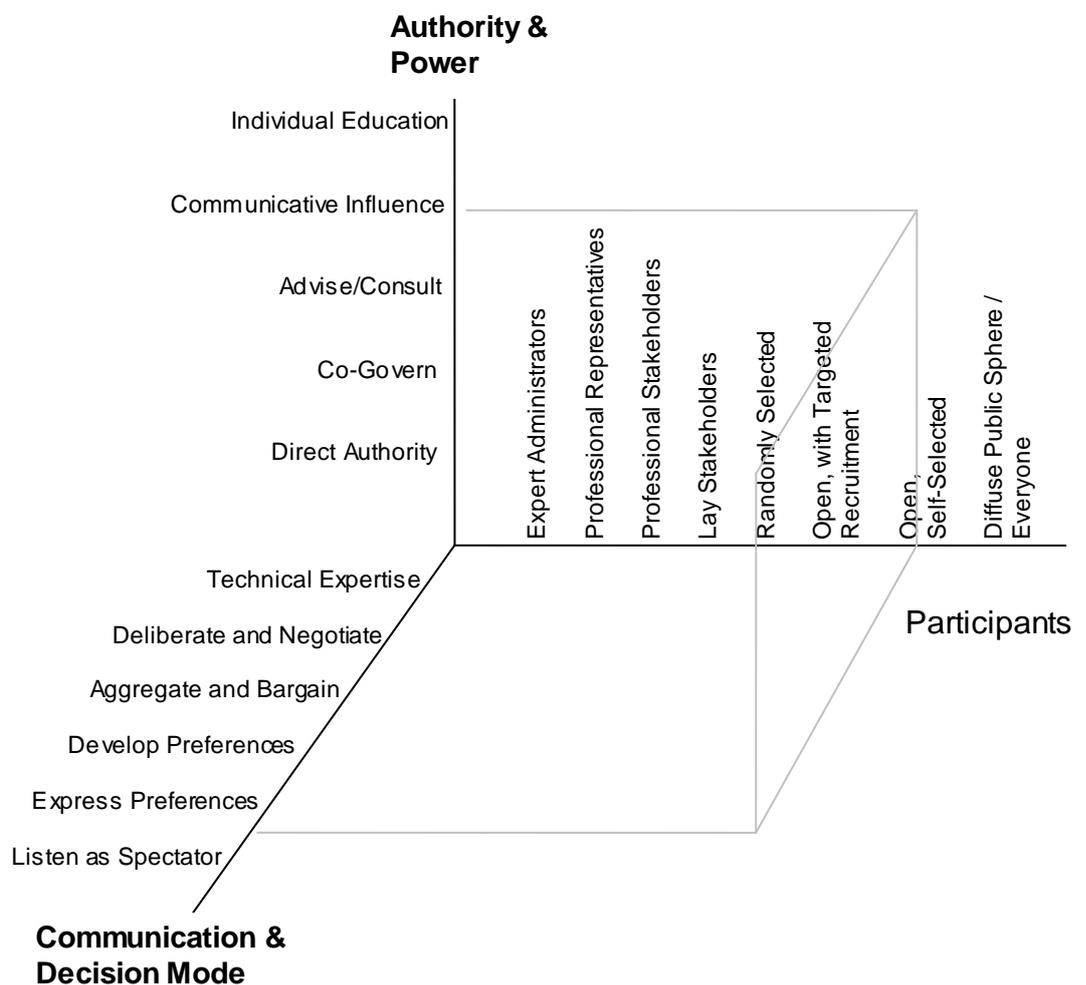
model gauging participant selection, communication and decision, and finally authority and power, and is illustrated in the following table (from *Ibid.*, p. 71): Fung states that modes of participation in modern society are, and indeed should be, multifaceted. Public participation advances various purposes and values. At the more abstract level, these include an equal say in collective

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decisions and respect for individual autonomy. Fung aims to provide guidance on the aims and character of citizen participation and therefore examines 'the range of proximate values that mechanisms of participation might advance and the problems that they seek to address' (*Ibid.*, p. 66).

Fung emphasises that participation complements political representation or expertise, it does not provide an alternative: 'public participation at its best operates in synergy with representation and administration to yield more desirable practices and outcomes of collective decision-making and action' (*Ibid.*). The relationship between public bodies and members of the public depends on the context of the situation and the issue at hand; variables which determine whether the public are treated as consumers, clients or citizens.

Fung also identifies the three questions of institutional design which formulate his Democracy Cube. Who participates determines what issues of governance can be addressed, and various selection methods can be employed (for a full description see *Ibid.*, p. 67-69). How participants interact is dealt with in the second dimension of institutional design. These interactions take place very passively in the case of those who wish merely to listen and to be educated; whilst at the opposite extreme officials employ their technical expertise to solve problems. The final dimension quantifies the impact of public participation, or how what the participants say is linked to what is done. In this case Fung identifies New England town meetings as one extreme in which decisions made become policy. It is at the opposite extreme where participatory initiatives most commonly lie, where participants 'have no real expectation of influencing policy action at all' (*Ibid.*, p. 69). Fung's framework is drawn upon later in the thesis to evaluate aspects of external stakeholder participation in OS processes across the four case study local authorities .

Participation: attitudes and practice in local government

Lowndes, Pratchett and Stoker (2001a) reported on research conducted in 1998 for the Department of the Environment, Transport and the Regions (DETR) (Lowndes *et al.*, 1998). The research analysed contemporary attitudes and practice towards participation within local government with two key objectives: To provide an up-to-date picture of the nature and scope of public participation via a survey of local authorities; and to investigate the views of local authorities and citizens on participation initiatives in practice via selected case studies (Lowndes *et al.*, 2001a, p. 206). The survey was sent to the chief executives of all principal English local authorities in January 1998, and an 85 per cent response rate was achieved.

The case studies were conducted in 11 local authorities and involved in-depth interviews with individuals who had developed or organised participation initiatives. The research showed the dominance of consumerist methods (such as complaint/suggestion schemes), those forms of participation concerned mainly with the customer and aspects of service delivery (*Ibid.*, p. 207). Also prevalent were traditional methods (such as public meetings), described as having a long history of use in local government.

Lowndes *et al* found very little difference in numbers of participation initiatives in authorities with different party-group control; Liberal Democrat controlled authorities held a slight edge. Those with no overall control offered fewer initiatives, whilst independent controlled authorities had the fewest (*Ibid.*, p. 209). Enhanced opportunities to participate, which started to accelerate in the mid-1990s, developed due to two reasons given by the authorities. Participation was seen by many authorities to offer better informed decisions, and the importance of gaining people's views to this was emphasised. Also, a large proportion of respondents linked participation to service improvements, however, 'the goals of empowering citizens or increasing their awareness were largely secondary to the more tangible benefits of improving decision-making' (*Ibid.*, p. 211).

Clearly, in the view of those authorities, the stress of service provision necessitated a less idealistic, more pragmatic approach to participation. Lack of resources and time were highlighted by the majority of respondents as the main barriers to the further development of public participation. Perhaps unsurprisingly, district councils were those with the fewest participatory initiatives. Lowndes *et al* speculate that the generally smaller budget and limited resources of districts reduce the potential for experimentation (*Ibid*., p. 209).

In terms of the negative effects of public participation, almost a third (32 per cent) of those local authorities with issues were concerned about raising unrealistic expectations among the public. This was of particular importance when the authority's ability to respond was limited by legal or financial implications. Others also identified possible conflicts with broader council policy. Of those identifying negative effects, a quarter was concerned with public participation slowing down decision-making, especially where partnership working with other agencies demanded a faster response (*Ibid*., p. 212).

It is in the realm of resource allocation that Lowndes *et al* identify a key and seemingly intractable issue: 'The problem of when and how to commit resources to democratic enhancement, rather than to service delivery, is an unresolved dilemma which lies at the heart of the current process of democratic renewal' (*Ibid*.). Paradoxically, in this instance, a strong customer service ethos concerned with value for money conflicts with the requirements of the democratic renewal agenda to facilitate greater citizen participation. The equally paradoxical combination of a centrally imposed performance management regime (Martin & Davis, 2001, p. 474) and a commitment to devolved local governance may also be a considerable barrier to the realisation of enhanced public participation (Foley & Martin, 2000; Peckham *et al*., 2005; Wilson, 1999). In these circumstances there is little wonder that confusion over what the government requires has emerged (Martin & Boaz, 2000, p. 51).

Lowndes *et al* also reported in a similar vein on public perspectives on participation, highlighting 'some latent interest among citizens in opportunities for participation' (2001b, p. 450). The research consisted of 30 focus group discussions with citizens from 11 contrasting local authority areas, with particular attention paid to the recruitment of citizens from traditionally excluded groups. The focus groups consisted of ten participants and there were four different types of group. The 'participators' had participated in a local authority initiative. The 'activists' were people involved with local community and voluntary organisations. Young people were recruited from local colleges and youth groups. Finally, 'ordinary citizens' were randomly selected by a market research agency.

It was found that people claimed that they would participate in initiatives based on the issues that 'mattered', although very few people had actually done so. The authors speculate that when people refer to such 'big issues' they are identifying matters in which they feel they ought to participate rather than reflecting on their actual practice: 'People's *real* experiences of participation were more likely to relate to the protection of their own or their community's immediate interests, rather than to the wider "issues" that they referred to in the abstract' (*Ibid.*, p. 447 authors' emphasis).

People were also unaware of, and uninterested in, the limitations of local authority responsibility, stating to the researchers that local authorities should consult on areas outside of their remit. There was a tendency to rely on a few committed individuals to have their say on behalf of others. Lowndes and colleagues also identified why people did not participate and highlighted four main reasons (*Ibid.*, p. 450-454): A negative view of the local authority, a lack of awareness of opportunities to participate, a lack of council response, and issues of social exclusion. Focus group findings underline the important fact that more participation does not equate to more democracy, as 'participation initiatives may reinforce existing patterns of social exclusion and disadvantage … Direct invitations to participate, and appropriate incentives,

may be particularly important in engaging those who would not ordinarily take part' (*Ibid.*, p. 453).

Arguments for and against greater participation

Bingham *et al* detail relatively succinctly the views of those in favour of greater participation, partnership and networking; advocates of which

... argue that new governance processes promote increased collaboration among government, business, civil society, and citizens; enhance democratic decision-making; and foster decisional legitimacy, consensus, citizen engagement, public dialogue, reasoned debate, higher decision quality, and fairness among an active and informed citizenry. They contend that these processes promote individual liberty while maintaining accountability for collective decisions; advance political equality while educating citizens; foster a better understanding of competing interests while contributing to citizens' moral development and orient an atomized citizenry toward the collective good (2005, p. 554).

Phillips has articulated the rationale behind moves toward greater participation in the following terms:

Raising overall levels of political participation is then seen as part of a strategy for greater political equality. Almost more important, however, is that higher levels of participation have been said to enhance the capacity for political judgement and the quality of the decisions that are made (1996, p. 22).

Political equality in the UK is guaranteed legally by universal suffrage, frequent, free and fair elections and the rule of law, etc. Although, as Barnes and colleagues have pointed out: 'the notion of representative democracy is based on an idea of formal equality that masks the conditional and problematic access to citizenship for certain groups' (Barnes *et al.*, 2003, p. 380). Pre-eminent scholars such as Jean-Jacques Rousseau and John Stuart Mill have been classical advocates of strong participation. In the case of the former, Pateman states:

Rousseau's entire political theory hinges on the individual participation of each citizen in political decision-making and in his theory participation is very much more than a protective adjunct to a set of institutional

arrangements; it also has a psychological effect on the participants, ensuring that there is a continuing interrelationship between the working of institutions and the psychological qualities and attitudes of individuals interacting within them (1970, p. 22).

To Rousseau, the human benefits that accrue through participation provide important justification for a participatory system. It is equally important as a thing in itself as it is a means to an end. G. D. H. Cole, in the development of guild socialism, tried to adapt the thought of Rousseau to a modern setting: 'He thought that there existed large untapped reserves of energy and initiative in the ordinary man that a participatory system would call forth' (*Ibid.*, p. 40). Also with Mill, Cole shared both the belief that the educative function of participation is crucial and the idea that individuals 'learnt democracy' only by participation at the local level (*Ibid.*, p. 38). Pateman states that 'for Mill, it is at local level where the real educative effect of participation occurs, where not only do the issues dealt with directly affect the individual and his everyday life but where he also stands a good chance of, himself, being elected to serve on a local body' (*Ibid.*, p. 31; see also Copus, 2006, p. 5; also Gyford, 1991, p. 20; also highly congruent with the views of New Labour, see for example DETR, 1998a; DETR, 1998b).

Aside from the educative function, in which 'Mill sees government and political institutions first and foremost as educative in the broadest sense of that word' (Pateman, 1970, p. 29), Mill saw the benefit to governance to be gained from airing as broad a selection of views as possible in decision-making, based on the following assumption:

Very few facts are able to tell their own story, without comments to bring out their meaning. The whole strength and value, then, of human judgement, depending on the one property, that it can be set right when it is wrong, reliance can be placed on it only when the means of setting it right are kept constantly at hand. In the case of any person whose judgement is really deserving of confidence, how has it become so? Because he has kept his mind open to criticism of his opinions and conduct. Because it has been his practice to listen to all that could be said against him; to profit by as much of it as was just, and expound to himself, and upon occasion to others, the fallacy of what was fallacious. Because he has felt, that the only way in which a human being can make some approach to knowing the whole of a subject, is by hearing

what can be said about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind (Mill, 1998, p. 25).

Political participation has, therefore, been seen to provide benefits in several areas. Participation, it has been argued, raises political equality, giving ordinary people a greater voice in what has been perceived as an elite dominated society (Crouch, 2004; Klein, 2001), and provides a strong educative function which 'develops and fosters the very qualities necessary for it; the more individuals participate the better able they become to do so' (Pateman, 1970, p. 42-43). It also contributes to better quality decision-making, arrived at by greater participation. This latter benefit has also, in part, justified moves towards partnership working and greater collaboration across the public sector (Bound *et al.*, 2005).

Despite its many advocates, broad participation in governance has not been universally accepted as desirable. Works from antiquity onwards have questioned the desirability of popular participation beyond the 'protective' act of voting in the election of certain officials. For example, prominent commentators such as Joseph Schumpeter, advocate of competitive elitism (Held, 2006, ch. 5), would claim that citizen 'participation has no special or central role' (Pateman, 1970, p. 5). Indeed, in discussing the 'classical doctrine', Schumpeter's main criticism 'was that the central participatory and decision-making role of the people rested on empirically unrealistic foundations ... it is the competition by potential decision makers for the people's vote that is the vital feature' (*Ibid.*, p. 4). Others have even questioned whether individual preferences can be aggregated upwards to a collective level (Arrow, 1963 cited in; Hardin, 2003, p. 163).

Arguments against deeper participation also, for a long period, justified the dominance of aristocracy in the echelons of power, such as in the British Upper House. This was summarised well by Walter Bagehot, who claimed that the aristocracy were 'above corruption because they are the corruptors. They have no constituency to fear or wheedle; they have the best means of forming a disinterested and cool judgement of any class in the country. They

have, too, leisure to form it' (Bagehot, 1963, p. 137). This class-based assessment excluded, by necessity, the vast majority of the population from the UK legislature for the 19th and much of the 20th Centuries.

Today, the predominant liberal view sees citizens' rights as primarily negative in relation to the state and other citizens: 'They give citizens the opportunity to assert their private interests in such a way that by means of elections, the composition of parliamentary bodies, and the formation of a government, these interests are finally aggregated into a political will that makes an impact on the administration' (Habermas, 1994, p. 2). The emphasis placed by New Labour on participation stemmed mainly from the well documented culture of apathy and disengagement afflicting the democratic process (Chandler, 2000, p. 4; Ashworth *et al.*, 2004; Foley & Martin, 2000, p. 485; Wilson, 1999, p. 247). Wilson states that: 'While enhancing representative democracy through increased voting turnout is seen as important, the Blair government was particularly keen to emphasise innovation in participatory democracy' (Wilson, 1999, p. 248). This was within a context of a broader democratic renewal policy agenda that included major constitutional changes such as devolution and reform of the House of Lords alongside changes in local authority political management arrangements and a greater emphasis on partnership and participation (Morrison, 2001).

4.3 Summary

The chapter has placed OS within the broader democratic framework as operated in the UK. Theorising the UK democratic system necessarily involves an examination of representative democracy, its characteristics and issues currently facing it. This is especially important given the fact that OS is a function of the representative political system.

Participatory democracy is an ever-increasing area of interest, and it is very much a part of an effectively functioning representative democratic system. Few would suggest that representative democracy is not complemented by greater participation, although the extent to which it is complementary, and in

what circumstances, remain contentious. Participation as a concept is particularly important to a study of OS processes, given that OS has been seen as a vehicle for greater external stakeholder engagement (Centre for Public Scrutiny, 2007).

5. Democratic renewal

Although scholars have studied the transformation of governance through globalization, devolution, and networks, and they have argued for a greater role in governance for the public, practitioners have developed a rich diversity of processes that use negotiation, mediation, facilitation, citizen and stakeholder engagement, deliberation, collaboration, and consensus building … This is the other face of the new governance. These processes are in widespread use at the international, national, state, and local levels of governance and in intersectoral networks crossing jurisdictions (Bingham *et al.*, 2005, p. 552).

This chapter discusses some of the main theoretical ideas underpinning much New Labour policy, social capital, communitarianism and deliberative democracy. The development of OS should be viewed in the context of these ideas. The description that follows provides a more focussed analysis with which to frame the research.

The democratic renewal policy agenda

New Labour sought to revitalise democracy in many ways, such as the devolution of power to Scotland and Wales, the promotion of freedom of information, in encouraging cabinet systems and locally elected mayors and in investigating new voting arrangements and electronic government (Skelcher, 2000, p. 17-18).

At the core of these approaches has been the issue of greater public and other stakeholder engagement in decision-making; a topic of fundamental significance to the operation and quality of democracy and a principle 'widely accepted in much national and local policy' (Warburton, 2001, p. 3). Indeed, in numerous policy documents Labour articulated a vision of public participation that built on the consumerist vision of the Conservatives (Cabinet Office, 1998).

Barnett (2002) has shown how there has been a strengthening commitment to the consultation and engagement of stakeholders and service users from

central government. This has been enacted partly through initiatives such as a re-launching of the Major Government's Citizens' Charter in altered form, as *Service First* (Cabinet Office, 1998), which marked a change in the narrow approach of its predecessor. The Health Service White Paper *A First Class Service* (Department of Health, 1998) and *The NHS Plan* (Department of Health, 2000) aimed to centre aspects of services on the consumer. The White Paper aimed to take into account patient and care experience in the assessment of performance; the latter sought to establish various patient/user led initiatives. 'Zones' and 'pathfinder' areas 'have stressed the central place of partnership and active engagement with stakeholders' (Barnett, 2002, p. 311) and are furthering the participation agenda, in which Labour's interest stems from areas which Barnett highlights: concern with a democratic deficit, interest in the democratic capabilities of civil society and a concern with the fostering of social capital; the blanket term being 'democratic renewal'. 'The agenda, therefore, has drawn upon attempts to institute a 'thicker' form of democratic engagement as concern has increasingly been expressed with the capacity of representative democracy to engage and involve the citizenry' (*Ibid*.).

Underlying this was an ideology which has been the cause of consternation. Freeden, writing on the ideology of New Labour in an aptly named article, raised amongst other issues the Blairite minimalist view of the state as one actor amongst many. Ironically, the Labour government displayed 'centralising tendencies' (1999, p. 43) whilst simultaneously extending the range of stakeholders consulted. Ultimately, 'the role of government now is to direct [a] reallocation of power and functions, while reserving the last word for itself' (*Ibid*.). This was in the context of Labour's idea of participatory citizenship and partnership, dressed in the language of rights and obligations.

5.1 Partnerships and 'double devolution'

There have been moves to address the apathy observed in relation to the traditional processes and institutions of representative democracy. At a local level, these moves have not always involved the local authority. Increasing

emphasis on partnership and 'double devolution' has meant, in certain instances, the bypassing of the council in favour of neighbourhood arrangements and collaborative forums. The Local Strategic Partnerships (LSPs), fairly recent innovations bringing together cross-sector organisations and other stakeholders, have attracted considerable funding. In those local authority areas with pockets of high deprivation, LSPs were allocated large sums of Neighbourhood Renewal Fund (NRF) (replaced by Area Based Grant - ABG). Allotted funds must be spent in accordance with the Local Area Agreement (LAA), a short term strategy document produced in collaboration with local statutory and non-statutory stakeholders.

Strategic partnerships are intended to be an open, transparent means of coordinating service delivery in a locality. Given the influence of them, accountability is an issue. Informal 'horizontal accountability' networks may exist within the partnership, with participating bodies providing mutual checks and balances. Upward accountability to Parliament and the relevant Government Office is also a supposed safeguard. In reality, 'horizontal' and 'top down' accountability mechanisms can be severely lacking. In the case of the former, opacity and only nominal levels of communication may act as a barrier to any genuine accountability. Distance and conflicting priorities effectively block the 'top down' accountability process. If LSPs and other partnerships are to enjoy true democratic legitimacy, an effective 'bottom up' accountability mechanism should be in place. In response to these issues, the Local Government and Public Involvement in Health Act 2007 created new powers for OS in relation to the scrutiny of LAA partners, indicating the important role envisaged for OS in holding a wider range of external stakeholders to account.

Currently, elected members in some areas hold seats on the boards of partnerships, although numbers vary. Elected members are in these circumstances acting very much as democratic champions to a locality (de Groot, 2006). In this respect they partially fulfil the envisaged community leadership role described by the government (LGIU, 1999; Stewart, 1999).

The OS powers in relation to LAA partners were first discussed in the White Paper *Strong and Prosperous Communities*, which detailed several public bodies with a duty to respond to scrutiny. Coupled with the Community (now 'councillor') Call for Action (CCfA), these powers should, assuming they are used correctly facilitate external OS to a fairly significant extent. The key issue of crime and disorder is given special significance and is assigned its own CCfA, introduced in the Police and Justice Act 2006 alongside the requirement for a designated 'crime and disorder committee' to scrutinise the Crime and Disorder Reduction Partnership (CDRP – in some areas known as Community Safety Partnership) on at least one occasion per year. This ensures the attendance and cooperation of the CDRP with OS, although OS cannot specify who attends. All that is required is that a CDRP representative attends and that recommendations be responded to.

This is a weakness in the mechanism, as in the event of a specific CDRP partner being accountable, an alternative and unconnected (notwithstanding the relationship through the partnership) representative may attend. The suitability of this person/s may be questionable and may, regardless of intentions, protract the CCfA process. In this instance the most likely explanation would be a breakdown of communication between OS and the partnership, outlining the necessity of involving relevant partners from the earliest stages of a CCfA. In rare circumstances such a move on behalf of the partnership may be an attempt to dodge the OS process.

Performance management

The shift from Comprehensive Performance Assessment (CPA) to Comprehensive Area Assessment (CAA) – now defunct following the change of government - signified another shift in perspective. Under CAA, performance assessment was to be focussed chiefly on outcomes across areas, regardless of who was responsible for delivery. A gradual phasing in of the CAA took place, with the final arrangements in place by 2009. The general consensus was that CAA provided added impetus for the development of a 'scrutiny of place'.

The democratic renewal agenda: underlying concepts

The stance of New Labour towards citizenship, governance and participation developed in varying degrees from communitarian thought (Bound *et al.*, 2005, p. 11; Furbey *et al.*, 2006, p. 6; Jochum *et al.*, 2005, p. 9; Leadbeater, 1997, p. 2; Maile & Hoggett, 2001, p. 511; Marinetto, 2003, p. 114) and social capital theory (Lowndes & Wilson, 2001, p. 629; Muers, 2004, p. 46; Skidmore *et al.*, 2006, p. vii). These in turn have led to developments in deliberative democracy (Coaffee, 2005, p. 30; Lowndes & Wilson, 2001, p. 636-637). The following is a detailed exploration of the concepts. Deliberative democracy is later accorded particular attention, given the fact that OS can be a very effective deliberative process.

5.2 Social capital

Social capital as a concept has emerged primarily from the work of Robert Putnam (1993; and most notably Putnam, 2000) and has been highly influential to policy-makers, with organisations from the World Bank to One North East debating its merits and potential. It is often perceived as a benefit of participation (DCLG, 2006; also, for example Koontz, 2005, p. 476) and is defined as: 'resources for collective action, such as contacts, friendships or the ability to ask favours of people, which citizens access through membership in particular types of social networks' (Skidmore *et al.*, 2006, p. vii).

Marilyn Taylor describes the term 'social capital' as aspects of the social sphere which collectively empower and enable (2003, p. 41-43). A more normative view of social capital, such as that espoused by Robert Putnam (1993) and critiqued by Wollebaek and Selle (2003), links historically developed social capital with 'the formation of the capacity for civic engagement which he sees as essential for modern democracy' (Taylor, 2003, p. 41). The findings of Pattie, Seyd and Whiteley (2004, p. 178-179), in different ways, both support and refute Putnam's thesis. They do find that group membership, both formal and informal, 'promotes obligations to

volunteer as well as all types of participation' (*Ibid.*, p. 178), a finding mirrored in India where 'high social capital villages ... tend to have significantly higher levels of political participation' (Krishna, 2002, p. 457). In rural England however, Williams reports 'that participation in community-based groups is primarily by higher income households who use them as vehicles for bolstering their social support networks' (2003, p. 87). Also, in discussing gendered differences in social capital, Vivien Lowndes finds that 'there is no straightforward causal relationship between social capital and political involvement' (2004, p. 61), and concludes: 'A better understanding is required of the circumstances under which social capital becomes an actual, rather than a potential, resource for democracy' (*Ibid.*, p. 62). Pattie *et al* go further, and describe

> *... the danger of circularity when it* [social capital] *is applied to the task of explaining wide forms of political participation; it comes close to saying that participation in voluntary activity creates further participation and so on. This is not such a problem when one is trying to explain specialist types of participation such as voting, but it is a potential problem when broad measures of participation in effect become both independent and dependent variables in explanatory models* (2004, p. 150).

Unfulfilling political engagement could even damage social capital insofar as it encourages further engagement. The work of Shlomi Segall (2005) backs this view. Segall states that 'when forms of participation do not have a "point" to them, they may actually do more harm than good, as they end up causing frustration and a sense of futility when it is realised that participation was "about nothing"' (*Ibid.*, p. 370). However, Segall does mention that small deliberative bodies (a role which OS committees could fulfil) such as citizens' juries do have the, albeit limited, potential to cultivate social solidarity.

Citizens' juries usually consist of between 12 and 16 randomly chosen members who are tasked with deliberating over a specific policy issue to reach a decision (although the decision need not be unanimous). Numerous benefits are attributed by Segall to citizens' juries: deliberation of the type found in citizens' juries enhances the 'political sophistication' of those

involved and leaves them considerably better informed; deliberation over a certain area of policy leads to a sense of attachment and ownership of the policy or institution involved; and, when deliberation involves vulnerable groups in society, it leads to greater empathy towards the group in question. Overall: 'this greater empathy and sense of responsibility tends to spill beyond the space and time of the discussion' (*Ibid.*, p. 369). Segall's measured view of participation as a driving force of community solidarity is summarised as follows:

> *Participation in politics, when it is carefully construed, may cultivate responsible citizenry and commitment to the common good. But not only are those occasions where participation is both conducive to solidarity and meaningful (for the participants) rare, political participation is also only a peripheral aspect of our lives, so its effect on our dispositions can only be limited* (*Ibid.*, p. 373, author's emphasis).

In this interpretation participation may develop a more collective outlook only in the correct circumstances. To realise any possible benefit participation must be frequent, empowering and conducive to collectivism.

Taylor describes those arguments which state the exclusionary potential of social capital, founded on the idea of 'closure': 'Closure increases the potential for the effective sanctions, norms and expectations which generate trustworthy relations between participants' (2003, p. 56). 'Closure' can be seen as negative in its conception, concerned more with what unites communities as they stand, rather than develop a more inclusive, encompassing conception of community. The danger of this lies in the idea that networks of the type on which social capital is developed 'can create their own norms, at odds with the outside world' (*Ibid.*), with commensurate dangers to the heterogeneous society of the UK today. This conception echoes what Putnam has referred to as 'bonding' social capital, 'a willingness to trust only members of one's immediate group'. In contrast to this, Putnam spoke of a desirable 'bridging' social capital, 'the willingness to trust strangers' (Pattie *et al.*, 2004, p. 150) which he believed was the key to democratic renewal.

Social capital in the UK

It would appear that social capital in Britain is in relatively good health, even in its potential 'bridging' variant, given that '[f]or most writers trust is the key indicator of social capital' (*Ibid.*, p. 149), and the report that people in the UK tend to trust others with whom they have contact (*Ibid.*, p. 36). Interestingly, and in accordance with the report of Coleman (2005, p. 2), the same study reveals that people 'are more likely to trust the institutions which are not directly associated with elected politicians' (Pattie *et al.*, 2004, p. 37); according to the authors, a finding replicated in other advanced industrial democracies.

Clearly this has implications for OS functions wishing to engage the public. Distrust has led to greater participation outside of traditional and institutional political structures, has driven people with strong views away from traditional forms of participation and has created protest against the *status quo*. For example, before certain key events from the mid 1970s to the early 1990s, including economic change which led to more highly mobile capital and labour (Gorz, 1997), anti-capitalist voices could be heard strongly within 'old' Labour. Increasingly, in the modern world, left wing voices are now heard in a variety of settings that reject vertical hierarchies and closed epistemologies whilst embracing pluralism and creativity (for example the World Social Forum, see Leite, 2005). As one 'new' leftist put it, 'with British socialism and trade unionism in serious decline, combined with the haemorrhaging of the Marxist-Leninist left, the traditional labour movement is becoming rapidly extinct' (Hewson, 2005, p. 137). People with an opinion are going outside of traditional political channels to voice it, which is a severe loss to formal and potentially more constructive forms of participation.

5.3 Communitarianism

The "restoring community" theme has been given a new lease of life in recent years by a communitarian movement which draws support from across the political spectrum. For communitarians, the solution to urban decline is to reinstil a sense of responsibility as well as rights, and to make communities rather than the state the primary institutions of decision-making and service provision. The revival of this theme also owes a great deal to the popularisation of the concept of social capital as the basis for making democracy work (Putnam, 1993), redressing political apathy and creating cohesion (Taylor, 2003, p. 21).

The communitarian conception of responsibility and communal values as well as rights, 'struck a deep chord with [Tony] Blair' (Seldon, 2004, p. 126). Parallels can be drawn with deliberative conceptions of democracy in the mutual emphasis placed on reciprocity (Taylor, 2003, p. 39) and in that deliberative democracy believes 'people to be to some degree communally oriented in their outlook' (Miller, 2003, p. 184). In this parallel, a strong communitarian-like ethos and its accompanying levels of social capital could be highly conducive to the correct forms of deliberative democracy. Communitarianism arose from

... the fragmentation of other collective, associational links between the state and society, from the falling membership and influence of trade unions and working men's associations to the decline of the established church and the Women's Institute. The political repercussions of the collapse of these collective institutions were raised in the 1980s by communitarian theorists who warned that markets and contracts ... do not create any social cohesion in and of themselves … The policy advocates of the Third Way share the communitarians' focus on rebuilding social cohesion, advocating a proactive and interventionist set of policies on behalf of both the central and local state (Chandler, 2000, p. 4-5).

The local government modernisation agenda, specifically the LGA (2000) provides an example of 'proactive and interventionist' policy of this kind. New political management arrangements were intended, in part, to provide easily identifiable leadership to the community and a focal point for their concerns (DETR, 1998a; b).

The envisaged community leadership role for members built further on this approach, as did the importance attached to sustainable communities (ODPM, 2005) - a further example of the community-oriented approach of New Labour - as were programmes such as local management for schools and area-based initiatives such as the health and education action zones (Walker, 2000, p. 11). That New Labour saw community as inextricably linked to the governance of locality is apparent in the Communities and Local Government portfolio, the department of which issued documents such as the White Paper *Strong and Prosperous Communities* (DCLG, 2006) detailing the role of local government in this regard. It was also apparent from the White Paper that the then government viewed the delivery of more tailored services, informed by the community and individual service users, as a key challenge to be met.

A desire to be engaged in their governance is frequently ascribed to the public, as is the desire for personalised services. Moves to empower communities via OS arose from both the White Paper and the Police and Justice Act 2006. The Community (now 'councillor') Call for Action (CCfA) mechanisms roughly outlined in these documents provided a means by which members of the community could potentially have concerns relayed directly to an OSC. Should a councillor deem a CCfA appropriate, i.e. not vexatious or otherwise unsuitable, he or she would at first attempt to address the concern independently. Should the issue persist following this initial intervention the councillor can pass the concern onto OS, which, obliged to respond, will have the power to demand the presence of certain external bodies relevant to the particular issue raised. In this instance these bodies are accountable to OS and must provide a representative at any proceedings. CCfAs are invalid in the case of concerns where there exists a statutory appeals process, for example planning. Procedurally and in terms of competency, both CCfAs were the same; where they differed was in the context in which they were to be raised. The Police and Justice Act 2006 CCfA related specifically to crime and disorder matters, with the corresponding Crime and Disorder Reduction Partnership (CDRP) as the object of scrutiny. The White Paper CCfA covered a host of issues and the

list of bodies with a duty to respond was equally broad. The two separate CCfAs are now merged under the new title Councillor Call for Action. Separate provisions continue to apply to crime and disorder issues only insofar as there must now be a designated 'crime and disorder' committee that hears crime and disorder CCfAs and undertakes scrutiny of the local CDRP on at least one occasion annually. At many professional events such as the North East Regional Employers Organisation scrutiny officer and members' network meetings, issues around the CCfA were raised. Many simply stated that this already occurs and it would appear that central government was formalising unnecessarily an already functional relationship.

Driver and Martell (1997) identify six dimensions on which variants of communitarianism can differ (cited in Taylor, 2003, p. 40):

- 'Conformist (building an overarching morality) versus pluralist (recognising difference)
- More versus less conditional (responsibility arises from duties; responsibility arises from fellowship and solidarity)
- Conservative versus progressive
- Prescriptive versus voluntary
- Moral versus socio-economic (social cohesion due to shared morals; social cohesion due to socio-economic equality and shared rights)
- Individual versus corporate (that is, the responsibilities of business and institutions)'

Driver and Martell argue that New Labour tended towards the former approach given at each of the above points. Their argument is that the then government sought to devolve power downwards through institutional pluralism, but also sought ethical conformity to ensure adherence to a centrally-imposed all-encompassing moral framework.

Pattie *et al* (2004) describe the communitarian approach to citizenship: 'For communitarians citizenship arises from culturally defined communities which

exist prior to the formation of the state. The latter is thought to derive its authority from these communities. Relationships in such communities transcend the utilitarian calculations of individuals which are the basis of liberal conceptions of citizenship' (*Ibid.*, p. 11). In this, the communitarian approach can be questioned using a similar argument to that deployed by Barber (2003, p. 3-114 see above) against liberal democracy. Simply, it presupposes an immutable pre-conceptual frame, upon which the theory is built. This consists of an assumption opposite to that of liberalism, that humanity in the state of nature is inherently communal, as opposed to the liberal 'atomisation' thesis which emphasises individualism. The issue is not which view is correct; rather it is about basing policy on supposition.

5.4 Deliberative democracy

Some democrats are of a similar opinion to Adams, who claims that citizen deliberation and rational persuasion are '[a]t the core of democracy' (2004, p. 51). Others would argue otherwise, privileging instead the unique role of the elected representative in conducting deliberations with his or her peers. What can be stated definitively is that the role of deliberation in modern democracy is subject to some debate. This is centred primarily on, amongst other considerations, where and when it should be utilised, and what form it should take (Fishkin & Laslett, 2003, p. 1-5).

It is important to clarify that deliberative democracy is not a variation of a direct participatory type democracy (Held, 2006, p. 237) and as such it need not be inimical to the representative system. Jan Teorell (2006) develops this point in distinguishing 'responsive', 'participatory' and 'deliberative' models of democracy. The first conception is protective and entails the expression through participation of individual needs and preferences into collectively binding decisions. The participatory model involves direct influence in final decision-making whereas the deliberative model is concerned with 'subjective legitimacy' (*Ibid.*, p. 803). It seeks an informed and reciprocal period of deliberation prior to certain decisions and is underpinned by many views of how it should be:

> *Where deliberation should be sited, and the extent of popular participation, are not questions about which there is a consensus among deliberative thinkers. To the extent that deliberation is seen as a supplement to liberal institutions, theorists tend to recommend it as a way of improving the quality of existing political institutions. To the extent that deliberation is regarded as a transformative mode of reasoning which can be drawn upon in diverse settings, from micro-fora and neighbourhood associations to national parliaments and transnational settings, it tends to be interpreted as a new radical model of democracy* (Held, 2006, p. 252).

Deliberative democracy 'affirms the need to justify decisions made by citizens and their representatives' (Gutmann & Thompson, 2004, p. 3). Its epistemology claims that 'no set of values or particular perspectives can lay claim to being correct and valid by themselves, but they are valid only in so far as they are justified' (Held, 2006, p. 233). It therefore has a *reason-giving* requirement grounded in an idea of mutual respect (Gutmann & Thompson, 2004, p. 4). Citizens should be empowered beyond voting in elections and interest group bargaining to a level where they become 'autonomous agents who take part in the governance of their own society, directly or through their representatives' (*Ibid.*).

For this to take place reasoning must be accessible, in the sense that deliberation must take place in public and must be delivered in a manner which can be understood by all. Deliberation must produce a decision binding over a certain period of time, distinguishing the deliberative process from a debate. Despite this the deliberative process should be *dynamic*, in that few decisions are justifiable indefinitely. Therefore the chance to re-assemble must be assured so that a challenge to the decision can take place at some point in the future. To the deliberative democrat '[h]ow citizens deal with the disagreement that is endemic in political life should … be a central question in any democracy' (*Ibid.*, p. 7). The emphasis should be on finding justifications that minimise differences between conflicting parties. In doing so mutual respect is promoted; a value at the heart of deliberative democracy (*Ibid.*).

The roots of deliberative democracy go back as far as ancient Athens, although the conception then differs from that of today. Pericles and Aristotle both articulated the value of deliberation. Pericles, however, spoke in the context of the elitist 'citizen-dominated' democracy of Athens, and Aristotle, whilst seeing the virtues of deliberation by the many, preferred aristocracy. Even John Stuart Mill preferred deliberation to be led by the better educated (*Ibid.*, p. 8-9). However, Mill's influence on modern deliberative democracy can be observed, as the authors state: 'Through the give-and-take of argument, participants can learn from each other, come to recognize their individual and collective misapprehensions, and develop new views and policies that can more successfully withstand critical scrutiny' (*Ibid.*, p. 12).

The lasting appeal of deliberative democratic ideas is evident in their adoption and continuation by modern political parties. The Community Politics of the 1970s Liberal Party is still to this day advocated by the Liberal Democrats and represents a relatively unsuccessful attempt to forge a more deliberative style of local politics (Meadowcroft, 2001). Electoral gain was not to be the main outcome of the Community Politics strategy, rather, it sought 'a reformation of representational relationships to create a participatory democracy' (*Ibid.*, p. 26). Vestiges of this style may still be advocated actively by some Liberal Democrat groups, meaning that it is a mainstream part of local politics in many areas.

Deliberative legitimacy

Legitimacy and the value of 'talk' in the OS context are key themes that emerge in the findings of the thesis. To its advocates, deliberative democracy can enhance legitimacy; one of Benhabib's three 'public goods' (1994, p. 26) of complex modern democracies. Barber also credits the legitimising function of democratic talk. The conception of talk employed by Barber is expansive and includes 'every human interaction that involves language or linguistic symbols' (2003, p. 173), it is highly reciprocal, receptive and empathetic (*Ibid.*, p. 174). The purpose of talk in this context is not to arrive at the 'truth' of a situation: 'Conversation does not reify metaphysical certainty as political

unanimity; all it can hope to attain is a dynamic of interaction that permits transient convergences as well as ongoing differences and that makes moments of shared vision desirable oases in a never-ending conversational journey' (*Ibid.*, p. 185).

The legitimacy granted by deliberation is grounded in the discourse model of ethics and politics, which assumes that arrangements and rules of action can be valid only when agreed upon by those affected consequentially. This is contingent upon a deliberative process consisting of equality and symmetry in initiating speech, debate, questioning and interrogation; the right to question the assigned topics of conversation; the right to initiate argument about the rules of the discourse procedure, with no rules limiting the agenda or the participants involved, assuming they are relevantly affected by the proposed outcome. This model 'formulates the most *general principals* and *moral intuitions* behind the validity claims of a deliberative model of democracy' (Benhabib, 1994, p. 31, author's emphasis). However, Benhabib argues that this may neglect practicality, as 'the procedural specifics of those special argumentation situations called "practical discourses" are not automatically transferable to a macro-institutional level nor is it necessary that they should be so transferable' (*Ibid.*). Despite this view, deliberation should generate a degree of practicality as well as legitimacy. Practicality can lie in the ability of deliberation to impart information and assist in the formulation and ordering of coherent preferences within a public policy context. An example of this in the current financial climate is the new chancellor's attempt to involve the public in decisions around spending cuts.

In its practical application there should, nevertheless, be an awareness of the possible misinterpretations, misapplications and abuse of the procedure that can occur. However, Benhabib refers to an inherent provision against such abuse in 'the reflexivity condition built into the model [that] allows abuses and misapplications at the first level to be challenged at a second, meta-level of discourse' (*Ibid.*, p. 33). Additionally, the ability of all involved to initiative deliberative discourse means that no outcome is beyond revision and

ongoing scrutiny. Barber's 'strong democracy' is an extension of this kind of democratic deliberation. Barber defines it as 'politics in the participatory mode where conflict is resolved in the absence of an independent ground through a participatory process of ongoing, proximate self-legislation and the creation of a political community capable of transforming dependent, private individuals into free citizens and partial and private interests into public goods' (2003, p. 132). The process of deliberation over political problems is conducted by the citizenry through media such as multiple choice referenda,[1] neighbourhood assemblies and technological innovations. The emphasis placed on citizenship arises from the creation of a public capable of reasonable public deliberation, including the ability to provide challenge. The public become citizens when this ability to self-legislate is granted and acted upon: 'Anyone can be an actor. Only a citizen can be a *political* actor … To speak of those who choose with deliberation and act with responsibility is in the political realm to speak of citizens' (*Ibid.*, p. 126, author's emphasis). It is assumed that in such a situation community would be strengthened by the deliberative process (*Ibid.*, p. 152).

Implications for the individual

Enhanced public deliberation does not place an abstract community prior to the individual in terms of significance or purpose; in that respect, the 'strong' democratic mode does not privilege democracy at the expense of traditionally conceived individual liberty (*Ibid.*, p. 133). It is not, therefore, inimical to the UK system of liberal democracy. Community is seen as something arising from, rather than being prior to 'strong' democratic practice. Indeed, Barber writes of 'the *creation* of community as one of the chief tasks of political activity in the participatory mode' (*Ibid.*, p. 133, emphasis added). Unlike forms of consensual democracy which may seek to sideline conflict, Barber's strong democracy acknowledges the importance of conflict to the political process. In this acknowledgement, the liberal idea of intractable conflict is

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[1] This is to contribute to the deliberative process, rather than reduce political debate to 'yes / no' simplicity (see Barber, 2003, pp. 286-288). Brooks concurs and elaborates the point in stating that 'referendums may reduce complicated policy debates to simplistic opposites and risk hardening attitudes' (1999, p. 52).

modified in favour of 'a politics that can transform conflict into cooperation through citizen participation, public deliberation, and civic education' (*Ibid.*, p. 135).

Criticism of deliberative democracy

Several critics have adopted a stance similar to that of Josie Brooks, who has qualified her praise by referring to the dangers of replicating exclusion within the deliberative forum:

> *Deliberative democracy is very appealing. It has the potential to enhance democracy and to provide a practical display of civic behaviour that may effectively by-pass political cleavages. Yet, there remain some questions about the ability of deliberative forums to overcome the difficulties of exclusion that are apparent elsewhere in society. Factors such as gender, education and ethnicity are factors which contribute to political exclusion. Whilst deliberative forums may use strategies which aim to ensure those citizens that participate reflect the social and demographic composition of the community, there remains the question of whose voice predominates* (1999, p. 53).

The findings of this doctoral research suggest that OS functions are very aware of the need to address this risk of exclusion in their processes. For example, many OS functions, when scoping topics for scrutiny, will specifically address this in their terms of reference and associated documentation. However, institutionalised exclusion cannot be overcome by this alone, which poses a challenge to OS processes.

Margaret Kohn builds on Brooks' critique in stating that 'reasonableness', a key facet of deliberative democracy, is a social construct 'which usually benefits those already in power' (2000, p. 409). Power relations are also reflected in language, therefore 'the normative validity of the resulting intersubjective consensus would always be provisional and open to further contestation' (*Ibid.*, p. 410). On this basis she takes issue with Jürgen Habermas' idea that an 'ideal speech' situation can provide a platform for 'rational, intersubjective consensus about norms' (*Ibid.*, p. 411). Existing power relations may be replicated in deliberation and meanings can be convoluted. Similarly, Meadowcroft voices concern over the prevalence of

traditionally dominant socio-economic groups in deliberative processes, concluding: 'The promise of Community Politics and other models of deliberative democracy for meaningful popular participation in political decision-making may ultimately prove incompatible with the liberal democratic requirements of democratic accountability and equity' (2001, p. 39).

Cass R. Sunstein shows how 'enclave deliberation', a process involving deliberation amongst the like-minded, who happen to talk or live for much of the time in isolated enclaves, is 'simultaneously, a potential danger to social stability, a source of social fragmentation or even violence, and a safeguard against social injustice and unreasonableness' (2003, p. 82). Sunstein's primary concern is 'group polarization', a phenomenon common in bodies deliberating myriad subjects all over the world which drives homogeneous groups to a more extreme stance 'in the direction indicated by the members' predeliberation tendencies' (*Ibid*., p. 81). The primary mechanisms underlying 'group polarization' are people's desire to maintain their reputation and their particular self-conception, and the limited number of 'argument pools' to be found in any group which lead group members in certain directions (*Ibid*.). OS can challenge 'group polarization' occurring amongst public service professionals but, ironically, it as a process can also fall victim to the phenomenon, if its processes are not widely inclusive and deliberative.

An advocate of deliberative democracy, Archon Fung (2004, p. 100) identifies a further five 'critical takes' on deliberative democracy, based on the following perspectives explored below:
- Strong rationality
- Strong egalitarian
- Social capital
- Cultural difference
- Expertise

Strong rationality

The strong rationality (rational choice) perspective simply states that human motivations and behaviour are fundamentally self-interested and therefore inimical to deliberation. Involvement in deliberative processes would be only to further one's own interests and these interests would be relatively unwaveringly pursued, despite any countering opinion or prevailing generally accepted notion of communal good arising from deliberation. Political situations in which people meet involve the quest for a single 'social choice' as a result of the meeting. The rational choice perspective would see the social choice as resulting from 'the aggregation of conflicting individual interests via negotiation and bargaining, voting, domination, or some other such mechanism' (*Ibid.*, p. 106). This is as opposed to a social choice resulting from balanced and rational deliberation involving the key facets of justification, legitimation and 'reasonableness' (Kohn, 2000, p. 409) discussed earlier.

Strong egalitarian

Strong egalitarian critique of deliberative democratic processes is grounded on the entrenched socio-economic inequalities facing participants. This can be seen as both a procedural barrier, whereby the actual process of deliberation is exclusive and participants' ability to input is therefore unequal, and as a producer of unequal policy outputs. So in the case of the former the tendency for more highly educated people, for example, to be involved in political actions (Pattie *et al.*, 2004, p. 85) may mean that in many deliberative forums they predominate. This in turn could make it more difficult and less attractive for less well-educated people to participate. As a consequence, policy outputs from deliberations may be unfairly skewed in favour of a particular (in this case the more highly educated) segment of society.

Social capital

'Generalized reciprocity' is the idea that an individual will act in the interests of another now, in the knowledge that at some point he or she will, in turn, benefit from the actions of another (Fung, 2004, p. 120); it is a cornerstone of

social capital theory and in certain communities it is in short supply. Those adopting a social capital-based critique of deliberation would argue that this militates against either participation itself, or good quality participation in the political process.[1] The underlying judgement is that 'participatory schemes ... require rich civic resources, dense networks of associations and norms' (*Ibid.*, p. 100).

Cultural difference

The cultural difference critique is predicated on the idea that success in democratic institutions and deliberative schemes rests upon homogeneity. Where there is no homogeneity, 'culturally advantaged parties' (*Ibid.*) will dominate to the detriment of balanced deliberation. This will lead to exclusivity in terms of those involved in deliberation, as the dominated will withdraw or refrain from participating in the first instance. The outcome, then, would be policy based upon the needs and interests of the dominant group.

Expertise

Quite simply, this critique states that the complex policy problems of today are unsuitable for non-expert involvement (*Ibid.*, p. 128). The particularly centralised system of government employed in England could make this argument even more applicable as full time experts are required to keep abreast of central government guidance and regulations, as well as the frequently updated requirements of their own professional bodies. Against this backdrop, even if the lay person could make a useful contribution to expert deliberation, it would be highly unlikely that they would be up-to-date with the ever-changing legislative, regulatory and good practice requirements that govern public service delivery.

There are clearly arguments both for and against deliberative democratic processes. New Labour's positive attitude to democratic deliberation led to moves towards greater participation in decision-making and some deliberative innovations (Coaffee, 2005, p. 30). Initiatives such as Best Value

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[1] See chapter 5.2 on social capital for comprehensive discussion of the concept.

and the 'Big Conversation' all entailed a two-way discussion with the electorate, with e-democracy, postal voting and innovations such as elected mayors[1] supposedly facilitating wider public deliberation.[2] However, what has emerged has fallen drastically short of the deliberative ideal (Lowndes & Wilson, 2001). Nevertheless, the coalition government's ideas around 'Big Society' clearly have deliberative democratic undertones that indicate the idea has resilience across the party political divide.

Observing deliberative democracy during the research

Local authorities develop policy in conjunction with a variety of external stakeholders, a concept used throughout the thesis to refer to all those not mainstreamed within the membership or employ of the council, but with an interest in its work. As previously described, it is an intentionally broad ranging term, including children and young people up to top ranking local professionals. This is a reflection of the complexity of the cross-cutting challenges facing the public sector and the need to work collaboratively to address these; in such circumstances all could be said to hold a stake in the work of the council and its partners. A good example of such a challenge is climate change, which requires the full engagement of every external stakeholder to assist the local authority in the fulfilment of its duty to reduce the quantity of waste going to landfill, levels of harmful emissions, and so on.

To illustrate, the general public divides household waste into recyclables and non-recyclables, local businesses work to reduce their carbon footprint, and public agencies enforce environmental regulations, mitigate the impact of climate change through flood defences, etc., and undertake a range of other activities to address the climate change imperative. Much of what drives this work could be described as coercive, for example, the use of legislation to compel councils and others to act. In turn, councils may impose policies such

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[1] 'The mayor would be a strong political and community leader with whom the electorate could identify' (DETR, 1998a, para. 5.14, p. 31).
[2] Although Chris Game (2003) judges the government's policy of encouraging the adoption of directly elected mayors a failure, and Colin Copus states that '[e]nhanced involvement and public deliberation are … not automatic results from mayoral politics' (2004, p. 587).

as alternate weekly household waste collections and 'twin bins' to reduce levels of non-recyclable waste going to landfill. Where a less coercive approach is desirable, councils use a wide range of initiatives to engage with the general public and other external stakeholders in order to gather opinion about current practices or discuss the future design and delivery of services in question.[1] Only some of this engagement could be described as deliberative if the concepts of subjective legitimacy, justification and reasonableness - described earlier in this chapter - are qualifying criteria. Chart 3 (p. 112) gives an indication of the prevalence of deliberative initiatives in relation to non-deliberative initiatives used by councils in 2001-2002 with reference to the following list of engagement methods from Wilson and Game (2006, p. 46):

- **Traditional methods**
  - Public meetings / consultation documents
  - Co-option to council committees
  - Public question and answer sessions at council or committee meetings

- **Consumerist methods** – concerned mainly with aspects of service delivery
  - Complaints / suggestion schemes
  - Service satisfaction surveys, service-specific or authority-wide

- **Consultative methods**
  - Interactive websites
  - Citizens' panels – statistically representative panels of 1000+ residents
  - Local referendums

- **Forums** – gatherings of residents with a shared background or experience

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[1] Participation and the ways of eliciting it are discussed in chapter 4.2 (p. 70)

- o Service user forums
- o Area or neighbourhood forums
- o Issue forums
- o Shared interest forums

- **Deliberative methods** – to encourage the in-depth consideration of issues
  - o Focus groups – small discussion groups of 10–12   selected residents
  - o Community plans / needs analysis – setting priorities for local service provision
  - o Visioning exercises – getting participants to 'vision' some aspect of the future
  - o Citizens' juries – extended and evidence-based consideration of a policy area

- **User management** – direct citizen control over local services
  - o For example, tenant management co-operatives, community-run nurseries and youth clubs

The following chart details the approximate percentage of councils stating that they had used each of the above methods during 2001-2002 (derived from Wilson & Game, 2006, p. 46):

Chart 3: Participation methods and their usage by councils in 2001-02
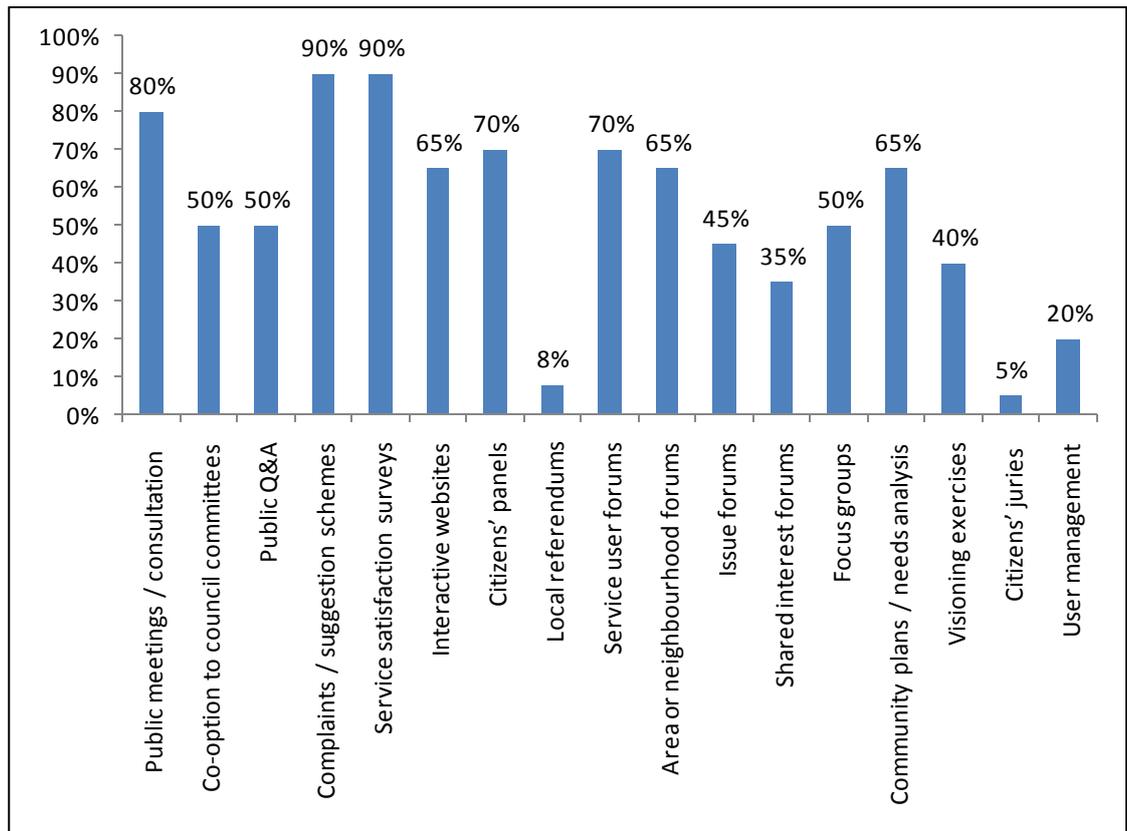
What then separates the 'deliberative' methods from the 'non-deliberative' methods? Drawing upon earlier review of the literature, it can be seen that at fundamental level the difference arises from the competency bestowed by the process, the level of autonomy conferred and the assumed nature of the interrelationship between citizen and council. To illustrate, Wilson and Game's 'traditional' methods bestow some competency in that they actively seek the opinion of the governed, although – as with the majority of participation initiatives - the governor is not bound by those opinions; little autonomy is granted due to the governor's ownership / framing of the question to be addressed – typified in consultation documents - the issue to be addressed is therefore based strictly on his or her terms; and the governor's interrelationship with the citizenry is paternalistic. For example, council question and answer sessions are by definition predicated on the governor holding a meaningful 'answer'. 'Consumerist' methods, the most popular of those employed by councils in 2001-2002 (see chart 3, p. 112), include complaint / suggestion schemes and service satisfaction surveys.

Both of these techniques were employed by 90% of those councils polled, yet they have been criticised for eliciting 'at best snap responses rather than considered judgements on a given issue' (Beetham, 1996, p. 44).

Where deliberative forms of democratic engagement depart from this is at the point at which the process is conceived: from the outset the design of the process must be correct both procedurally and in principle (see Gutmann & Thompson, 2003, p. 31-33). In the case of the former, this involves ensuring that deliberative procedure facilitates reciprocity and engagement by all on an equal footing. In terms of principal, it involves a reframing of the role of citizen vis-à-vis public service provider, and a willingness on behalf of the latter to be genuinely responsive to the findings of a properly invested deliberative democratic process. Such a process would involve an array of stakeholders representing the wider population as far as possible. This would include service providers and democratic representatives and would involve measures to ensure the inclusion of those either explicitly or implicitly disenfranchised from the process; one such measure could be the use of facilitators (see for example Barber, 2003, p. 271-272) committed to the integrity of the process. Open questions on a given subject would be placed before the deliberative group with an expectation that a clearly definable next step arise from the process of deliberation (even if this is simply to reconvene to consider the issue at a second session). Reciprocity would be the guiding principle, stating 'that citizens owe one another justifications for the mutually binding laws and public policies they collectively enact' (*Ibid.*, p. 33), although these justifications must go beyond basic reasoning.

To illustrate further, Figure 2 (p. 114) shows roughly the distinctions that can be drawn between the various participation methods described above.

Figure 3: Comparing participation methods

Method \ Measure	Competency bestowed	Autonomy conferred	Citizen / service provider interrelationship
Traditional	Gives the public a voice within a relatively tightly prescribed framework of discussion: e.g. specific questions are posed in formal consultation documents	Limited: participation on the council's terms, be it through co-option or public Q&A in council meetings, etc.	User / provider: Individual service recipients giving their views
Consumerist	Very specific: an opportunity to rate or submit comments on a service or aspect of life in the local authority area	Very limited: an opportunity to provide feedback on, often, immediate first impressions of a service. Little opportunity for considered reflection and typically simplistic feedback mechanisms (star ratings, etc.)	Customer / provider: Individual service users providing assessments of council services as they would as product customers in a commercial environment
Consultative	Varying levels of competency bestowed, often dependent upon the topic in question	Limited: autonomy is constrained by the posing of the questions in hand by the service provider	User / provider: groups of service recipients giving their considered collective view (in the case of citizens' panels); or, the views of many individual users analysed in aggregate (e.g. referendum responses)
Forums	Varying levels of competency bestowed: often greater due to the knowledge and specific interest of those typically involved	Moderate: within the broader scope of the group, there is often little prescription as to the topics under consideration; e.g. Neighbourhood Policing Panels allow the communication of general community safety matters by residents directly to the authorities in attendance	Partnership: within the scope of the particular issue / service under consideration, the relationship can be described as a partnership; e.g. in the case of the Neighbourhood Policing Panels, residents, in forum, set the priorities for the local neighbourhood policing team
Deliberative	Relatively greater competency bestowed than with other methods: influence a given, often involving an opportunity to redesign policy	Moderate: more likely to proceed with very open questions / topics for discussion with subject matter demarcated to a lesser extent	Partnership: especially where policy / service delivery can be effected as a result of deliberative processes
User management	Significant / complete competency granted over the service in question	Significant / complete within statutory / locally agreed limitations	Partnership

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A major objective of the research is to investigate the extent to which OS is engaging a wide variety of external stakeholders in a richer, stronger form of democracy – more inclusive and deliberative than seen previously - at the local level. Throughout the research, processes defined as deliberative will be those matching broadly the description provided throughout chapter 5.4, which is summarised in Figure 3, above.

5.5 Overview and scrutiny: facilitating participation?

Many commentators have expressed high hopes for OS in its capacity to engage the public and other external stakeholders. For example, the CfPS has stated that: 'The overview and scrutiny function of the local authority is increasingly becoming recognised as having *the potential to reconnect local government to the public*' (Centre for Public Scrutiny, 2005, p. 4 author's emphasis). Academics too, such as Howard Davis and Mike Geddes have mentioned that '[m]any believe that scrutiny committees will, in time, prove to be a valuable method of informing and opening up local political debate' (2000, p. 16). Why is OS better placed than other local authority structures to facilitate participation in local governance?

Freedom from the party whip

Under old arrangements, councillors, especially of the Labour Party (Brooks, 1999, p. 55; Leach, 2004), had been under strict discipline. Under the new arrangements this has ceased to be the case. For example, Rao cites research which states that only 15 per cent of councillors report whipping in scrutiny operations (2006, p. 22). By removing from them the decision-making function elected members have been freed in some contexts from party discipline. Although questions have been raised on member autonomy when deliberating areas in which there is a clear party policy (Stewart, 2003, p. 81), the new arrangements potentially enable a far greater concern with public rather than party grievances. The implications of this are clear: potentially, external stakeholders can be involved at every stage in the OS function, working closely with elected representatives towards a common goal. As Stewart has stated '[p]articipatory democracy does not replace

representative democracy but informs it' (*Ibid.*, p. 46), therefore the relationship between the public and their representatives regarding participation is one of great importance (Copus, 2003), and can be mutually reinforcing. The councillor provides the time and knowledge, and the public provides the impetus for change and adds legitimacy to the recommendations of OS.

The overview and scrutiny function is ideally placed to facilitate external stakeholder participation for a variety of reasons:

- It is, officially, a non party-political forum, meaning debate is not encumbered with ideology
- Member and external stakeholder co-working provides a complimentary balance between representative and participatory forms of democracy
- Health scrutiny, the scrutiny of Crime and Disorder Reduction Partnerships and Local Area Agreement partners provide added competency in the ability to formulate recommendations in these vitally important areas
- Flexibility of working arrangements
- A specific OS review topic means that the terms of reference are clear
- Knowledgeable members are available to inform and steer the process
- Dedicated officer support is often available to facilitate the process
- The competencies of OS can be explained from the outset meaning no confusion over what can be achieved
- In sum, the OS process is composed of numerous elements, each of which can be used to elicit participation
- Access to complaints and petitions can provide an instant topic for scrutiny and potential participants in the complainants or the petitioners
- The relationship engendered between member and constituent / partner organisation can be informative and ongoing following a scrutiny review
- Minuted proceedings enable focus, accountability and consistency of approach
- Proximity to service heads and other senior management coupled with the ability to require their attendance before the OS committee enhances participatory competency
- The ability to 'call-in' decisions can enhance the competency of the participatory initiative
- Easy access to relevant information can enhance participatory working through OS

Overview and scrutiny is a non party-political forum

It would be naïve to assume that this is true in all authorities as the work of Leach and Copus (2004) has shown. Whilst in accordance with its original

conception (Leach, 2004, p. 84) OS is procedurally non-partisan, it is unclear whether this is always so on a substantive basis.

The non-party political framework of OS is crucial in its *potential* to facilitate participation. Importantly, however, Leach and Copus have described the local councillor's 'Burkean' (2004, p. 339; also Copus, 1999, p. 97) approach to representation and state: 'councillors from the three main parties travel different intellectual journeys to come to the same conclusion: acting in identifiable, coherent party groupings is the most appropriate and effective way of conducting council politics' (*Ibid.*). With reference to this, Copus has described a situation which can potentially create disharmony between participant and representative: 'When a collision of views occurs between citizen and the councillor supporting his or her party group on a particular local issue, a crisis develops in the processes of local representation, and the participatory tensions are thrown into sharp relief' (1999, p. 89; see also Stoker, 1996, p. 17). On occasion members will need to avoid and overcome these crises if the participatory potential of OS is to be released.

The extent to which any insidious politicking may affect citizen participation is uncertain and would likely depend on factors such as the topic and content of the review in hand, the political composition of the authority and the status afforded OS by council. It is possible to contend that the clear scope of a scrutiny review would leave little room for political machinations and manipulation of any external participants to any significant party end. If a positive view of OS is taken, in which party politics are sidelined for the purposes of cross-party deliberation and executive accountability, OS can provide an ideal forum for representative-constituent co-working on an issue of concern. In this context, it is certainly better than a more open forum which may not defend the external participants from politicking with the admittedly limited conceptual and procedural safeguards provided by OS.

Elected member and external stakeholder co-working provides a complimentary balance between representative and participatory forms of democracy

Numerous participatory and deliberative democrats already referred to have outlined the importance of the complimentary role they envisage for participatory mechanisms. Deliberative forums, e-democracy, etc. are not on the whole intended to supplant representative democracy (Teorell, 2006, p. 790). Even Barber (2003), who has specified an entire reform programme built on participatory and deliberative foundations stipulated the importance of co-operation.

Likewise, a one-off deliberative initiative such as Ackerman and Fishkin's (2003) 'Deliberation Day' is conceived of within representative democratic confines, as are Study Circles, deliberative forums of increasing popularity in the USA (Leighninger & McCoy, 1998). It is also the case that any ideas of enhanced participation in local government coming from central government are firmly within the confines of representative democracy (Copus, 1999, p. 88). If participation is assumed to be within the confines of representative democracy and the aim is to enhance the latter, OS can build and facilitate a relationship to that effect by simply allowing representatives and external stakeholders to work together mutually, reciprocally and democratically.

External scrutiny expands the competency of OS

That OS can check the actions of highly important external bodies makes it an ideal conduit for public concern in those areas. For example, health service bodies such as local NHS Trusts must 'have regard' to the recommendations of OS. However, there are issues surrounding aspects of health OS, centred on the division of competency, which affect two-tier authorities:

> *In two-tier authorities, district councils are likely to have a particularly close involvement with the concerns of local communities and are also responsible for a number of services that have a crucial impact on local well-being. However, statutory responsibility for health scrutiny lies with the county authorities. It was clear from our survey that the need for*

close liaison between the two-tiers had been recognized and a range of mechanisms, such as co-option and delegation, to facilitate collaboration between the two were reported (Coleman & Glendinning, 2004, p. 37).

Indeed, the success of external OS in general relies in large part on the extent to which it is carried out in partnership.

A scrutiny review endows participation with clear terms of reference

The OS review usually proceeds with regard to a single issue within a single framework. The issue is the topic concerned, which may vary in outlook from operational to strategic and can include a huge variety of subjects. The framework is the OS process, which will typically consist of cross-party non-executive members deliberating with officer support. The end is the formulation of recommendations on the topic, hopefully following a period of evidence gathering and deliberation. This combination can provide assurance to external participants that their contribution is not part of an arbitrary 'consultation' process with unrealistic expectations and unclear outcomes, but that their input adds to the creation of productive and positive recommendations which can provoke real change.

Member knowledge and expertise can complement the participatory process

Members are ideally placed to assist external participants throughout the OS process. The networks of which they are a part, the contacts that they have, their knowledge of democratic practice and the workings of local authorities, all place them in a privileged position. However, there have also been doubts expressed about the willingness of members to take this role within a context of greater participation:

There is also a good deal of anxiety among back-bench councillors that their decision-making role is in danger of being usurped by an increased focus upon public participation. They saw themselves as "patch representatives" and public participation as undermining that. This was a very sensitive issue. Sometimes political leaders support

participation schemes informally or even on the quiet for fear of upsetting fellow councillors. Public participation threatens the position of councillors as the voice of a locality. Representative democracy is the vehicle for their election; participatory democracy may therefore be seen in negative terms (Wilson, 1999, p. 251).

This belief amongst members neglects the possibility that co-working with their constituents could potentially be a highly effective way of securing their support, regardless of outcomes. The positive effect that member assistance can have can only be realised if the attitude among members that Wilson discusses above is not allowed to prevail.

Dedicated officer support provides reliable and professional facilitation

Officers supporting the OS role liaise with members, research topics, monitor recommendations, question senior officers (sometimes 'off the record') and play a role in steering reviews; this is among many other duties relating to OS. Officers also clerk the meetings, arranging diaries and taking minutes. Outside of OS support, other officers must be prepared to assist OS in the course of its work. They are also statutorily required to attend OS should a request be made.

Scrutiny officers are undoubtedly vital to the process, not least in their provision of the aforementioned timely, accurate information. Whilst this may be so, it is important to carefully demarcate the scrutiny officer's role as it could be detrimental to the function if officers intrude on member competencies. It can be argued that the provision of dedicated officer support is one of the principal benefits of OS as a participatory mechanism. The main benefits are, undoubtedly, the provision of information and the compulsion to attend, but other activities such as producing minutes can provide valuable consistency of approach and accountability.

Each stage of the scrutiny review process can elicit external participation

The first stage involves deciding what to scrutinise in a forthcoming period, for example the new municipal year, although obviously topics of urgency may provoke *ad hoc* scrutiny at any point throughout the year. Stakeholder participation in this initial stage relates usually, although not exclusively, to the submission of topics for a new work programme. This can be achieved either directly by appealing for topics through media such as a council newspaper, or indirectly, through the monitoring of complaints and petitions for possible topics.

Naturally, those with a topic for the work programme will have a vested interest in the progress of any review which may take place regarding that topic. This lends itself to the participation of that particular stakeholder or group of stakeholders. This is the second point at which external participation can be conducive, the review itself. Through stakeholder identification exercises and subsequent initial contacts, those with a possible interest in a topic can be invited to attend. As issues become more contentious more care will have to be taken to 'balance' participants in a review to avoid discursive homogeneity and Sunstein's (2003) aforementioned 'law of group polarization'.

The final stage involves monitoring the uptake of recommendations, and possibly following up on a review should outcomes prove insufficient or unworthy. Enhanced legitimacy results from the involvement of stakeholders of varied opinion brought together for a period of rational, balanced deliberation. Throughout the whole OS process external participants can lend this level of legitimacy.

5.6 Deliberative OS: on the frontline of democratic renewal?

OS can be highly conducive to 'strong democratic' deliberative discourse between citizens, public service providers and elected representatives on issues earmarked for scrutiny. The nature of OS outlined above, which makes it as conducive to stakeholder participation, is often complimented by support from a dedicated officer structure. The officers involved can provide the enhanced role which Barber envisaged necessary for the operation of neighbourhood assemblies, that of 'facilitator':

> [t]o protect the rights of the quiet as well as of the aggressive, and to make the assembly an effective forum for building agendas and debating issues … Facilitators, who would have no voting power, would be committed to the rules of fair discussion, open debate, and judicious outcomes and would not participate in any substantive fashion in discussion or debates (2003, p. 271-272).

The role described by Barber is in the context of his wholesale democratic reform programme and as such should not be judged in isolation. What can be derived from Barber's stipulation is the suitability, within a more limited context, of the scrutiny officer to fulfil a similar role in arbitrating, informing and reporting on OS processes. With an emphasis placed upon greater participation OS could go some way in reengaging an apathetic citizenry, leading to the increases in political equality and providing the educative function previously described (see p. 84). Playing the primary role in facilitating participation and conciliating between opposing interests are the elected members of the OSC. In this role members can build trust and a sense of reciprocity with those involved, leading to a greater knowledge of the role of the local councillor and greater mutual empathy.

There are numerous benefits which can accrue through external stakeholder participation in OS processes. From a service improvement perspective stakeholder involvement offers enhanced legitimacy to OS recommendations. Also, the representative issue of white middle-class male dominance in party politics (Bochel & Bochel, 2004; Brackertz *et al.*, 2005;

Broussine & Fox, 2002; Brown *et al.*, 1999; Childs, 2004; Sapiro, 1981; Wheeler, 2006) can be alleviated by involving women and different socio-economic groups and their representative organisations in the OS process, although research amongst the South Asian community has shown that formal methods of engagement can reproduce social barriers to participation (Blakey *et al.*, 2006), if unchecked.

In terms of decision-making, enhanced deliberation through an open OS process can make it better informed, especially so when two or more opposing groups contribute to a review. In an outcome-focussed world this can help to identify service improvements, as expected from OS. The strong educative effect of participation can also be fostered through a scrutiny review. By involving interested parties, the workings and policies of an authority regarding the topic under review are laid bare. This also lends itself to greater transparency and knowledge of the workings of the authority. A broader educative benefit can also be attained as stakeholders in the OS process learn the workings of liberal democracy, and hopefully leave with the confidence to participate further, in local and national politics, or through civil society.

In engaging external stakeholders in a deliberative dialogue OS can accumulate the benefits already highlighted in terms of added legitimacy, broader perspectives and ultimately better quality decision-making. Outside of the OS review there may be added benefits which develop through the empowering experience of participation which accrue to the individuals concerned. Whilst there is debate around the idea of a causative relationship between participation and social capital development (Segall, 2005), it is wrong to assume that even in a limited way, at least greater empathy would not result from participation. Ultimately, however, participation can provide the insights required to improve public services, meaning that it is of great relevance to the work of OS.

To summarise, for public participants, the OS process may provide:

- Better services
- Empowerment
- Representation
- An educative effect
- A stronger sense of community
- An outlet for views of the community
- A voice for minorities and the socially excluded
- Better links between the public and their representatives
- Greater accountability and transparency from the local authority

For OS committees and their members, greater participation may provide:

- Enhanced legitimacy
- Broader-based deliberation
- A broader knowledge base
- A forum for debate
- Better links between the public and their representatives
- A higher public profile
- A public presence should enhance member engagement

For the authority as a whole and its partners, greater participation in OS processes may:

- Provide all of the above, and;
- Provide better links with the public
- Increase the likelihood of greater participation in other areas
- Lead to better value for money services

5.7 Summary

Local government in the UK has been subjected to a steady loss of its traditional competencies. In previous years British local government had a hold over certain services and possessed greater autonomy than is the case today. To accompany this, in the mid-nineties the findings of Pratchett and Wingfield illustrated a decline in the traditional public service ethos:

> *The findings clearly identify an erosion of some of the values of the public service ethos: interpretations of accountability are shifting away from democratic accountability towards contract and market accountability; the acceptance of bureaucratic rules and procedures is diminishing, especially amongst those who have been or are about to be exposed to competition; the fragmentation of local government into discrete business units is having a profound affect upon the collegial sense of community that characterised the traditional environment of local government, encouraging individuals to place the interests of their own part of the organisation above those of the wider organisation or community; and loyalties are being moved away from the traditional council wide focus towards more personally located loyalties. The changing nature of these features demonstrates that the principal foundations of the public service ethos are being eroded and undermined by current changes in the organisation and management of local government* (1996, p. 122).

The phenomenon has also been attributed by Barberis (2001) to indiscriminate use by central government of a 'heavy' regulatory regime.

How these developments will impact on attempts to increase participation is unknown. It can be assumed that if there has been a decline of the public service ethos it would lead to a lack of motivation, at least among officers, to develop participatory opportunities. In addition to this is the fact that a web of local governance organisations today share in the administration of an area, with councils as a powerful joint partner in the process. Not all of these organisations have the vested interest in local democracy inherent in local government.

Increased partnership working and the use of quangos to deliver services has necessarily involved the downgrading of some local authority functions, which may have an effect on traditional forms of participation. The

democratic credentials of some of the organisations to which power has shifted are questionable and whatever opportunities there are to participate through them are limited. Whilst, superficially, opportunities and the desire to participate via local government may have declined, central government stipulations have enforced the need to consult and engage with stakeholders, especially through bodies such as Local Strategic Partnerships, Local Area Agreements and Crime and Disorder Reduction Partnerships.

The irony is that this participatory drive is in response to and set against the context of 'hollowed out' governance and a broader epoch of apathy with traditionally conceived democratic processes. A great move toward participation has occurred in an era in which its realisation is highly problematic. This would be attributed by some to intrinsic flaws within liberal democracy itself (Barber, 2003). In a similar vein, others have argued that liberal democracy has been 'parabolic' in its historical development, displaying characteristics today that are antithetical to democracy and conducive to apathy (Crouch, 2004).

At the national level there have been claims that in a globalised era supranationalism has distanced citizen from government. In the words of Stoker: 'Globalisation has not ended the capacity for politics but it has pushed it into new and more remote settings' (2006a, p. 189). Yet, it is at this global level that some of the key issues facing democracy arise. Business and capital have gone global, yet at that level politics has not established in any substantive form (see Stoker, 2006a, p. 186-187), let alone in any kind of participative style. In such circumstances the participatory ideal of a self-governing community is 'deeply problematic' (Stoker, 1996, p. 4).

Whilst some of the arguments presented so far have developed a bleak image of traditional political engagement in the UK, a more holistic view of engagement may present a different image. Indeed, when taking into account the broader-based forms of political participation considered by Pattie, Seyd and Whiteley the opposite would appear to be the case; they state 'that contrary to the claims of political apathy, people frequently participate in

activities designed to influence political outcomes' (2004, p. 80). Given the disenchantment with politicians and political institutions that has been documented, it is perhaps unsurprising that more people are channelling their opinions and politics into activities and groups extraneous to the traditional framework, a phenomenon recently described by Cabinet Secretary Sir Gus O'Donnell:

> *Traditionally* [participation] *has been through political mechanisms: local and national elections, membership of political parties. Given declining voter turnout and decreasing party membership, it has been said that citizens today are not as interested in issues that affect society as previous generations. The truth is perhaps more complex. What is evident is rising interest in single issues (the mobilization of people around the 'Make Poverty History' campaign is a good example), coupled with confidence in alternatives to conventional transmission mechanisms to affect change* (2007, p. 90).

Political apathy may not be the sign of a populace any more indifferent towards politics in general than previous generations. What has occurred perhaps is a populace that has grown out of traditional UK style representative democracy, and has consequentially lost interest in the current political process. As Pattie, Seyd and Whiteley have shown: 'Traditional representative, collectively organised politics is being steadily replaced by individualistic, consumerist politics' (2004, p. 79). Given this, introducing measures such as enhanced ICT is not enough as 'it cannot … be a satisfactory substitute for personal presence' (Buchstein, 1997, p. 260). Nor are calls for greater consultation, which is limited by definition. A more complete overhaul of democracy is needed to make politics more interesting to the few who may wish to participate more substantively.

With the introduction of OS the Local Government Act 2000 went some way in providing, potentially, a partial but significant tool for this overhaul in the form of OS. It can be argued that factors highlighted, briefly, freedom from the party whip, cross-party deliberation, flexibility and dedicated officer facilitation, endow OS with the means to provide a radical form of deliberative democracy at a local level.

6. Methodology

This study applies the principles and practice of qualitative research to address several areas in relation to external stakeholder engagement with OS processes. Within the parameters of the research, it is broadly concerned with the following:

- **Typical participants:**
  - Experts
  - Lay people
  - Public / private / other sector professionals

- **How participants are identified:**
  - Self-selection
  - Targeted
  - Intermediary

- **At what stage they are involved:**
  - Work programme formulation
  - During the course of a review
  - Tracking recommendations / identifying outcomes

- **Member, officer and external stakeholder views:**
  - Varieties of participation encountered
  - Duration
  - Benefit derived

The methodology chapter briefly describes grounded theory and the research methods employed by the study. It discusses the sample and how it was arrived at, the role of the literature and some of the main considerations when researching councillors, officers and external stakeholders.

6.1 Why qualitative research?

OS, how it operates and how it is arranged is determined by the preferences of individuals (councillors) operating within a political system. A qualitative approach offers the best means of beginning to understand those preferences and how they interact with those of others across the case study authorities. The research questions focus broadly on the extent to which external stakeholders are engaged in OS processes: this is largely determined by the political priorities of those engaged in the process, which would be very difficult to quantify meaningfully without reference to their individual politics, personalities and prejudices. As Flick puts it, '[q]ualitative research is of specific relevance to the study of social relations, owing to the fact of the pluralization of life worlds' (2006, p. 11). Semi-structured interviewing and observation of these individuals and processes in action allows both meaningful analysis of political and professional life worlds and useful conclusions to be drawn.

Adding to the case for a qualitative approach is the complexity of the research subject and the wide ranging variables involved. For example, the multi-tiered system of local government in England is the most diverse in the UK, in some areas consisting of parish and town councils, district councils and county councils. Each council is unique and possesses its own individual democratic structures, municipal histories and particular longstanding policy issues leading to a diverse array of attitudes and opinions amongst elected members, officers and external stakeholders. Not all of these variables could be observed or explained through quantitative approaches; as Huczynski and Buchanan explain: 'Some of the interesting variables in social science, like motives and learning, cannot be observed' (1991, p. 18). Therefore, to capture adequately the nuance that exists within and between OS arrangements, in a sea of often non-observable variables, would require a system that brings forth the narratives of those engaged in its operation. This would involve verbal communication – coupled with process observation - to explore how multitudinous variables interacted in the development of a given individual's views and approach to that individual's council's approach to OS.

In summary, as politics is essentially about people and human relationships, and OS is a political process existing in widely varying municipal circumstances, an early decision was made to rely upon a qualitative approach as a means to access the views, experiences and knowledge of those involved in shaping OS arrangements in the respective authorities.

It is not that such research could not be conducted using quantitative methods; rather, it is argued here that qualitative methods are better suited to analyses of the histories, preferences and personal politics of those that comprise and shape the OS function. These arguments militate against a positivist approach to the research in which 'only those phenomena which are observable, in the sense of being amenable to the senses, can validly be warranted as knowledge' (Bryman, 1988, p. 14). To adopt such an approach would be to neglect crucial non-observable factors. The anti-positivist stance adopted subsequently by the thesis has methodological implications in favour of the use of qualitative research methods. Whilst it would be wrong to state that quantitative methods and positivism are inextricably linked, the two do appear to be complementary, as Bryman's description would appear to indicate: 'quantitative researchers have typically sought to conform to the methods and procedures of the natural sciences and consequently have been considerably influenced by positivism' (1988, p. 18). Bryman also states that advocates of qualitative research 'argued that this [natural science model] was an inappropriate model for studying people' (*Ibid*. p. 3).

In accordance with these views, for the purpose of this research, positivism and associated quantitative methods are rejected in favour of an interpretive and qualitative approach. This, in turn, lent itself to an inductive approach as it was felt that to pose a hypothesis at the outset, to then be tested by the research, would risk oversimplifying the complexity of the subject matter. In addition to this, the broader applicability of such work, beyond the case study authorities, would be compromised due to the diversity of local political management arrangements nationwide. However, adoption of a grounded theory approach does result in, at micro-analytical level, interplay of inductive

and deductive approaches (Strauss & Corbin, 1998, p. 136-137),[1] but the macro-level approach of the research remains inductive.

6.2 Grounded theory

Grounded theory is widely used as a method of social analysis in the fields of education and health studies (Thomas & James, 2006, p. 2), primarily because it allows the researcher to derive theoretical conclusions from concepts grounded in the raw data. This allows the researcher to employ qualitative methods to really understand the situation from a human perspective and develop theoretical explanations of broader applicability.

The word 'theory' has wider connotations in the context of grounded theory, it 'has taken a wide variety of meanings, loose and tight ... It can mean systems of evolving explanation, personal reflection, orienting principle, epistemological presupposition, developed argument, craft knowledge, and more' (*Ibid*., p. 5). Because of the inductive nature of grounded theory development, in the planning stages of the thesis it was not possible to state with any certainty the variety of theory that would emerge from the research, although the anti-foundational epistemological stance adopted lent itself to Bevir and Rhodes' approach, whereby 'the "best" interpretation [is selected] by a process of gradual comparison' (2002, p. 142).

Also underpinning this approach is the fact that the broader applicability of any findings would certainly be compromised by the array of political management arrangements across England. Further variables such as stakeholder / councillor relationships, party political matters, municipal history and interpersonal factors all weaken the broader applicability of the findings and, therefore, any definitive 'theory' that may emerge. At best the findings could be said to be broadly applicable to other authorities of a similar composition, and could instead be better viewed as an indicator of the prospects and issues facing future external stakeholder participation in OS processes. The thesis also contributes to future development of OS by

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[1] See 'What is grounded theory?', below, for further explanation

making practical suggestions in relation to external stakeholder participation, based on the research findings.

Why grounded theory?

Grounded theory was utilised in the study as a means to develop an overall picture of the research topic across the case study authorities. It allows the researcher to be engaged in the subject matter, as the methodology contains strategies for identifying and mitigating any biases that the researcher may bring to the subject. This was especially important in a study such as this, in which the researcher brings prior professional knowledge to the research. The decision to adopt a grounded theory approach required analysis of other qualitative methods to determine their suitability. This process is outlined in the following, which gives an overview of alternative qualitative approaches (see Flick, 2006, p. 22-24).

- **Ethnomethodology**

  An ethnomethodological approach would require the collection of 'natural data' (Flick, 2006, p. 23) as a means to capture mundane verbal and social interactions. Ethnomethodology was introduced by Harold Garfinkel (1967), led to ethnographic studies of great similarity to traditional ethnographies and eventually spawned the sub-discipline of 'conversation analysis', which drew heavily upon the presentation to the reader of full transcriptions and a degree of researcher interpretation (Bryman, 1988, p. 53). Ethnomethodology would not have provided the ability to contextualise interviews to the extent required by the relatively exact research questions posed by this thesis. As it relies upon unstructured interviews (*Ibid.*), a major risk would have been quite substantial deviation from the subject matter. The approach also lacks a coherent approach to theory development, relying instead upon reader inference based upon reproduction of raw data in the form of transcripts and recordings. Flick refers to a rejection by the approach of 'reconstructing methods like interviews' (2006, p. 23); whilst a positive arising from this is the negation of researcher bias in the presentation of

findings, a negative is that generally there is no attempt at higher level interpretation offered by the researcher.

- **Narrative analysis**

Narrative analyses are applied to data arising from interviews focussed on biographical experiences (narrative interviews). Broader topics arising from the narratives, such as coping with illness or starting a new career, are then assessed. The idea that the 'question – answer' approach adopted by semi- or completely structured interviews is problematic in terms of eliciting the subjective experiences of interviewees 'is the methodological starting point for the propagation of using narratives' (*Ibid.* p. 172), and they are utilised predominantly for the purposes of biographical research (*Ibid.* p. 173). As a completely person-focussed approach, insofar as life events as experienced and elucidated by the individual are the primary focus, it is unsuitable for the purposes of this thesis. This is due to the need to elicit a range of opinions, beliefs and party political views from interviewees on topics as diverse as the role of politician vis-à-vis bureaucracy, the broader applicability of electoral mandate beyond the confines of the local authority, and so on. Whilst views on these matters may have a biographical component in their formation, essentially they are the products of professional and political conditioning, and could be grounded in issues of pragmatism and expediency. In summary, narrative analysis provides too little methodologically to enable thorough evaluation of the subject matter upon which the thesis is based.

- **Ethnography**

Ethnography is becoming increasingly common and it emphasises the importance of reaching an understanding of how social processes or events have developed by direct participation in them. It forgoes to a great extent second hand reports by those involved in these processes / events delivered via interviews, questionnaires, etc. This is primarily because of the role of the person delivering the account and their

inevitable bias (whether implicit or explicit) which would negatively impact on the theory that ethnography intends to develop. Because of the length of time needed for ethnographic study, and the tendency to focus in-depth on one or a very small number of cases, it was considered unsuitable for this research.

- **Cultural studies**

    Flick describes cultural studies as a 'new trend' with little commitment, as yet, to 'elaborate methodology and methodological principles' (*Ibid*., p. 23). As a doctoral researcher greater methodological clarity and guidance would have to be present to make the approach an attractive alternative to grounded theory.

- **Gender studies**

    Gender studies evaluate the construction and differentiation of gender and the inequalities that emerge as a result (*Ibid*.). The research questions don't focus to any extent of the role of gender, making a gender study inappropriate for the purposes of the research.

What is grounded theory?

Grounded theory has been subject to significant debate with its founders, Barney Glaser and Anselm Strauss, providing the most high profile divergence of opinion on the subject. The two co-authored the first text on grounded theory (1967) but subsequently disagreed on much of the methodology (Strauss & Corbin, 1990; Glaser, 1992). Later work by others has, typically, accorded with the 'Glaserian' or 'Straussian' model, which are characterised by, respectively, broad adherence to the original conception outlined in 1967 and, in the case of the latter reformulation of this classic model. The separation was such that Glaser (1992) claimed that Strauss' model no longer represented grounded theory, but 'full conceptual description' (cited in Heath & Cowley, 2004, p. 142); however, the divergence is mainly seen to be rooted in methodological, rather than ontological or epistemological considerations *(Ibid.)*.

Heath and Cowley see methodological differences in the manner in which the literature and prior knowledge of the topic are used: for Strauss, 'both the use of self and the literature are early influences and, while diffuse understandings provide sensitivity, both specific understandings from past experience and literature may be used to stimulate theoretical sensitivity and generate hypotheses' (*Ibid.* p. 143). This differs from the Glaserian approach, which emphasises the need to avoid literature focussed on the very specifics of the subject until the later stages of developing an emergent theory, an approach which has been referred to as 'beginning with general wonderment' (Onions, 2006, p. 8). Instead, in the early stages of the research project, reading should be wide-ranging as, for Glaser, 'prior understandings should be based on the general problem area and reading very wide to alert or sensitise one to a wide range of possibilities' (Heath & Cowley, 2004, p. 143). The professional knowledge of OS possessed by the researcher meant that for the thesis the Straussian model lent itself better to the research context. This is mainly because Strauss with Corbin went on to develop his methodological approach to cater for such early influence of the self and of the literature by creating a more systematic and clear process to the development of grounded theory. In doing so, he created the second major methodological divergence from Glaser identified by Heath and Cowley in the application of the constant comparative method.

Glaser sees induction as the main process in the development of grounded theory. Theoretical sensitivity is developed from the data, the data is allowed to 'speak', and all data is important: '[s]election to fit preconceived or prematurely developed ideas is to be avoided, however creative these may appear' (*Ibid.* p. 144). Ideas emerging from the data are subject to verification against all other data, and categories need to be re-evaluated and refitted as a result of this process. In contrast to this, the first edition of Strauss and Corbin (1990) emphasised deduction alongside the use of verification in advocating the use of questioning and speculation, as opposed to the Glaserian reliance on constant comparison alone to allow concepts to emerge from the data. The next edition of Strauss and Corbin (1998)

demonstrated an elaboration - or evolution, depending upon personal perspective - of the authors' initial stance. The interplay of induction and ongoing data comparison is more apparent in this edition (Heath & Cowley, 2004, p. 145), and it is this edition that provides the methodological approach utilised in the thesis as it offers a more interpretive approach with less 'forcing'; it therefore provides better than its predecessor a fit with the ontological and epistemological stance of the researcher. It also mitigates a weakness in the first edition (Strauss & Corbin, 1990) methodology of significance to this researcher. Strauss and Corbin 'take an example of interview data … and suggest using experience and the literature to extend analysis and guide the examination of subsequent data. Here, the novice researcher would be in danger of confirming existing knowledge rather than discovering new' (Heath & Cowley, 2004, p. 144). This is of particular relevance given the professional knowledge of the researcher.

A third point of methodological departure for Strauss and Glaser is in the procedures each advocate for coding and theory construction. Strauss and Corbin add a third layer of analysis in the introduction of 'axial coding' although Glaser remains true to the original model of two levels (see Table 4, below).

Table 4: Glaserian and Straussian approaches to data analysis

	Strauss and Corbin	Glaser
Initial	Open coding	Substantive coding
Intermediate	Axial coding	As above
Final	Selective coding	Theoretical

(Derived from Heath & Cowley, 2004, Table 1, p. 146)

Heath and Cowley speculate that this extra layer of coding is necessary for the Straussian approach due to the multitude of codes generated by its use of 'intense questioning', which requires 'considerable reduction and thus the extra level of axial coding' (*Ibid.*). Onions states that in the Straussian model, in contrast to the Glaserian model, essential theoretical sensitivity (openness to concepts, interrelationships and variables) is arrived at through the use of

'methods and tools' (2006, p. 8) rather than immersion in the data. These can be used by the researcher to protect against the incursion of prior knowledge and experience into the data analysis, and therefore appealed greatly for the purposes of this research.

To summarise, the second incarnation of the Straussian approach (see Strauss & Corbin, 1998) was the methodological approach adopted for the purposes of this research, for the following reasons:

- It is not predicated on a Glaserian notion of researcher as 'tabula rasa, or blank slate' (Mills *et al.*, 2006, p. 28); prior professional knowledge and experience is better accommodated by the methodology
- Tools and methods are provided to help prevent bias intruding into the data analysis
- The later edition of Strauss and Corbin (1998) describes an interplay of inductive and deductive approaches that provides a closer match to the interpretivist epistemological stance adopted throughout the thesis

Implementing a grounded theory approach

Each level of coding adopted by this doctoral research (undertaken using Straussian methodology) and the broader practicalities of undertaking a grounded theory project are explained in the following figure:

Figure 4: Major stages of the grounded theory research process

Data collection
- Semi-structured interviewing and meeting observation result in interview transcripts, interview notes, observation notes, memos
- All provide data to be analysed

Open coding
- Microanalysis of data ('line-by-line' coding) undertaken to develop concepts (categories), their properties and interelationships - a move beyond description into a theory generating 'conceptual mode of analysis' (*Ibid*. p. 66)
- Concepts identified within the data are elaborated according to their properties and the dimensions of those properties

Axial coding
- Microanalysis continues; the analyst continues to employ tools such as 'flip-flopping', 'systematic comparison' and 'waving the red flag' (*Ibid*. p. 94-99) to challenge preconceived notions both in relation to and within the data
- The relating of categories to sub-categories around their axis, creating property and dimension related linkages

Selective coding
- Categories are integrated and refined into a wider theoretical model
- Theoretical model is refined by looking for consistency, gaps in logic, the further development of poorly defined categories, and the removal of excess categories
- Theoretical model can be outlined in writing

The grounded theory methodology involves the use of various sources of data, including field notes, interview transcripts and official documents. Data are analysed in-depth using the constant comparative method (*Ibid*., p. 78-85), whereby questions are asked on the nature of the phenomena in relation to the full range of variables.

For example, comparison of a flower would involve its full range of variables, including colour, height, scent, location, life cycle, etc. In each case the properties (characteristics) of the phenomena are placed on a continuum (for example in an individual's garden the tallest flower might be the sunflower and the smallest the buttercup). The concept of 'flowers' in the data would therefore be explored according to its properties and their dimensions, which would in turn generate deeper insights into the concept.

This process was applied to several concepts that emerged from the data sources (interview transcripts and notes, and observation notes). Some concepts develop more substantively as data analysis progresses, whilst others are discarded as they do not provide significant theoretical insight. Where certain theoretical insights required further elaboration or verification (as the concept concerned developed), this was sought through the ongoing research by, for example, raising conceptual questions with interviewees and / or seeking answers in observations, in a process referred to as theoretical sampling. This is defined by Strauss and Corbin as:

> *Data gathering driven by concepts derived from the evolving theory and based on the concept of "making comparisons", whose purpose is to go to places, people, or events that will maximize opportunities to discover variations among concepts and to densify categories in terms of their properties and dimensions* (1998, p. 201).

For example, the concept of 'critical friendship' (see p. 171) arising from the data involved the use of grounded theory tools described in Figure 4 (see p. 139) and the use of theoretical sampling to refine the concept. It included, amongst others, the variables:

Variable	Dimensions		
Relationship:	Friend	⟷	Enemy
Institutional role:	Executive	⟷	Opposition
Objective:	Help	⟷	Hinder
Ethos:	Constructive	⟷	Destructive

Within each dimension the properties of the concept are demarcated using 'flip flopping' and 'constant comparison' whilst undergoing a process of constant reflection and 'waving the red flag' to ensure biases are limited. As the concept develops, its sister concept 'external stakeholder' is undergoing the same process until eventually the two concepts are theoretically saturated (see following sub-heading). The process of axial coding is ongoing, and aims to link concepts to each other and to overarching categories (in this case the category 'relationships') along property and dimension related lines. Finally, the selective coding process saw the interlinking of the two main categories arising from the data ('representation' and 'relationships', see p. 170) and the outlining of the theoretical model in writing (see p. 169).

Saturation

Saturation occurs when ongoing data analysis fails to develop concepts any further. Signs of saturation are described by Suddaby: 'The signals of saturation, which include repetition of information and confirmation of existing conceptual categories, are inherently pragmatic and depend upon both the empirical context and the researcher's experience and expertise.' (2006, p. 639). When saturation occurs it can be assumed that any further conceptual development will be limited.

Saturation was judged to have occurred in this research when no further insights were generated from data analysis. As a common language and assumptions about democracy were employed across the case study authorities, saturation occurred in some concepts more quickly than in others. The concepts emerging from the data that were utilised included:

Category: 'Representation'
- '**Overview**'

  Required considerable work to elaborate the concept through the use of constant and theoretical comparison to explore properties and dimensions, with saturation occurring late in the analysis

- '**Scrutiny'**

  As above: the different explanations and conceptualisations of both this and 'overview' apparent across the case studies led to greater work to fully explore the concept, again, with saturation occurring late in the analysis

Category: 'Relationships'

- **'Critical friend'**

  The concept of critical friendship reached saturation point in the mid to late stages of analysis, with – as with all the concepts - theoretical sampling employed to ensure saturation point had been reached

- **'External stakeholder'**

  Again, saturation occurred at the mid to late point in the analysis.

Reflexivity

The researcher is a practising scrutiny officer with professional knowledge of the case study authorities and various other OS arrangements across an array of local authorities. In one of the case study authorities the researcher was involved simultaneously in the doctoral research and support of OS as a part of the jointly sponsored studentship arranged between the local authority and the university that resulted in this thesis.

Existing professional knowledge and opinions around the research subject had to be recognised throughout the research process and where necessary, any individual biases that were noticeable were managed using grounded theory strategies described elsewhere in the thesis, mainly 'flip flopping' and 'waving the red flag' (Strauss & Corbin, 1998, p. 94-99). The use of these tools in a process of reflection revealed the fact that a broader trend within the sector towards more external OS and partnership working in general, may have played a role in helping to develop a key premise upon which the conclusions of the thesis are built; the premise being that a greater focus on external OS is desirable. As a practitioner, an internalisation of this message

(that a greater focus on external OS and partnership working is desirable) may have contributed towards the broader conclusions of the thesis. To elaborate, it may be that more external OS – deliberative or not - is not a valid or feasible way to improve OS, despite the fact that the grounded theory coding processes suggested the opposite from the data. This message happened to be in accordance with the researcher's own existing opinion on the matter, developed through exposure to fellow professionals, academic literature and policy guidance from the government; however, as noted, self-awareness, the researcher's adoption of reflective practice and the use of the grounded theory strategies mentioned above, all contributed to an awareness of when one's own 'biases, assumptions, or beliefs [were] intruding into the analysis' (*Ibid.* p. 97). With regard to this aspect of the research, this meant that the emergent grounded theory was, as far as is possible, of the data, rather than of the beliefs, prejudices or biases of the researcher.

Use of the literature

The literature review has described the main theoretical underpinnings of the subject matter and the research. It has also shown that the thesis makes an original contribution to knowledge and that there is a scarcity of literature on the subject of external stakeholder involvement in OS. Most importantly is the role that the literature review plays in the grounded theory project and qualitative research more generally, which Flick describes: '[Y]ou use insights and information coming from existing literature as context knowledge, which you use to see statements and observations in your research in their context' (2006, p. 58-59). Marshall and Rossman go further and state that 'the literature review provides theoretical constructs, categories, and their properties that can be used to organize the data and discover new connections between theory and phenomenon' (2006, p. 46). In reviewing the literature within the broad headings selected the context for the research was set. In addition to this, a lot of pre-existing conceptualisation described in the literature review was used to inform, but not influence, the data analysis.

Reflections on the use of grounded theory

Grounded theory has proved to be a particularly useful approach for a doctoral researcher undertaking his first major research project. It provides the methods needed to abstract from the data, allowing theoretical insights rather than description only. But it also allows the freedom to apply the methods pragmatically, allowing each researcher to discern the best approach for his or her project. Pure 'Glaserian' grounded theory allows even more room for methodological manoeuvre, but the Straussian approach adopted is more structured, and for that reason appealed to a greater extent to this beginning researcher as it provided the guidance and methods needed to develop meaningful insights.

As a professional scrutiny officer with much prior knowledge of the function, the Straussian approach allowed for this existing knowledge and supplied the tools to help mitigate any bias that may have intruded into the analysis. The Straussian approach to the existing literature is also useful to a doctoral candidate required to conduct a literature review early in the project (pre – midpoint progression), as the Glaserian approach takes a more guarded stance on early readings of the subject literature. It is also useful to the individual who is already well versed in the existing literature on the subject, for the simple fact that it recognises the role that the corpus plays in developing theory, for example, through the use of *in vivo* codes. Its approach to the literature is one that embraces the notion that nobody approaches the research as a blank slate, devoid of existing knowledge and bias. Instead it allows the literature to play its role, and in turn, it allows the thesis to sit comfortably within that literature.

6.3 Research methods

The following describes the reasoning behind the selection of case studies, observation and semi-structured interviews as the methods used to gather data.

Case studies

Several basic designs can be employed in qualitative research projects. Of these, case studies were thought to be the most appropriate for reasons outlined in the bullet-pointed list below. The following alternatives were considered and rejected for the purposes of the research (see Flick, 2006, p. 141-145):

- **Comparative studies**

  Whole cases are not observed in this approach, rather, excerpts that form a comparative dimension across the objects of study (*Ibid.*, p. 142). For example, for the purposes of this research, a comparative study may have examined as an excerpt the views of Labour Party councillors across several local authorities with regard to the involvement in OS of third sector organisations. The comparative study approach was deemed too narrow for this research as the nature of the questions posed are cross-cutting and responses to them are contingent upon a wide range of variables accounting for interpersonal, historical, institutional and political factors. In addition to this, Flick states that a problem with the approach is the question of 'what degree of standardization or constancy you need in the remaining conditions that are not the subject of the comparison' (*Ibid.*). Any reasonable degree of standardisation and consistency across local authorities would be very difficult to achieve. Full case studies were seen to be all encompassing and better able to generate the data necessary for the development of a grounded theory that addresses the core concerns of the research questions.

- **Retrospective studies**

  This approach involves research undertaken with a specific section of the study object's history as a focus. Data is analysed for meaning in relation to individual, organisational, or other collective histories. A key issue when undertaking such research is the influence of current views on the assessment of earlier experiences (*Ibid.*, p. 143). The approach was considered unsuitable as an aim of the thesis is to provide applicable

theoretical and practical lessons to academics and practitioners of OS. To achieve this requires up-to-date knowledge of the current, ever-evolving, situation. Any focus on a specific point in the historical development of OS would prevent a comprehensive picture emerging, as OS has developed incrementally over the years since 2000. As a result, no one discrete period of time in that development could fully describe OS as it operates today.

- **Snapshots**

   Snapshots aim to give 'a description of circumstances at the time of the research' (*Ibid.*, p. 142). The end product is not a retrospective, as described above, but rather, an illustration of a process, organisation, profession, individual, etc. at the time of the research. In this research, which involves a number of local authorities, to be meaningful a snapshot approach would involve case-by-case analysis of the data, for example: Authority A findings, Authority B findings, and so on. This approach was not adopted for the research as the grounded theory methodology calls for a high degree of theoretical abstraction from the data, and case-by-case analysis would at best provide practical lessons and theory applicable to local authorities of great similarity to each respective case study. Elsewhere in the thesis the argument has been made that this approach is problematic as each local authority is unique, and therefore the decision was made to aggregate data from the case studies in order to develop a broader, more abstract theory of wider applicability.

- **Longitudinal studies**

   Project duration is a key factor in longitudinal studies, in which the research phenomenon is subject to repeated analysis and comparison at a later date or dates. The doctoral programme to which this research adheres militates against a longitudinal approach due to the time constraints placed upon the researcher. In addition to this, the longitudinal study requires ongoing access of a variety that would be quite difficult to secure from a local authority, and staff and councillor

turnover would potentially impact negatively on a longitudinal approach. Flick mentions that the approach is rarely used in qualitative research, except implicitly in ethnographic and some biographical research (*Ibid.*, p. 143; Bryman, 1988, p. 49).

Semi-structured interviews

Interviewing is an important method of eliciting the knowledge and opinions of research participants and complements observation well. A major decision around the use of interviews as a research method was the extent to which they were to be structured. Guidance on the issue was provided by the fact that different research perspectives lend themselves to certain research methods (Flick, 2006, p. 21). For example, methodologies with roots in symbolic interactionism such as grounded theory (Heath & Cowley, 2004, p. 142) are dominated by the use of semi-structured interviewing (Flick, 2006, p. 21). As the predominant method utilised in the symbolic interactionist tradition, it was logical to apply semi-structured interviewing to this research.

As well as the aforementioned good methodological fit with grounded theory, personal reflection on the use of the method allowed the researcher to arrive at the conclusion that it would also give sufficient focus to interviews to effectively elicit participant knowledge and opinions, without constraining the discussion to too great an extent, as was the risk if a fully structured interview or questionnaire-based approach was adopted. Conversely, completely unstructured interviewing, 'in which the researcher provides minimal guidance and allows considerable latitude for interviewees' (Bryman, 1988, p. 46), would risk too great a divergence from the subject matter in the limited time available per interview. Although such divergence from the core questions could provide valuable insight, the decision in favour of semi-structured interviewing was made in reaction to the better methodological fit provided by semi-structured interviewing, the limited time available per interview and the risk that excessive digression would prove worthless.

Observation

Observation of OS meetings was selected as a method as it allowed the balancing of the accounts given in interview. Approaches that adopt observation 'stress that practices are only accessible through observation; interviews and narratives merely make the accounts of practices accessible instead of the practices themselves' (Flick, 2006, p. 215). For this reason, the combination of semi-structured interviewing and observation allowed triangulation through the use of mixed methods.

The particular variety of observation employed is participant observation using field notes rather than a standardised observation scheme, with alternatives being non-participant observation and ethnography. The following describes the reasoning behind the selection of participant observation over its two alternatives.

- **Non-participant observation**

  In this method the researcher aims to be a complete observer with distance maintained from the subject of the observation in order to avoid having an influence on it. This can be achieved to some extent by supplanting the researcher with a video recorder (*Ibid.*, p. 217).

  An approach is to observe covertly with only those that need to know being made aware. Although, not only is this ethically dubious, but it is also highly unlikely to be even considered in a democratic environment such as a local authority. It would be considered too great a risk if OS chairman for example, and no other councillors, were privy to the knowledge that a researcher was present – if discovered it could be too easily construed as party political or simply dishonest.

- **Ethnography**

  Employing an ethnographic approach requires a particular emphasis on the exploration of social phenomenon rather than a deductive, hypothesis testing approach. It involves getting close to the subject matter and those

involved in day-to-day activity pertaining to it. The aim is to develop theory and to describe social realities and how they are constructed. Data collection is opportunistic, with methods employed to this end 'treated as secondary ... [an approach that] may be interpreted (in a positive way) as showing flexibility towards the subject under study but it also holds the danger of a methodological arbitrariness' (*Ibid*., p. 230).

Ethnography was considered not to be as suitable as participant observation due to its greater applicability to studies of single cases in very great depth. The desire to generate theory and lessons of wider applicability from the thesis meant that the examination of several cases was a better approach. This necessarily involved sacrificing the depth that could be achieved using ethnography.

6.4 Sampling

Sampling consisted of striking a balance between depth and width (Flick, 2006, p. 131-132). 'Considering limited resources (people, money, time, etc.) you should see these aims as alternatives rather than projects to combine' (*Ibid*., p. 132). Sufficient case studies must be performed in order to satisfy the condition of 'generalisability'. That is the applicability of research findings to similar bodies, in this case local authorities, not involved in the initial research. However, consideration must also be given to the detail, or depth, to which the objects of research are investigated. An increasingly broad sample may lead to commensurate degrees of superficiality, especially given restrictions on time and resources.
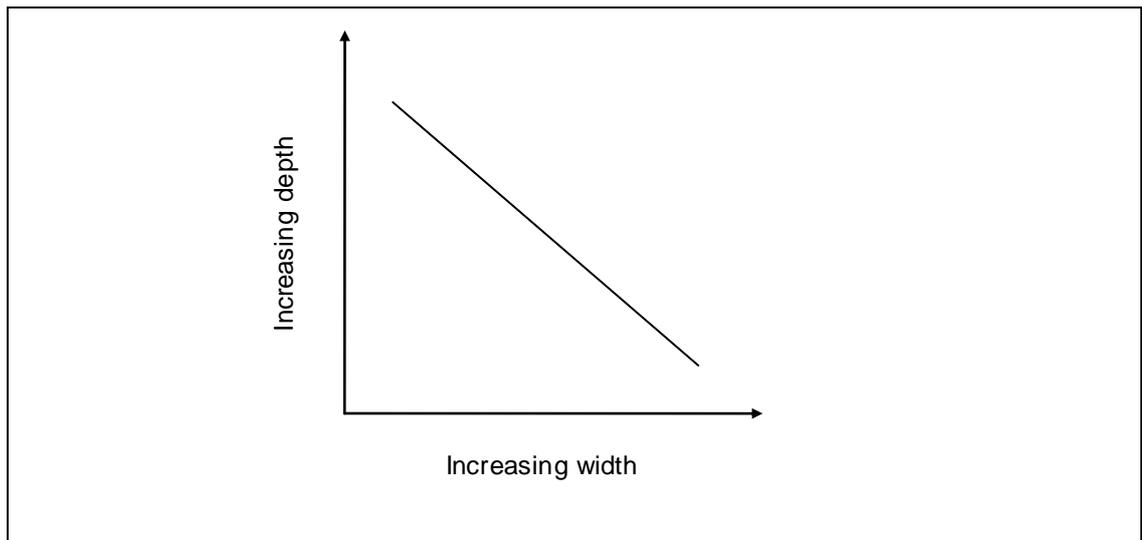
Figure 5: Breadth vs. superficiality in sampling

An important issue in selecting a sample was the number of variables to be considered in the process. Variables are as follow:

- Type of authority (functional variable)
  - Unitary
  - County
  - District

- Political management arrangements (governance variable)
  - Mayor and cabinet
  - Mayor and council manager
  - Leader and cabinet
  - Fourth option

- Political control (party political variable)
  - Labour
  - Conservative
  - Liberal Democrat
  - Other
  - No overall control (NOC)

- Location (geographic variable)

- ○ Nationwide
- ○ Regional
- ○ Local

Practical constraints limit the sample size and the variables represented. A truly representative sample would consist of representations from all of the above and would demand considerably more time and resources than are currently available.

The sample was chosen to reflect functional and party political variables, with geographic and governance variables reflected in the sample to a lesser extent. The rationale for this decision was based on practical considerations. The vast majority of local authorities operate the leader and cabinet system; therefore, authorities that were willing to get involved in the research were highly likely to fall in this category. Geographic proximity also played a role in the selection of case study authorities.

Additionally, the focus of the thesis is on complex local governance arrangements and the engagement of external stakeholders in OS processes in this context. Two-tier areas therefore provided interesting case studies of the dynamic between OS functions at the different tiers of local government, and between them and their external stakeholders. This necessarily involved the inclusion of counties and districts in the sample, lending weight to the decision to use the 'functional' variable. Interesting contrasts with the simpler partnership landscape inhabited by unitary council OS functions could also be drawn to inform the data analysis.

The fundamental role of local politicians in OS made the party political variable especially interesting. The inclusion of a council under NOC added an extra dimension to this, allowing the research to include a coalition-led district authority (the coalition collapsed and a new one formed during the course of the case study). That the authority was a 'fourth option' added to the interest for the research.

Political management	Political Control	Labour				Conservative				Liberal Democrat				Other				NOC			
		Unitary	Met	County	District	Unitary	Met	County	District	Unitary	Met	County	District	Unitary	Met	County	District	Unitary	Met	County	District
Leader - cabinet	Executive		C		A			D													
	Council		C		A			D													
Mayor - cabinet	Executive																				
	Council																				
Mayor – council manager	Executive																				
	Council																				
Fourth option	Executive																				N/A
	Council																				B

Figure 6: The sample

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Figure 7: Case study overview

Case study	Political balance	Performance (Audit Commission verdict)	OSC structure / focus	OS support	Data collection			
					Interviews			Observation
					Member	Officer	External stakeholder	
A[1] District Council	50 councillors: • 34 Labour • 10 Liberal Democrat • 3 Conservative • 3 Independent	'Excellent' (2008)	Three OSCs reporting to an OS Management Board. OSCs aligned according to policy themes and chaired by majority group members.	A 'Scrutiny and Performance Team' (one manager and three FTE officers) with joint responsibility for OS support and performance management	5	2	2	8 meetings between October 2006 and September 2007

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[1] Abolished in April 2009 following local government reorganisation

Case study	Political balance	Performance (Audit Commission verdict)	OSC structure / focus	OS support	Data collection			Observation
					Interviews			
					Member	Officer	External stakeholder	
B[1] Fourth Option District Council	40 councillors (no overall control): • 17 Labour • 16 Liberal Democrat • 7 Independent	'Excellent' (2008)	Two OSCs holding the council's policy committees to account. OSCs aligned to internal (council) and external matters, respectively. Chairing shared between political groups.	One Scrutiny Manager and a Scrutiny Officer with OS support being the only duty of the two.	4	1	2	10 meetings of both OSCs between October 2007 and January 2009
C Unitary Council	66 councillors: • 42 Labour • 23 Liberal Democrat • 1 Liberal	'Performing well' (2006)[2]	Five OSCs aligned to policy themes.	No dedicated officer support. Various officers used to support OSCs as required.	4	2	2	4 meetings of one of the council's OSCs over autumn / winter 2008/09

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[1] Abolished in April 2009 following local government reorganisation
[2] 2006 Audit Commission Corporate Assessment verdict

Case study	Political balance	Performance (Audit Commission verdict)	OSC structure / focus	OS support	Data collection			
					Interviews			Observation
					Member	Officer	External stakeholder	
D County Council	69 councillors: • 42 Conservative • 23 Liberal Democrat • 4 Labour	'3 out of 4' (2009)	Four OSCs aligned to internal directorates and an overarching management committee.	Three dedicated FTE scrutiny officers.	4	4	2	8 meetings of one of the authority's OSCs over spring to autumn 2009.
				Total:	17	9	8	30

Case study A: 'District Council': contextual information

- Labour controlled district council
- Leader / cabinet system
- OS support also undertake performance management duties

The council is a relatively high performing body located in a largely urban section of a predominantly rural north eastern English county. The 2001 census records a population of 81,267, of which approximately 80% is located in a traditional market town and a relatively new town. Several smaller villages exist within the district, which is mixed in its levels of deprivation. It is within commutable distance of the regional capital and has lately acquired a reputation for its rapidly developing renewable energy industry.

The council has been a Labour Party stronghold for many years and many councillors are ex-mineworkers and trade unionists with traditional Labour political views. Political management reform was embraced in the council with the introduction of OSCs with policy thematic alignment – a relatively forward thinking approach at the time – and the adoption of a team to support OS, although it also undertakes performance management duties on behalf of the council. As with many district councils, it lacks the capacity to engage external stakeholders in the work of OS to the same extent as larger, better supported OS functions in many county and unitary authorities. However, the involvement of external stakeholders is seen as a priority and engagement is secured wherever possible.

Majority group members chair all of the OSCs and OSC reports are submitted via an OS Management Board comprising the OSC chairs. This is problematic in many ways, as it is viewed by some as a means to deny the opposition a voice through OS. The 'filtering' role of the Management Board provides quality assurance or an extra layer of bureaucracy and control, depending upon the view of the councillor concerned. It is a controversial

body amongst some councillors, yet it remains an integral part of OS arrangements at the council.

Joint OS with other authorities is relatively underdeveloped in relation to other areas. The large geographical scale of the county in which the authority is situated perhaps militates against joint working, as does the unique set of challenges the authority faces within the county. As the most urban district in a rural county, finding common topics of interest to scrutinise with partner authorities may be more difficult than elsewhere.

Case study B: 'Fourth Option District Council': contextual information

- 'Fourth option' council under no overall control
- Labour, later Liberal Democrat control secured by support of independent members
- OS support provided by a manager and officer responsible solely for the role

Around 62,000 people live in the district, with a large majority residing in three market towns to the east. The west of the district is renowned for its relative inaccessibility and rurality, and has traditionally returned independent councillors to sit on the district council. Rural deprivation is a major concern in the district and associated issues such as access to public transport, poor numeracy and literacy, unemployment and low paid employment compound this.

The largest proportion of those in work are employed within the public sector, and the decline of the traditional industries that provided much of the employment in the area led to a gradual decline in population which has only recently reversed slightly. OS processes have been implemented in the council as part of a fourth option arrangement involving the retention of the committee system of decision making. This now unusual arrangement means that there is no one executive body within the council. In a cabinet system

executive power is delegated to the cabinet by the full council, but under the fourth option executive power is delegated to several policy committees. In practice this has meant that recommendations are addressed to policy committees, most frequently the overarching policy committee. In terms of the way that OS is supported or operates, very little difference is observable.

A corollary of a 'hung' council is the need to work harmoniously in coalition. Prior to a major split over the highly contentious issue of alternate weekly refuse collections such harmony had, to a significant extent, been maintained. However, the Labour group's support of the policy caused an intractable rift in the governing coalition which led to the withdrawal of independent member support, resulting in the ascendancy to power of the Liberal Democrat group following a switch of allegiance by the independents. This caused great turmoil between the political groups in the final months of the authority before its abolishment due to local government reorganisation.

Before this period of political change, the relatively stable period manifested in very benign relationships between the political party group members sitting on the two OSCs. As a result OS was able to operate effectively in a collaborative manner, although resource issues limited the extent to which external stakeholders could be involved in the process. Working relationships with neighbouring council's OS functions were, however, particularly good, and benefitted from a strong lead from the county council in the area.

Case study C: 'Unitary Council': contextual information

- Labour controlled unitary council
- Leader / cabinet system
- No dedicated OS support – support provided on an *ad hoc* basis by various officers

Approximately 193,000 people live in the local authority area, which is of contrasts: there is a large rural area alongside a significant urban centre and much post-industrial decline. Employment is predominantly in the public

sector, and there are issues around relatively low levels of adult literacy and numeracy. Political continuity is a key characteristic of the council, with longstanding Labour Party control. The ten-member cabinet has its portfolios aligned to Community Strategy themes and is accompanied by five OSCs and five advisory groups.

OS arrangements at the council do not have dedicated scrutiny support officers to call upon. Rather, officers are recruited to support various OS projects as they arise, with an officer tasked with orchestrating this as one part of a different role within the council. A general feeling is that the current arrangements for OS support work well, with expertise and fresh ideas being drawn into the support of OS as and when required. However, discussions were taking place on how best to support OS – dedicated officer support featured as a desirable possibility in this debate.

Case study D: 'County Council': contextual information

- Conservative controlled county council
- Leader / cabinet system
- Dedicated OS support provided by a team of three

The county council serves a relatively affluent area which is a net contributor to the UK economy. Pockets of relative deprivation do exist, with the issues facing these communities exacerbated by the fact that they are situated within generally affluent areas. This leads to difficulties in recognising the need when often data is at a neighbourhood or ward level. The county is largely rural, with a city and several market towns within its boundaries.

The county has traditionally been a Conservative Party stronghold, with Labour and smaller party representation on the county council nearly non-existent, although there is a large and vocal Liberal Democrat group. The exception to the party's hold on power in the county is in the city, where the Liberal Democrats control the city council.

There are five OSCs at the county council and several policy groups that are chaired by cabinet members. Chairing of the OSCs is shared between the two main parties. OS at the council has the support of three dedicated scrutiny officers who undertake all administrative (other than minute taking), research and relationship building activities on behalf of the OSCs. OS is overseen by a management committee comprising the chairs of the OSCs and has a strong relationship with the ten member executive.

6.5 Subjects

Alongside external stakeholder participants, the other people of direct concern to this study are those involved in the scrutiny process on a regular basis, namely, scrutiny members and officers with a responsibility for scrutiny (herein 'scrutiny officers')[1]. Involving these figures in the research can prove problematic, especially given their vested interest in perceptions of the OS process of their authority. External stakeholders also bring their own set of challenges to the research. The following explores some of the considerations that were made prior to the involvement of individual members, officers and external stakeholders in the research.

Scrutiny officers: methodological issues

When establishing the framework for questioning, and the actual questions themselves to be addressed to scrutiny officers, there are several factors of importance to be considered. Principally, OS is member-led, despite the varying degrees of officer input exhibited in different authorities. For this reason, questions for scrutiny officers mainly addressed the practicalities of the OS process and officer observations of it. There is an irony in that officers are often far better informed than members on OS itself. The most obvious explanation for this is that dedicated scrutiny officers (not all models of OS support involve dedicated scrutiny officers; see p. 233) are working on OS on a day to day basis, whereas members may spread their time more thinly over various topics. Of the four case study authorities, one had no dedicated OS

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[1] Often in local authorities no dedicated scrutiny officers exist (as in Authority C), rather, officers will have responsibility for scrutiny along with other tasks.

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support; the implications of this arrangement for the efficacy of OS are discussed in the research findings (see p. 234).

Scrutiny officers are in the parlous position of supporting a member function which may prove awkward to senior officers and members. The scrutiny officer is simultaneously situated within the officer structure, subject to the same performance and line management strictures as any other officer of the council, and inextricably linked to either OS or in some cases the particular OSC that he or she supports. To add to the delicacy of the role, scrutiny officers tend to be relatively junior figures in the council, and must field often irate enquiries from the most senior. A further complicating factor is the duty to serve the whole council incumbent upon all local authority officers. In this regard there is a very real risk that the scrutiny officer becomes too associated with a particular member (usually the relevant OSC chair), and is therefore seen to be compromised in his or her neutrality.

The main methodological implications arising from the above considerations include:

- The need to realise that the close affinity with OS that the full time scrutiny officer can possess may be a barrier to his or her objectivity when discussing the function's role in their authority

- Because of the fact that OS support is situated within the officer structure, there may be a desire to 'up sell' the function to a researcher.

Outside of local government, the role most directly comparable to that of scrutiny officer is select committee clerk. The clerks are employed directly by the House of Commons, rather than the civil service, although they follow similar pay grades and career progression (Centre for Public Scrutiny, 2004, p. 16). This means that they forego many of the concerns that some scrutiny officers may feel for their own reputations and that of the authority (whether or not those issues are based on a fear of embarrassing their directorate or

line manger, etc.), which may in turn lead to the aforementioned 'up selling' of their authority's OS function.

An example of this issue arose during the course of the research, when scrutiny officers painted a relatively impressive picture of external stakeholder engagement with OS that was undermined by an unwillingness to allow the researcher to access the participants concerned to cross-reference the claims. It may be that those authorities with the weakest member-lead are also those with the most defensive scrutiny officers, most likely to oversell their authority's OS function. This would likely be grounded in the personal stake that scrutiny officers had invested in making the function effective; conversely, scrutiny officers in the authorities with the strongest member-lead would most likely be forthright in revealing any shortcomings. This would simply be due to the predominant member, rather than officer, ownership and investment in the OS function. In this case, where they are assured of anonymity, scrutiny officers can be amongst the most important observers of the way in which their authority is engaging external stakeholders in the OS process. This is due to their:

- Position on the frontline of the member/officer interface
- Liaison role with external stakeholders
- Ability to access professional networks to learn of good practice elsewhere.

Scrutiny members: methodological issues

OS members are frequently engaged in a host of other activities which require energy and commitment. On that basis they are often stretched when it comes to engaging with the OS process, although it could be argued that some variety of OS underpins the full range of non-executive member activities, from pursuing casework to voting in council. The challenge is linking the broad spectrum of member activities into their OS duties in a manner which is non-party political and strategic (rather than focussed on their particular ward / division). On this point, one of the main methodological implications of researching councillors is the possibility of reference to issues

within their 'patch' and the occasionally excessive focus on personal causes and concerns. This is, perhaps, inevitable when interviewing committed individuals with sufficient concern and independence of opinion to stand for election. The challenge for the researcher lies in enabling the councillor to abstract and link individual activities into OS processes.

Another issue is the altered role of the local authority in an era of local governance (see p. 29); an essentially centrally-driven change which has in some cases left elected members playing catch-up. This is especially noticeable in the way in which some councillors reject, or are at best reticent, on the subject of extending the scope of OS beyond the confines of directly provided council services. Despite parliamentary Acts facilitating external OS, many members reject the premise of external OS: that elected members have a role in holding powerful organisations to account across the public services. This is due, primarily, to a lack of power to enact change and a fear of raising expectations amongst the electorate.

This means that when researching external stakeholder participation in OS processes, the broad spectrum of member views must be heard and factored into the findings, regardless of whether the premise of external OS is accepted or not. It is interesting to note that scrutiny officers researched have almost universally embraced the notion of enhanced external OS; this is in contrast to the more reserved reception given by members to the powers contained in recent Acts and the final set of Labour proposals for OS powers contained in the *Strengthening Local Democracy* (2009) consultation.

External stakeholders: methodological issues

Propriety and issues of practicality in the research process mean that the involvement of external stakeholders in the research would be secured primarily through the main contact in each of the case study authorities. In each case, the main contact was a scrutiny officer, and, as mentioned above, in certain circumstances there may be considerable incentives for scrutiny officers to oversell OS in their authority.

For this reason the ideal scenario, which occurred in all but one of the case study authorities, involves unfettered access to external participants in the OS process. This allows for the broadest spectrum of views to emerge on the process. Given the intentional range of persons that the phrase 'external stakeholder' would encompass (members of the public, public sector officials, business people, politicians, etc.), it is useful to examine the concept of an external stakeholder in the OS context to outline the factors at play in their involvement in the research. Generally, external stakeholders will become involved in OS processes in various guises, defined by:

- **Capacity** (variable according to the level of personal and organisational resources the participant is able to draw upon and the nature of their involvement in OS processes)
- **Competency** (variable according to profession, personal attributes, prior knowledge of an issue or the OS function)
- **Commitment** (variable according to time, level of compulsion, cost / benefit analyses).

Capacity

Capacity will vary considerably according to the resources available to the organisation (especially relevant to smaller voluntary and community sector organisations which may have few full time employees to participate in OS processes). Individual members of the public, especially if it is assumed that their involvement is based on their use of a targeted service, for example carers, parents, or looked after children, will have limited time available to attend formal OSC sessions. There is also the issue of members of the public who are repeat attendees concerned with a particular issue; the data relating to these individuals are analysed in the findings section .

At the opposite end of the scale are the large public sector organisations with a now statutory duty to respond to OSCs on issues relating to Local Area Agreement targets. Where mainstream services delivered by partners are under scrutiny capacity is less of an issue. The exception is when OS

focuses on a particular element of an organisation's work, in which case small teams within large organisations may have trouble meeting the requirements of OS where their particular specialist insights are required by an OSC.

The nature of the involvement in OS processes, and the point in these processes at which external stakeholder involvement is sought, can impact on an organisation or individual's capacity to participate. It has been mentioned that the OS process involves an iterative cycle of activity, any stage of which could involve external stakeholder participation. For example, work programming stages could involve minimal capacity issues for organisations. The following ranks external stakeholder participation in work programming processes, from least resource intensive to most:

- Basic email or paper-based consultation on what an OSC's priorities should be, and/or an opportunity to comment on a draft or existing work programme
- Invitation to attend a work programming session, possibly in conjunction with colleagues
- More substantial involvement in a larger scale work programming seminar or conference

The business process of an OSC and its sub-groups can engage external stakeholders in the following ways, ranked again in approximate order of resource intensiveness:

- Remote submission of evidence to an OSC
- Appearance in person to give evidence at an OSC
- Join an OSC as an expert advisor on a one-off basis
- Join an OSC as a co-opted member
- Undertake specific research or engage a particular demographic on behalf of an OSC

The monitoring of recommendations or actions prompted by OSCs is the third aspect of the OS process, with perhaps fewer opportunities to involve external stakeholders. In some cases participants may champion the findings of an OSC within their particular field of interest. They may also be able to keep OSCs informed of outcomes arising from their interventions, feeding learning points back into the process, allowing improvements in the function of OS to be made.

Competency

Some organisations retain staff able to perform well in any situation, including those in which they are required to give account for their actions and/or performance. Examples of this include senior police officers, used to appearing before the Police Authority, and the obvious example of senior council officers used to appearing before cabinet, OSCs, etc.

Other organisations retain similarly high quality staff, but involvement in formal

> ***Voluntary sector involvement in a work programming session***
>
> Two voluntary sector organisations, one national and the other locally based, attended an OSC to present on the main issues facing children and young people in the area. The presentation complemented a presentation given on the same topic by the relevant cabinet member and senior officer. This gave the OSC the means to triangulate the issues that were being communicated, leading to the development of a better informed programme of work.

democratic processes such as OS is unusual for them. Attendance before an OSC can be a stressful and disconcerting ordeal, although the best OSC chairs ensure that their committee is welcoming and open. However, especially perhaps for some service users, attendance at a formal OSC session may be a challenge. This is irrespective of the nature of the involvement, whether sitting on the OSC as a co-opted member or appearing to give evidence. In the former case, the researcher has encountered a co-opted (lay) member of an OSC who found that her involvement with the OSC quite frequently placed her outside of her comfort zone, especially when the requirement to speak in public arose (regardless of how limited the requirement).

An individual's position within an organisation, or in the case of strong advocates of a given issue, their level of informal authority amongst similarly minded people, can add credence to them when involved in OS processes. A good example of the former point is the worker on the frontline, who in particular circumstances can give fantastic insights that reframe completely the terms of debate for an OSC. The obvious requirement in this instance is that the view of the individual is ratified through testing and triangulation. Service users can be brought in at this stage to quality assure any conclusions of the OSC. Informal, but well placed, advocates of an issue can also lend their expertise to OSC deliberations, but the individuals concerned must have impeccable credentials and have demonstrated their wider concern for the cause beyond any pure self interest, if they are to appear 'legitimate'.

Commitment

The level of external stakeholder commitment to involvement in the OS process determines, inevitably, the quality of the input. Whereas a council officer has a professional and ultimately legal duty to provide at least a minimum level of engagement with OS, external stakeholders do not share the same compulsion. This may seem counter-intuitive when council partners have a statutory duty to cooperate with OSCs in particular circumstances, but the data have revealed the widely held view that the invocation of statutory powers would be a failure, and inimical to the ethos of good OS, it being predicated on constructive, 'critical friend' challenge. Therefore partners should be accepting of the scrutiny; both in terms of the OSC's inherent legitimacy and the rationale underlying any given OS activity (i.e. is it timely and/or likely to effect change, etc?).

OS practitioners and members are acutely aware of the long term and broad reaching damage that can be inflicted by ill-conceived scrutiny of partners/partnerships. Partner concerns about the OS process can be addressed through carefully scoped work undertaken from the outset in a collaborative and constructive manner. If, on balance, external stakeholders

believe that OS involvement will prompt change for the better, they are much more likely to engage.

Exploring the capacity, competency and commitment of external stakeholders to OS processes allows the research to be undertaken in a manner which is participant focussed. The approach by the researcher can be tailored to meet the level of knowledge possessed by the external stakeholder, especially in terms of use of language and the avoidance of pervasive jargon and acronyms. External stakeholders can bring prior experiences to the fore when discussing the topic of OS; examples of this include the voluntary sector interviewee who had a grievance with the council which impacted on her view of OS. Knowledge of such issues and an awareness of the methodological issues surrounding the three principal sets of interviewees (OSC chairs, scrutiny officers and external stakeholders) allowed the interviews and observation to proceed on a more informed and open basis.

7. Findings

The grounded theory (GT) approach results in the development of categories which have arisen from, and are developed by, microanalysis of the available data. Data have not been analysed in silos, for example, member views; officer views; external stakeholder views, or on an authority by authority basis. Rather, the data have been aggregated and analysed to form concepts which represent the broad themes (categories) of the topic which are grounded in the data (see p. 130).

To better illustrate the findings on external stakeholder participation in OS processes and to fully utilise the grounded theory methodology, findings will be presented using the concepts as sub-headings, arranged under the two overarching data categories, 'Relationships' (see Chapter 7.1, p. 171) and 'Representation' (see Chapter 7.2, p. 197).

Later in the presentation of the findings (see Chapter 7.6, p. 232) certain topical issues are addressed in isolation. These are current debates in the practice of OS and are included for two main reasons:

1. To use the findings to engage with some of the main practical issues facing OS

2. To derive practical use from the findings by balancing the more abstract and theoretical presentation of the data required by the GT approach.

Concepts and categories

Figure 4 (below) illustrates the main concepts arising from the data. They have been ordered within overarching categories of data to allow cross examination to occur. As mentioned, the findings chapter is built around these constructs, with each lending its name to a chapter sub-heading.

Figure 8: Concepts and categories

This figure signposts the findings chapter, giving a clearer view of content structure and how the findings of the thesis interrelate in conceptual terms.

The concept and category headings illustrated at Figure 4 are a combination of what Flick refers to as *constructed* and *in vivo* codes. The former are 'borrowed from social science literature' and the latter are 'taken from interviewees' expressions' (2006, p. 299, author's emphasis).
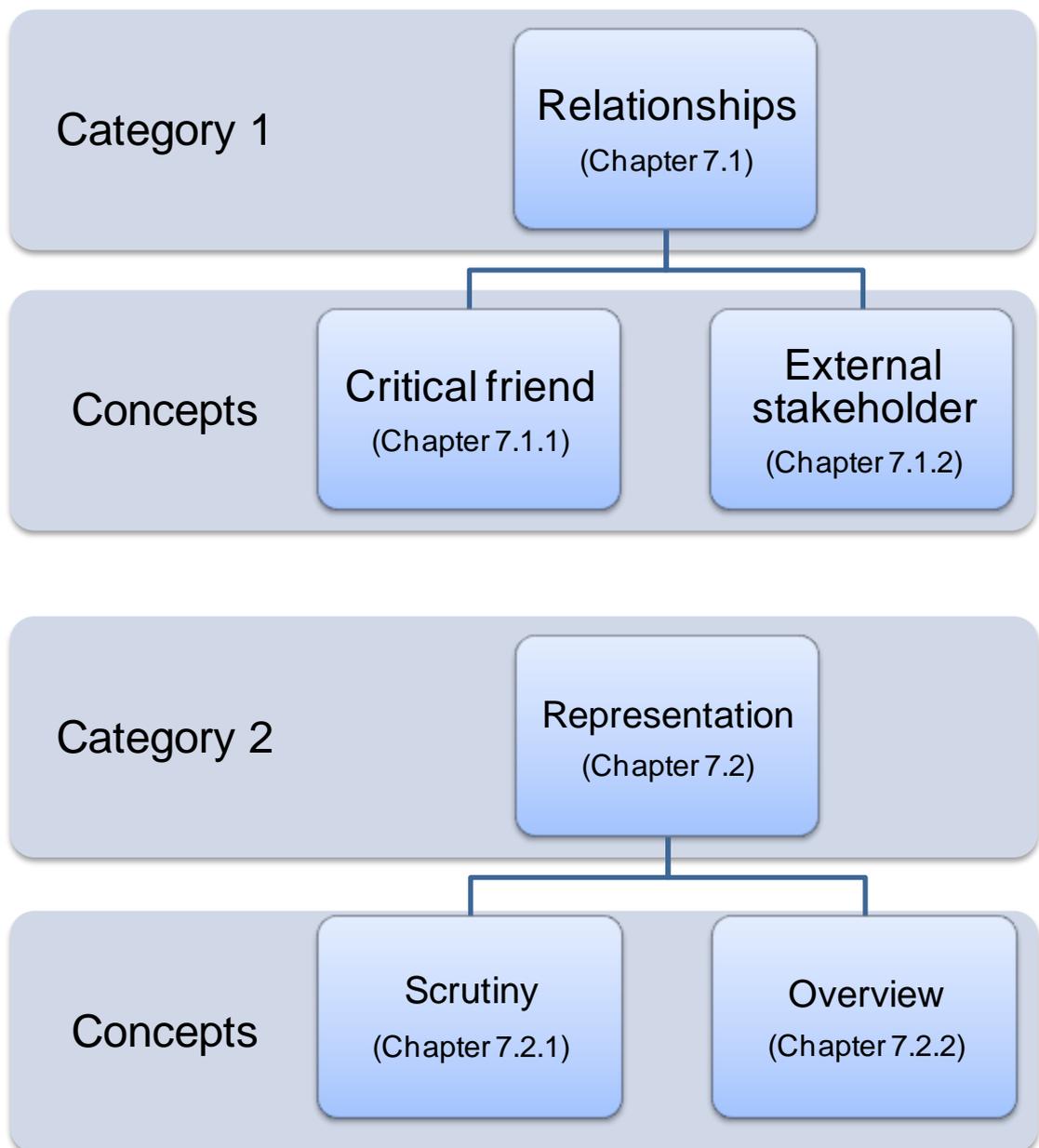
7.1 Relationships

The first category of concepts is named 'Relationships'. This is simply because of the interpersonal, inter-organisational and inter-party political characteristics of each of its component concepts. The following builds each of the concepts from the data, using the GT method of 'constant comparison' to evaluate every emergent aspect of the concept.

7.1.1 Critical friend

The idea of 'critical friendship' recurred frequently throughout the data and is a prominent feature in both practitioner and academic texts on OS (e.g. Centre for Public Scrutiny, 2007; Snape & Taylor, 2001). The concept provides one of the main methodological statements of OS and different authorities observed in the research emphasise 'critical' or 'friend' to different extents, although truly effective OS consists of both facets in fine balance.

The 'critical' aspect implies independent thought and sufficient separation from the executive to effectively hold it to account. Excessive criticism, especially that which could be viewed as petty and/or party political, was viewed across the case study authorities as counter-productive. One OS chair expressed the view that OSCs should avoid politically contentious topics, believing instead that the correct forum for such discussion was the council chamber. Another stated that OS is not an 'opposition'. Therefore, 'critical' in this context can be seen as one extreme on a continuum of criticism in local government politics; an extreme would be the 'hard' criticism the ruling group encounters in the council chamber, often underpinned by a desire to undermine the ruling group and promote an alternative manifesto. Such 'hard' criticism is motivated by a desire to improve services by, in the first instance, the usurpation of the ruling group, but is very often based on party political loyalties, especially where the whip is applied.

Historical rivalries - party, interpersonal and policy based - may drive criticism of the 'hard' variety, as may more parochial concerns relating to ward or divisional matters; this is in contrast to the 'softer' critical approach adopted

by the ideal-type OSC, which is principally evidence-based and focussed on service improvement, as opposed to gaining power. The local media, regulators and inspectors are other sources of criticism of the council, and sit at varying points along the continuum of criticism to which executives and senior practitioners are exposed.

The 'friend' aspect of 'critical friendship' encompasses the variety of criticism on offer from an OSC, and makes OS intervention palatable to an executive which need not heed its recommendations. On that basis, the friendship element is, in effect, a necessity if OSCs wish to be heard, and manifests itself in the need for OSCs to 'drive improvement' and align themselves to corporate priorities, in a sense integrating themselves into the mainstream efforts of the council, as opposed to realising their independence by setting themselves apart.

Based on observation of a particular OSC in one authority, it is not unreasonable to state that in this case the emphasis was excessively 'friendly', possibly to the detriment of important aspects of any OSC's work. Principally, this would include the need to challenge and hold to account. It is unclear to what extent it is possible to effectively challenge and hold to account when the primary officer support to the OSC in question is the senior manager responsible in large part for the services under review, as was the case in this authority. On a positive note, it was obvious that the committee had the buy-in of senior officers, although whether or not this was tokenistic is beyond the scope of this research, given that the only method of assessment would be to observe the outcomes of the review in maybe a year or more time. Maer and Sandford describe some local authorities in which 'the scrutiny process is mainstreamed as an automatic stage in policy development' (2004, p. 48); this is one such authority, and as the authors go on to state, in this type 'councillors and officers from the two "sides" mix and exchange information far more freely' (*Ibid.*). Most OSCs work with a 'corporate ethos' (*Ibid.*) but recognise the need to keep a healthy separation in order to function effectively as a check and balance to executive power: important questions about the independence of OS, access to pertinent

information and accountability are brought into sharp focus when considering the implications of the type of OS support described above.

Ashworth *et al* report similar issues in relationships at the regional level between the soon to be abolished Regional Development Agencies (RDAs) and Regional Assemblies with responsibility for scrutiny of them: 'Relationships between the two organisations varied across regions but, overall, assemblies adopted a highly collaborative approach to conducting scrutiny' (2007, p. 206). Interviewees involved in the research described in one case excessive 'chumminess' and, in another, too confrontational an approach. In both cases the implication was that excesses in the relationship – i.e. too adversarial or too 'cosy' – led to negative outcomes for the scrutiny process. Too soft a relationship in one RDA / assembly relationship potentially 'softened the impact of scrutiny reports' (*Ibid.*, p. 207), whilst in others the opposite approach had led to, in different regions, a worsening of relationships culminating in 'difficulties in obtaining key information from the RDA' and, in another, 'RDA officials excluded from several key meetings' (*Ibid.*, p. 206). These are good practical examples of the negatives associated with excess in the scrutiny / decision maker relationship.

Overemphasising the 'critical' aspect of 'critical friend' would lead to defensiveness on the part of all those involved in the work of the OSC. When no executive power can be exercised, the influencing role becomes paramount. It is obvious that placing the executive on a defensive footing is possibly the least effective way of influencing policy, especially in a politically charged environment where excessive criticism can be viewed as partisan. It seems evident that the most effective OSCs will be those that walk the line between criticism and friendship successfully, deploying different levels of emphasis on each in different situations. The challenge and accountability roles of OS perhaps lend themselves best to the 'critical' stance, whilst reviewing services and making recommendations are more conducive to 'friendly' ways of working, especially if the OSC concerned wishes to engage external partners in delivering service improvements.

One elected member interviewed stated that '[t]he big advantage of scrutiny is that you can look at one subject in some sort of depth which is very difficult for officers [to do] ... they've got the day job and a thousand other things to do and perhaps the politicians, equally ... have plenty of other things to do as an executive member'. One of the main methods of 'selling' the OS process observed involved approaching senior officers with that kind of argument, looking for areas where OSC intervention might benefit the work of the directorate. This necessarily involved a 'friendly' approach that reflected the considerations expressed by the councillor cited above.

The fact that senior officers need to be factored into the 'critical friend' equation states a great deal about the way in which councils operate and decisions are made. It is almost comprehensively true across the case studies that senior officers are the main object of OS (although there are cases where executive members are very engaged in OS). Whilst there is still some recognition that OS is there to hold the executive to account, there appears to be amongst members no idea of an apparent contradiction in that the theoretical focus of OS is the executive, but in practice officers are primarily the stakeholders called to give account before an OSC. This may indicate one of several situations:

- In a given case study the local authority is predominantly officer-led, with executive members providing a 'rubber stamping' service for policies and decisions mainly emanating from the officer structure.

- The senior officers are viewed as the agents of the executive and as such are tasked with implementing policy free from executive interference once the political decision has been made. It is therefore correct that, when OS is undertaken, it should be addressed to those principally responsible for implementing policy, i.e. senior officers.

- If an OSC wants to get to the heart of the issue, it should be approaching the experts; in most cases senior officers have higher levels of expertise on a given topic than their political masters.

- The concern of OS is service improvement, which would be the realm of the expert officers; political questions which would engage political executives are best kept out of OS, as they are more suited to venues such as full council, etc.

- Executive members may wish to avoid OS, for many potential reasons. For that reason they would rather allow their chief officers to speak on behalf of the service concerned.

It is highly likely that no single explanation would provide a definitive answer. In each authority, especially those with cabinet systems, many different factors will combine. For example, some cabinet members in an authority may wish to avoid OS altogether for personal or political reasons. In the same authority a cabinet colleague might attend every meeting of the relevant OSC. Yet another cabinet member in the same authority may abrogate responsibility altogether for representing his or her portfolio to an OSC, and defer instead to the chief officer. This gives a mixed picture and adds to the difficulty in generalising on any OS arrangement in an authority or across authorities.

On a practical level, in OSC meetings, the concept of 'critical friendship' can be observed in the different chairing styles and approaches adopted by individual committee members. Personal attributes play a major role in the way in which a question is framed and in turn perceived. Some individuals are, by nature, challenging and passionate in their approach to questioning, whilst others are an exact opposite. A strong OSC chair is essential in getting the best from all involved in the process and has an especially important role in welcoming and introducing speakers to the committee. The way this is managed can set the tone for the entire meeting. Several of the OS chairs

interviewed stated that a key part of their role was to make attendees feel comfortable and able to participate. As the front man/woman of the OSC, the chair undoubtedly sets the tone for the entire encounter and a strong chair will monitor the approach of the other members of the OSC.

Increasingly, in an age of partnership working, carefully balanced 'critical friendship' will be crucial to the success or failure of OS in holding external agencies to account and promoting improvements across the public service. As there are fewer institutional inducements for partners to engage constructively, it may be that OS consciously adopts a 'friendlier' approach towards them, with an emphasis on service improvement, as opposed to 'critical' holding to account.

Political relationships

The phrase 'political' relationship is used in this section to refer to relations between executive and non-executive members in the OS context. The section sits within the previous discussion of 'critical friendship'.

Coverage of the political aspect of OS relationships is of fundamental importance to any appraisal of the topic, given the way OS powers and functions are framed in guidance and legislation, but also because of the number of member interviewees who stated that, quite simply, the role of OS is to hold the (political) executive to account. The shift towards partnership OS and a greater officer focus (as lines of accountability in council partners are not as clearly focussed on an elected figure, as in local authorities) is a more recent phenomenon, which was empowered by more recent Acts of Parliament[1], although 'external scrutiny' could be said to have originated in the Local Government Act 2000.

A theoretical discussion of political relationships must begin with the executive / non-executive and their respective roles within the organisation. Executives agree policy and make decisions, whilst non-executives scrutinise

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[1] Police and Justice Act (2006); LGPiH Act (2007)

and hold to account, with a view to developing policy and driving improvement. Whilst it is not possible to directly compare national and local arrangements for numerous constitutional, historical and political reasons (although many non-executive councillors refer to themselves as 'backbenchers'), it could be said that OSCs in their operation replicate the questioning and accountability (as opposed to legislative) role of the Commons, and the reviewing and policy developmental roles of departmental select committees.

A commonality is the electoral mandate of the individuals tasked with carrying out the respective non-executive parliamentary and local government roles. Another is the potentially difficult relationship between executives and non-executives at both levels of government. Recognising the host of factors, both positive and negative, which shape the relationship between executive and non-executive representatives, is of great importance to a thorough understanding of OS in local government. The following negative factors emerge from the OS side of the executive / OS relationship:

- On an **inter-personal** level, personal and/or political rivalries (both intra- and inter-party group) can be played out through OS.
- Purely **party political** matters can become contentious issues between executives and OSCs which can have broader implications for cross-party working and its ultimate sustainability within an OSC.
- **Policy** matters can be picked up through OS (especially by a powerful chair) and used to pursue particular issues that would be better pursued by means other than OS.

The following negative factors emerge from the executive side of the executive / OS relationship:

- **Protectionism**, manifested in the unwillingness to be subject to scrutiny for various reasons (on a very practical level, this could

include the avoidance of attending an OSC altogether) and, far less commonly, unwillingness to share data / officer time.

- **Misunderstanding** the OS role, leading to fear of the unknown and ultimately disengagement.
- **Party discipline**, the explicit interference of which has not been observed to a great extent in the research (i.e. reports of whipping in OSCs, etc.); however, implicit examples and reports of self–imposed group discipline were noted, especially on politically contentious topics. Several OSC chairs interviewed were vehemently opposed to any manifestations of party discipline within their OSC [1]

The main positive factors emerging from either side of the executive / OS split, were evident when the two sides framed their relationship in positive terms, i.e.:

- **Interpersonal** rivalries are placed aside in the OS context
- Purely **party political** matters, which would be better dealt with in party political venues, such as meetings of full Council, etc., are avoided
- The use of OS to pursue 'hobby horse' **policy** is avoided
- Executive members operating in the more consensual, partnership dominated world of local decision making today, set aside **protectionism** and engage with non-executives via OS
- There is an accepted incumbency upon both sides to combat **misunderstanding** and the positive approach and attitude of both sides to one another underpins a productive relationship
- **Party discipline** has a place within local decision making (Copus, 2004), but executives accept that for OS to be effective it must not be countenanced within the OS context

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[1] During a meeting of an OSC observed, the especially strong OSC chair insisted that a member of his committee remove a party logo badge he had been wearing whilst campaigning earlier in the day.

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The following examples from the case study authorities illustrate some of the negative factors in the executive / OS relationship, arising from the OS side. The case studies provide this perspective simply because of the focus of the research; any data on executive behaviour was derived from the indirect observation of the researcher and interviews with non-primary sources.

Authority A: Inter-personal rivalries

In certain cases OSC chairs held strong negative views about the overarching OS committee, comprising all OSC chairs, who were also members of the ruling group. It was felt that certain key members of the committee were using their position to curry favour with the cabinet. This manifested itself in excessive control over the respective OSCs' work programmes and output, underpinned by a strong constitutional position which stated that all reports from an OSC of the authority should proceed to cabinet via the management committee. On some occasions the latter was willing to reject reports with a list of changes to be made before it could proceed. This generated resentment amongst some of the chairs sitting on the committee, when their own OSC's report was censured by it. This situation often occurred due to the strength of the management committee chair, who on most occasions carried the debate (when debate occurred).

It is possible to conclude that group discipline played a major part in this situation, as all of the OSC chairs making up the management committee were of the ruling group. There was very little challenge provided when a cabinet appointee to the management committee was able to alter reports before they were published. Interpersonal rivalries could therefore be observed on an intra party basis (in that the OSC chairs felt disempowered by the ruling OS member of their own party group), and from a different perspective, in the executive / OS relationship, where cabinet clearly wished to constrain OS both procedurally (in requiring that reports went via the management committee) and interpersonally, by ensuring that overly sympathetic individuals were able to chair the management committee.

It should be noted that, whilst in this set of circumstances an overarching OS management committee had certain negative impacts on the broader OS function of the authority, there are examples where such a body does not detract from the independence of OSCs. The main example of this is in one authority which has a management committee which does not have the power to veto its child committees' reports. This authority also has a more open political culture, with OSC chairs divided evenly between the ruling group and the largest opposition group. The parent committee also, therefore, has a degree of opposition representation on it. Members are used to working more collaboratively in other committees of the council, and the council itself is not overwhelmingly dominated by one political group. On this basis, the management committee can fulfil its remit without impinging on OSC independence, and the link with cabinet is maintained via a cabinet/scrutiny liaison member, an arrangement which maintains a constructive link between the two bodies.

Authority B: Party political matters

Authority B[1] was a 'fourth option' hung authority which changed hands acrimoniously when independents broke their coalition with the minority Labour administration and switched their allegiance to the Liberal Democrats. This caused a change in control which effectively destroyed the previously, albeit frail, consensual approach of the council's constituent political groups.

The catalyst for the change was the contentious issue of alternate weekly refuse collections, or 'twin bins', whereby non-recyclable household waste is collected separately and on alternate weeks to recyclable refuse. Local Labour party policy in the area matched the national party's policy of support for alternate weekly collections; this stance was to the consternation of the independents who duly switched allegiance. The history of the issue was fraught with political tension and several headlines on the decision making and implementation processes had appeared in local newspapers which were embarrassing to the ruling coalition.

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[1] Now defunct following reorganisation

Against this backdrop, the council's two OSCs had been operating in a cross-party, collaborative manner in reviewing topics of concern to the area, with little impact felt from the heated debates in the council chamber. The change in control itself was not a major risk to the successful cross-party relationships within the two OSCs. The major risk arose when, in discussing the OSCs' work programmes in full council, one of the OSC chairs suggested that OS dissect the issue by revisiting every report written over a period of several years on the subject. Council then agreed the item as an addition to the relevant OSC's work programme.

It was suggested at one point that previous employees of the council with involvement in the decision making process should be invited to attend an OSC to give account. The situation was a potential flashpoint for the relevant OSC, with party political issues barely contained within individual committee members. Very careful negotiation and a history of successful cross-party working carried the OS function through the episode, with possibly irreparable damage to working relationships narrowly averted.

Summary

One of the two overarching categories arising from the data is 'Relationships' which in turn comprises two concepts: 'critical friendship' and 'external stakeholder'. The previous section has discussed the concept of 'critical friendship' in depth and found that it is a cornerstone of effective OS. Whilst the phrase is encapsulated within one of the Centre for Public Scrutiny's 'Four Principles of Effective Scrutiny', it has entered the vernacular to a respectable extent, and it is certainly observable across the case study authorities in the way that OS is practiced.

In terms of emphasis, it can be stated that each of the case study authorities emphasised 'critical' or 'friendship' to a greater or lesser extent. It is certainly possible to combine the two approaches, and the most effective OS functions will be flexible enough to adapt their approaches to different circumstances. Although the idea of 'critical friendship' may sound counter-intuitive, it is an

excellent principle to adhere to when shaping policy through influence, rather than executive power. Too much criticism will result in a siege mentality by the executive, its agents (senior officers) and council partners, meaning that OS will be rendered irrelevant and without influence. Excessive 'friendship' will result in an unchallenging rubber stamping exercise at worst, and at best a consultation mechanism guided by the nose towards acceptable conclusions.

Of paramount importance to effective critical friendship is a member lead on the OS process. Only members have the mandate to demand change and exercise influence; where member capacity is weak, OS is weak. Although this is certainly true within the confines of the council and its services, a greater challenge for OS is in exercising influence and utilising the member led approach with partners and partnerships, where member legitimacy is not recognised as it is in local government. Issues around lines of accountability and conflicting loyalties amongst statutory external stakeholders, discussed earlier in the thesis, must be addressed for effective councillor 'critical friendship' to exercise influence across the broader spectrum of public services.

The following section covers the second concept within the 'Relationships' category, 'external stakeholder'. Where 'critical friendship' emerged as a guiding principle for the OS function, 'external stakeholder' as a concept introduces the public service spectrum outside of the council's remit more fully into the debate. Whether a service user or provider, involved in OS via co-option or by giving evidence to a review, successful engagement with external stakeholders will determine OS's relevance in coming years. For example, in the field of health OS Coleman has suggested that greater patient and general public involvement could result in more influential OS processes (Coleman, 2007). This is particularly so in an environment characterised increasingly by service user empowerment and the next stages of partnership working, the latter including Total Place initiatives and more substantive moves toward shared financial and human resources.

7.1.2 External stakeholder

The 'external stakeholder' concept can be explored in depth through a range of variables arising from the data. In terms of the nature of external stakeholder participation in the OS process, these variables include temporality, geographical situation, location, degree of knowledge or expertise, the qualitative and quantitative extent of the involvement, vested interest, involvement strategies and mandate. On a higher theoretical level, epistemological considerations concerning what constitutes 'evidence' also arose.

Temporality

The duration of the external stakeholder involvement plays an important role in terms of how well OS is understood by all involved. Recurrent OSC witnesses may build up a picture of the OS process over time, based on knowledge of what is going on and an increased awareness of the strengths and limitations of the process. Witnesses may develop strategies to foil the OS process, one of the most common being the obfuscatory report which is often employed by experienced OSC witnesses (primarily senior council officers). One possible reason why senior officers may wish to be less than open with an OSC is provided by Professor Steve Leach: 'Mainstream officers are unlikely to provide information which facilitates challenge of a policy or decision already agreed with (or destined for) the executive' (2009, p. 13).

In this case 'mainstream' officers with a long term relationship with OS can become adept at handling OSCs, providing carefully selected information which does not conflict with agreed and proposed policy. As external stakeholder involvement is less likely to be ongoing, they are less likely to be able to develop such strategies. However, in some cases their own organisations' governing bodies may prove a similar challenge to that of OSCs, and similar coping strategies developed in these forums could be employed in the OSC setting.

This, of course, presupposes that external witnesses will want to hide information from OSCs when, in fact, the nature of much OSC work with external partners involves reviewing services to suggest improvements; a process which is not (or need not be) confrontational and elsewhere in this text has been characterised as the 'friend' aspect of the 'critical friend' role (see p. 171). The harder-edged 'critical' aspect is more likely to be employed within the council itself when holding the executive and senior officers to account, although it should not be employed hastily.

Role delineation

In some cases, ongoing external stakeholder witness involvement was a very positive experience. An external stakeholder (a voluntary sector chief executive) involved as both a witness and a co-optee on an OSC, on a relatively long term basis, described her involvement as 'mutually beneficial' as it raised her organisation's profile, gave her access to information and introduced her to councillors and senior officers. Her organisation also conducted research for the OSC concerned, which indicates that when discussing external stakeholder involvement in OS, the lines between OSC co-optee, OSC witness and OSC support/research are not always strictly demarcated, although an alternative viewpoint from a different authority states that they are:

> Scrutiny officer (Authority C): *... if I'm there as an officer, I am there to answer questions from members and give evidence. If you're there as a partner you're either there ... answering questions, or you might be there as part of the committee, co-opted ... to ask questions. And I think it's important to keep that clarity of role. It's not a round-table discussion, it's not a policy development, we have advisory groups for that.*

The view quoted above has negative implications for OS as a forum for a more deliberative style of democracy, which would necessarily involve a more fluid dialogue and less formal distinction of roles. The examples given by the interviewee do indicate a continuum of roles in terms of external stakeholder involvement. At one end of the spectrum this would involve clearly demarcated remits and more specific expectations of each individual,

dependent upon the capacity in which they are involved in OSC processes ('hard' role delineation). At the opposite end of the spectrum there would be more fluid roles and less strictly defined individual remits ('soft' role delineation). The first extreme was most often witnessed in formal committee session, especially in OSCs in the larger case study authorities. The principal forums/environments for this type of involvement are described in the following Figures 5 and 6.

Figure 9: 'Hard' role delineation

i. **Formal committee session in a larger authority**

Larger authorities mean greater numbers of members sitting on OSCs and (typically) a larger number of officers and others in attendance. More people at meetings means a more pressing need on the chair to establish and maintain order and ensure that all have an equal chance to contribute. The need to move rapidly through a pre-published agenda adds to the time pressure.

One of the most effective and appropriate ways to do this involves a more structured approach (a chair-maintained list of those waiting to speak during the meeting rather than a more relaxed approach) and the adoption of a formal 'Q & A' style approach to questioning, etc. The structured approach lends itself, for logistical reasons, to a clearer distinction of roles.

ii. **Monitoring / holding to account / performance management role**

The type of work normally conducted in formal committee session (rather than a less formal working group) tends to be of the more procedural variety, concerned mainly with transparency, accountability, representation, etc. In this sense it is more a purely democratic exercise, with a less explicit focus on service improvement. In this setting the 'formal' role of each participant is brought into focus, for example the non-executive (OS) members exercise their democratic role in holding key decision makers to account. Those giving account to

the OSC are aware of their democratic duty to be open and accountable in the expenditure of public money (whether they *believe* they are accountable to an OSC is another matter), and all those involved in the process are fulfilling the 'formal' requirements of their role in the interests of transparency, democracy, etc.

In the less formal working group setting, which in larger authorities will be set up to undertake OS reviews, the focus is on service improvement to a greater extent. It has been observed that in this setting less emphasis tends to be placed on formal role distinction and more placed on working together to question and develop services through member challenge. There is certainly more deliberation and less 'us and them' in the context of a smaller, less formal meeting.

iii. Bureaucratic / reactionary organisational culture

In a classical Weberian bureaucracy (Hughes, 2003, p. 21-24), present in many local authorities, there is likely to be a clearer delineation of roles and responsibilities within the OS context, reflecting the broader hierarchical arrangements in the council at large. An example of this is the director who will not allow the head of service to discuss his or her service with an OSC, despite the latter being far better informed in most cases than their superior when discussing 'their' service. It is seen as proper that the senior manager, because of his or her super-ordinate role in the hierarchy, should attend OS to give account.

Role delineation prevalent within the broader framework of the council is then replicated in the OS context because it is the default position. OSC chairs exhibit 'chairman-like' behaviour and the senior manager exhibits '(strategic) managerial behaviour'. Flexible and open ways of conducting OS are compromised where clearly defined roles are established. This behaviour has been observed in the different ways that OSC chairs engage with external and internal stakeholders. When very senior figures are in attendance many OSC chairs alter their behaviour noticeably. This is in contrast to the behaviour exhibited

when members of the public or others are in attendance. This is pragmatic chairmanship, but can also be attributed to power relationships based on organisational culture, personal gravitas, history and resources, and both formal and informal position/s within the authority. For example, existing organisational culture in three county councils prior to the introduction of OS was found by Sandford (2006) to have influenced subsequent OS arrangements in terms of committee structure, and the relationship with the executive and senior officers. The reversion to old-style local government behaviour and norms characterised by 'hard' role delineation is an example of traditional (pre-OS) organisational culture prevailing.

Figure 10: 'Soft' role delineation

Some of the best received OS by all concerned (including senior officers)[1] involved sessions that engaged service users in conjunction with service providers. Such sessions were observed breaking down fairly rapidly into non-hierarchical and deliberative sessions, with a dilution of formal chairing and due process. The meetings went from questions posed through the chair to senior officers, to *ad hoc* discussions with the service users involving both members and the senior officers concerned. Bringing service provider and service users together in the OS process allowed members to observe both sides of the debate and draw their own conclusions. As one scrutiny officer stated: 'that's where consultation and engagement can play a part; you're testing evidence that you're hearing against other groups'.

'Softer' role delineation has a key role to play in this regard. It was most frequently observed in working groups formed by larger OSCs, which are confined neither by the requirements to produce formal agendas and minutes nor the sheer size of the OSC and its accompanying logistical challenges (finding and securing appropriate meeting venues,

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[1] Based on face to face discussions with senior officer participants, in confidence, immediately after the event.

circulating OSC papers/reports, etc.). Such informal OSC working groups were generally the setting for more fluid relationships between OS members and external stakeholders, although examples of this could also be observed on occasion across the full range of OS settings and processes:

i.   Smaller OSCs with fewer people present

In the smaller district councils that were observed, less formality and role delineation existed within the work of the (smaller) OSCs. Even in formal committee session, much more open and flexible chairing enabled a more fluid relationship between participants. Larger authorities have been observed replicating this where formal committee sessions were skilfully chaired, and where OS was conducted in working groups of the main OSC (with less formality and fewer attendees).

ii.   Evidence gathering for scrutiny reviews

A much less formal relationship with 'softer' role delineation can be frequently observed when evidence is gathered for scrutiny reviews. In some respects the ethos of OSCs changes to reflect more the desire to improve services in a collaborative manner. As one scrutiny officer (Authority C) observed: 'members want a dialogue with the managing director of [private company], but they want it in a constructive way. So they don't want to haul them in and ask them difficult questions ... It's actually what can we do together to improve services'.

This involves working in partnership with the witness attendee. Where attendees are external stakeholders, extra care in ensuring that they are welcomed and treated fairly has been observed. Formal committee sessions in which the purpose is primarily to hold to account (i.e. select committee style question and answer sessions) are characterised by role delineation and greater formality. In contrast, evidence gathering sessions by smaller OSCs and working groups of larger OSCs are often

more like focus groups, or problem solving groups, with much less role delineation.

In these settings, in some cases, members actively defer to the participant in a manner which would rarely be observed in formal committee session. This was mostly in recognition of the expertise of the individual giving evidence, but it may also occur where members are unsure of the issue themselves and have limited casework knowledge to draw upon to 'ground' the issue in constituents' daily experiences. This undermines the main benefit that councillors can bring to the OS process: local knowledge and awareness of residents' concerns in relation to services.

The qualitative nature of external stakeholder involvement

Various terms are employed to describe participants in the OS process, which in turn, can indicate the qualitative nature of their input. Terms range from 'guest speaker' through to the judicial term 'witness'. Less complementary terms include 'drum-bangers' and 'usual suspects', typically employed when referring to members of the public with very specific, usually ongoing concerns, and serial attendees / complainants, respectively. The almost universal lack of public attendance at OSC meetings (with the occasional exception of health scrutiny) seems to have prompted borderline suspicion of any member of the public who does attend or show an interest in OS and/or its work.

In contrast, professionals are generally accorded the status of 'witnesses' or even 'expert witnesses'. The research has revealed that in the OS context, similar levels of deference are only accorded to the general public when they are service users able to provide insight. The attitude then is that their views are not unimpeachable and must be counterbalanced because of a risk of bias. Generally, the views of public sector employees are accepted with little reproach, perhaps suggesting that there is an unspoken belief in the professionalism and public service ethos of public sector senior managers. It also raises interesting questions in relation to the interface between local

politicians and bureaucrats, and the relative status and prestige of each in relation to the other.

OS chair reference to members of the general public who may be interested in a particular piece of OS work is sometimes accompanied by vitriol about 'drum-bangers' and 'usual suspects'. This is ironic particularly when viewing the web pages of many OS functions, where a range of inducements to 'get involved' and 'suggest a topic' enjoy prominent positions. Some OS chairs appear to have a clear conception of their OS role in relation to the general public:

RB: Do you think there's a role for the general public in [OS]? You know, people who may not have expert knowledge.

Councillor (Authority D):
        No. You know this is not a public enquiry or something. This is about making the county system work better ... Otherwise, if you bring the public in you're back to, you know, opinions, axe-grinders and politics, and the outcome will be zero.

Partly due to this, OS appears, generally, to have developed into a technical exercise which privileges expert advice and opinion. However, it could be argued that this is also a result of the way in which policy is developed in local government in general under the public management model (Corrigan & Joyce, 1997; Hughes, 2003; Massey & Pyper, 2005), with its focus on expertise. OS is clearly no different from the rest of local government in this respect. Privileging expert knowledge may have benefits, but perhaps hinders the development of a broader role for OS in engaging local people in the governance of their lives, due to the complexity of the topics and the language employed. This could be inevitable and is very likely to indicate a broader issue for the democratic renewal agenda and exhortations to involve citizens; the complexity of the public policy issues faced today may be such that it necessarily excludes from the debate all but experts in the fields concerned.

Presupposing that everything reported by senior officers and experts is beyond reproach and an accurate reflection of fact actually poses some risk to the integrity and accuracy of the OS process. For example, commentators have proffered various explanations of the different motivations of senior public sector officials. Thinkers in the public choice tradition (e.g. Niskanen, 1971) have claimed that bureaucrats will by default seek to maximise the budgets of their departments as 'a larger budget will mean greater status and higher salaries' (Marsh *et al.*, 2000, p. 462). These motivations will, necessarily, impact negatively on senior officials' input into the OS process.

However, Patrick Dunleavy's 'bureau-shaping' model (1991) counters the public choice analysis with the claim that the status and quality of their work is the principle concern of senior officials and, when 'faced with institution-wide cuts, they reshape their bureaux into small staff agencies in order both to protect themselves and their agencies, and *to allow themselves to concentrate on the policy-advisory role which they prefer*' (Marsh *et al.*, 2000, p. 462 emphasis added). Dunleavy's view is less pessimistic about the underlying motivations of senior officials, and implies that engagement with an OSC in policy development mode would be an enjoyable experience for an officer. A corollary of this would be better quality input into the process.

The questioning of public sector officers in other agencies is qualitatively different from the questioning of council officers given the different relationships with the OSC. Senior council managers are officers of the council and OSCs are committees of the Council. There is therefore a strong professional imperative to respond proactively to an OSC when requested. External stakeholders have no such compulsion. Although OSCs are now endowed with statutory powers to scrutinise the LAA partners' performance in relation to LAA targets, senior managers in the employ of the partners may not see their lines of accountability including local authority OSCs, and could therefore engage in only a tokenistic manner to comply with statutory requirements.

The implication of this is that a more conciliatory tone is often adopted when scrutinising council partners. This is because the use of statutory powers to compel cooperation with an OSC could affect valuable relationships on a much broader and more fundamental level. On that basis, any OSC chair would have to consider at length the possible implications of relying on legal compulsion to engage with otherwise unwilling council partners.

This leads to another key qualitative issue in the involvement of external stakeholders in the OS process: the extent to which the engagement is considered worthwhile and potentially effective. In this respect, the involvement of external stakeholders in the OS process can vary from tokenistic to substantive. External stakeholders' own perceptions of why they are being involved are critically important:

> *I'm also aware that they've* [council officers] *got a job to do as well, so whether it's a case of ticking the box so that they can say yes, they've consulted with a voluntary and community sector organisation or whether they genuinely want to get involved, I'm not sure. Obviously it depends on the individual as well. Certainly to start with, when I first started this job I really got the impression that I was invited to all the different places so they could say that they'd done it. You know, where they have to meet targets about consulting with voluntary and community sector organisations, I don't know. But now as it's progressed and the role has become more established, I think it is changing.*
>
> (Voluntary sector partner (Authority A) involved at various stages as both a witness and co-optee on an OSC).

The obvious aim of any OSC would be to ensure that any stakeholder participation was substantive. A particular example encountered by the researcher involved the discussion with an OSC chair (Authority D) of an event to involve young people, the aim being to inform the OSC's work programme. The chair was vehement that the event should be substantive and not tokenistic.

It could be theorised that where the power and prestige relationship is balanced in favour of the OSC, the issue of tokenism arises. Certainly one

would not expect there to be any question of whether the involvement of the Chief Constable, for example, would be tokenistic. Every effort would be made to accommodate and question at a sufficiently high level. When involving less prestigious or powerful stakeholders there is more likelihood of box-ticking and tokenism. This is all the more likely in the context of strong command and control from the centre in the form of performance indicators, audit and inspection, which may present requirements to engage with voluntary groups and the public. Indeed, box-ticking is equally likely to take place in the OS process than in other council services. Possibly apocryphal tales from across the public sector of 'gaming' the system to achieve better inspection results (Seddon, 2008) do have their OS equivalents: for example, the researcher has heard first-hand how one OSC engineered a call-in (the first ever at the authority) before their authority's Comprehensive Performance Assessment.

The qualitative nature of external stakeholder involvement varies according to the formal institutional arrangements in place. OS was intended by the Labour government to be a new and flexible way of working which broke with some of the more staid practices of the committee system and, as such, should potentially be more open to good quality external stakeholder engagement. Under the committee system, formal reports and recommendations from officers were considered in policy committees. The nature of the work dictated that the way of working was structured, formalised and dictated by due process. The OS process has mutated from this, although aspects of the previous system are sometimes still present in the procedural elements of it and, in some ways, of conducting OSC business. This in turn can hamper the aforementioned potential of OS to involve external stakeholders in a substantive and qualitatively different manner.

There is certainly a tension evident between the procedural requirements placed on OSCs and the need to be innovative in gathering evidence and examining issues:

> Scrutiny officer (Authority C): [OSC] *is still a formal committee of the council where we have to follow procedures. You know, so for example if there is a confidential matter we'd have to exclude the public and the press. So we can't get away from that and I don't think we should because it has a formal role.*

When the need for speed and efficiency arises (as in the case of scrutiny reviews) many OSCs simply form working groups which meet outside of the formal committee structures. They are not constrained by the formalities of a properly constituted committee, and can therefore interview witnesses (in some authorities, controversially, in private), conduct site visits, meet the next day (without the requirements to publish agendas and give notice, etc.) and enjoy a range of other flexibilities. Chairing styles and participant involvement are, similarly, more relaxed and are genuinely representative of a new way of working, at least in the context of OS working groups.

The qualitative nature of external stakeholder involvement also depends upon the pre-existing relationship with the OSC, which can vary across a wide range of interlinked variables:

- Formal relationship: Co-optee – witness
- Employment sector: Public – private – third – none
- Knowledge / experience
- Personality
- Etc.

Many variables and factors will affect an individual's input and perception of OS, making it difficult to generalise or theorise on the subject. However, referring back to the previously mentioned technical nature of OS, it can be stated that it is unlikely that an individual without a given level of knowledge and experience would be a welcome participant in the work of an OSC. However, co-optees tend to be especially valued:

> RB: Would you say that external stakeholder participation is a priority for you?

Councillor (Authority C): *Yes, it's one of our priorities, yes it is. I mean all, all members here are elected. Right, so they have a mandate basically from our communities to come and represent them and be a voice. But you know, we don't know everything. You know, we don't know everything. And our co-optees usually have a particular skill or a highly developed interest in, in the subject ... and we can learn from them.*

RB: Does the electoral mandate of the elected member set you apart in any way from the co-optees?

Councillor: *No it doesn't, because we are, we say we're non-political. And we're not, we aren't political, in as much as, you know, there's no party lines being drawn here, there and everywhere, no pressure put onto people to do anything, you know. So when our co-optees and members of the public come in and they want to ask a question or want to give some evidence, it's what they want to say. And we take that on board as we'll have invited them to do so, so you've got to listen and they are equal. Must try to make sure that our co-optees feel as if they are an integral part of the committee, the same as a member, or otherwise what's the point in being there?*

Examining the views of external stakeholders who have been involved in OS processes was a particularly informative aspect of the research which provided a decidedly mixed picture. One voluntary sector employee with good knowledge of an array of issues facing the relevant area was particularly unflattering:

RB: Do you think there's a role for members in questioning witnesses and getting involved in debates?

External stakeholder (Authority A): *I sometimes feel quite embarrassed by councillors, for them. Just, I don't know just, you know, as I say I sometimes feel like they don't really have a clue, they don't really know what it is they're supposed to be doing. Sometimes, well, what I see is really basic points or things they seem to have just completely missed. I don't know whether a unique type of people are councillors.*

RB: Do councillors bring anything to that kind of meeting, where you're questioning people?

External stakeholder: *Oh I'm sure they do, yes. I'm being too harsh. Yes, I mean as I say some councillors are absolutely fantastic. [OSC chair] is fantastic, incredibly knowledgeable, incredibly passionate, really wants to make a difference and I think he really feels that he can make a difference as well. Unfortunately councillors like him are few and far between in my personal experience. So yes.*

The points raised elaborate one of the key challenges facing OS in a professionalised and managerial public policy arena: the role and status of the lay perspective. Councillors have, traditionally, been viewed as electorally mandated and therefore able to provide a legitimate and representative view on behalf of their constituents; however, is the electoral mandate sufficient in the modern world? Dialogue with an external stakeholder suggests an alternative form of representational legitimacy:

> RB: *Throughout this interview I've picked up a theme that you're* [voluntary sector organisation employee] *there representing people's interests. To me also councillors are there to represent people's interests. Now, you don't seem to think councillors are very well equipped to do that. What makes* [her voluntary sector organisation] *uniquely placed to ... be able to do that?*

> External stakeholder (Authority A): *Because of the people that we're seeing, because of the people who are coming to see us. I know that people go to councillors as well to discuss the problems and I don't know how councillors record the people who come to see them or how they collate the information, but we have a very, very sophisticated system which means that I can instantly access who's coming to where with what problem. How it was resolved, what the issue was, how the, how they got into that situation in the first place. I'm sure that councillors are representative of the people who voted them in and who wanted them there. I don't know any demographics of people who come to see us, I don't know if they vote or who they vote for, but I would suggest that possibly they don't, because they don't see any point in it because they don't think that these councillors are representing them.*

Expressed above is the idea of a competing legitimacy based upon technology and expert knowledge of the issues facing a particular demographic. Councillors may have greater legitimacy across a wider range of governance activities; but in the context of a particular scrutiny topic or review, does the subject expert enjoy a greater legitimacy than the elected member, who may not enjoy similar expertise? The question for OS would be more usefully put in the following terms: How can electoral legitimacy be placed on a par with technical legitimacy when scrutinising esoteric and specialist subjects? The question is not simply academic, but has practical implications for the credibility of OS and the ongoing engagement of experts

in the OS process. In chapter 8 (p. 252) deliberative democratic processes are described as a potential response.

The question is particularly relevant given the increased levels of mistrust arising from the recent scandal involving MPs' expenses. The reputation of councillors has suffered less than that of MPs, but a spill-over effect has occurred (LGC, 2009, p. 7) whereby questions of councillor illegitimacy are strengthened as the already common perception of self-interested politicians gathers purchase. The end result for OS is that the balance tips further towards expert legitimacy in decision-making. Even if OSCs were endowed with extensive powers, attracted consistent media attention and their purpose widely understood, their essential legitimacy would be compromised by the current and almost unprecedented unpopularity of politicians and politics as a brand. This wouldn't be so important if senior council decision-makers and external stakeholders were somehow insulated from the scandal or were able to detach from it in their dealings with OS. However, this is obviously not the case, as all are taxpayers and consumers of media. The likelihood of OS enhancing local democracy through public participation and greater emphasis on deliberation in the democratic process, in line with the requirements of the democratic renewal agenda, is therefore severely compromised by its fundamental association with mainstream politicians and politics. This is unlikely to improve unless a fundamental change in public opinion takes place.

7.2 Representation

The second category of concepts emerging from the data is named 'Representation'. Fundamentally, councillors exist to represent their constituents, but how representation is practiced has altered under executive political management arrangements. Technically speaking, under the previous committee system, all councillors had a voice in the decisions that were made. Of course, in practice, the party whip and group discipline meant that often decisions were taken before committee meetings, leaving members little scope to exercise independent judgement once a line had

been agreed. It is not hard to imagine the protracted process that decisions would be subject to, with particularly contentious reports presented to several committees before approval was received.

The executive system, in contrast, could in some cases speed up the decision making process, with informal schemes of power delegation foregoing the requirement on senior officers to verify decisions with the relevant portfolio holder. In terms of efficiency this is to be welcomed, but some question whether the democratic cost of locking the majority of councillors out of decision making is too severe. In this regard the response of the OSC is paramount. Where effective oversight is required before a decision is made, the OSC must be equipped with the cabinet forward plan, ready to time its intervention and deliver an evidence-based and non-party political appraisal of the issue to provide the requisite challenge. Where services are found to be lacking, OSCs must be able to draw upon the resources needed to scrutinise effectively on behalf of residents. Both of these processes fall within the representative role of elected members; indeed, during interview none suggested any incongruence between their role as representative and their role as scrutineer.

It can be concluded that different modes of representation exist: the aforementioned committee system model of representation, whereby members represented the views of constituents via the exercise of a vote and a portion of executive power; and the current system which means that non-executive members hold their executive counterparts (and other powerful figures across the public sector) to account on behalf of the voters. The latter system of representation has been expanded through the introduction by central government of concepts such as 'community leadership' (Centre for Public Scrutiny, 2007, p. 12; DETR, 1998b; Stewart, 1999). Such concepts have not yet appeared to have gained purchase 'on the ground', as few members referred to it explicitly during the research. Non-executive members have, however, developed specific views about the 'scrutiny' element of their OS representative role. The diversity of these views is stark, and the concept is explored in-depth in the following sub-chapter.

7.2.1 Scrutiny

'Scrutiny' has taken on different meanings in different authorities. It and its counterpart 'overview' are used, depending on the authority, in combination or in isolation. In one of the case study authorities, scrutiny was taken to mean 'after the event examination of an issue or policy'. Scrutiny committees co-existed with policy development committees which looked at nascent policy, a task which some in the authority conflated with 'overview'. A vital distinction is that the policy development committees examined pre-implementation policy in a party political environment chaired by the relevant cabinet member; meetings were also not held in public. 'Overview' would differ in that meetings would be public, non-party political and exclude cabinet members from joining the committee.

In other authorities, 'overview' and 'scrutiny' were combined with often a limited pre-decision / pre-implementation policy development role. Policy was also developed through the 'scrutiny' activity that was undertaken, whereby evidence was heard, sites were visited and good practice from elsewhere examined; the culmination of this evidence-gathering usually being a report and recommendations for service improvement. Indeed, acceptance and successful implementation of the recommendations, to many, constitutes policy development, whereas to others it doesn't. To illustrate the rather esoteric distinction between post-implementation policy development via 'scrutiny' reviews, and pre-implementation policy development from the outset, a graphical representation is given below:

Figure 11: OS interventions in the policy making process
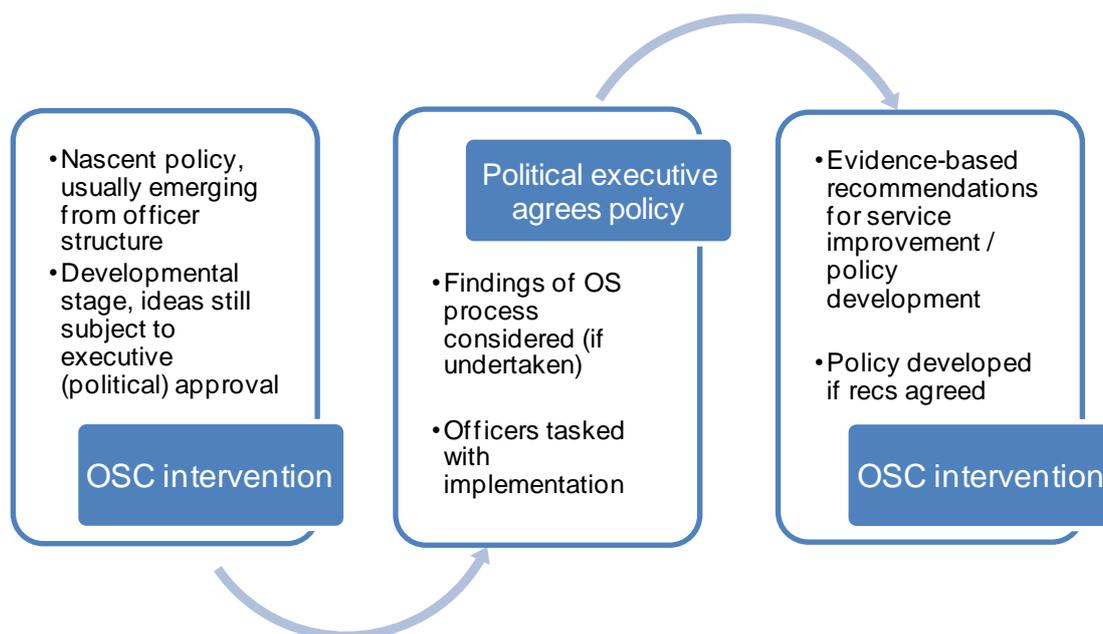
The above is probably the most prevalent view within the authority of what 'overview' and 'scrutiny' are, with the majority of OS activity observed and discussed by interviewees of the retrospective 'scrutiny' variety, i.e. examination of policy and practice with a view to recommending improvements. Scrutiny reviews are the most highly recognised output of the OS process, and are widely seen to be the most valuable, assuming they are done well, as with the best of intentions, ill-conceived or poorly executed scrutiny reviews can have an extremely deleterious effect on local relationships. External stakeholders involved in the OS process seemed aware especially of the potential negative impact of investigations, although it should be stated that the occasional opportunity to quiz senior council officers seemed to be an adequate inducement to participate.

Very careful management is usually required to prevent an instantaneous negative impression of a scrutiny review and its motivations. Uninformed or misinformed senior stakeholders with a limited understanding (and sometimes those with a perfectly adequate understanding) of what the scrutiny review aims to achieve, can put up barriers and effectively refuse to buy-into the process (despite any tokenistic participation they may indulge in). Senior officer buy-in is crucial from two perspectives: they are expected to provide accurate and timely evidence; and, perhaps most importantly, they

are the ones who will be tasked with implementing recommendations. When OS is often poorly resourced, every stakeholder must be on board with the process; this is especially true when there is no executive power endowed in the committee producing the recommendations.

Senior officer involvement

It is hard to ascertain from the data why senior officers require such careful handling when affected, or likely to be affected by scrutiny activity, as has been indicated by the findings. The most obvious explanation is that services invested with personal time, effort and emotion are in the spotlight to a greater extent than would otherwise by the case. Service managers may not be aware of or appreciate the non-party political ethos of OS, and may be concerned about attacks grounded in political expediency. Further concern about the use and potential misuse of data can be justified when, for example, seasonal variations in quantitative performance indicators are misconstrued as systematic flaws. Perhaps most importantly of all is the reputational risk involved in being subject to any kind of scrutiny. When a service is assessed as high performing under a corporate assessment, a star rating is assigned which can contribute significantly to a manager's CV. The profile of OS is, as yet, insufficient to bestow similar personal benefits on high performing managers, although the opposite is true: a poor verdict from an OSC can damage reputations. Therefore, in terms of cost / benefit OS involvement in service improvement is, in the view of some, best avoided. The research was not aimed at addressing this question, but clearly it has implications for external stakeholder participation in OS processes.

The research has shown 'scrutiny' to be an essentially technical exercise, and on that basis it is hard to overstate the role that senior officers play in the process. The data have shown that where OS has effected change, it has been with the buy-in of the most senior officers of the council. This is simply due to their role in supplying the technical information required to scrutinise, their policy and strategic advisory role to 'their' cabinet member, and their role in implementing the recommendations of OS. An example given by an

OS chair (Authority D) illustrates the pivotal role senior officers play in allowing OS to effect change (often despite the executive's support):

> *...that whole report got simply rejected out of hand* [by cabinet]. *However, having said that, the officers ignored it* [the cabinet decision] *altogether and created an action plan which is actually steadily being implemented now without any cabinet recommendation ... Well, I mean we can't say too much about that you know, because we wouldn't want to put officers in a difficult position ... You've got to use the system haven't you? Just because something's right doesn't mean it's going to happen. Local politics is about working the system, having confidence between people and establishing confidence of officers because they're the ones who have real power in that they can actually do things because they control budgets don't they?*

The same interviewee also stated that politics can be divorced from scrutiny as scrutiny is, as mentioned, a technical exercise. The interviewee (an OSC chair) described his own experiences of policy development in a hung authority, claiming that policy development was less contentious. This is similar to the picture that emerged of the hung authority studied in this research (Authority B). OS members worked coherently together and effectively sidelined party politics, even when scrutinising a particularly contentious issue. The small OSC on which they sat lent itself to personal relationship development, which may have been a factor in the effective cross-party working observed.

Other factors of note included the 'fourth option', or streamlined committee system political management arrangements, which meant that the OSC's attention was focussed on several policy committees rather than a single executive individual or body. Members were used to negotiating and building consensus to get decisions made in the policy committees and in full council. However, the large independent contingent were key power brokers, and a previously (generally) consensual council was split (irrevocably, thanks to then imminent local government reorganisation and the subsequent dissolution of the council), because of a shift in the support of the independents from the minority ruling group to the biggest opposition group over the highly charged issue of alternate weekly refuse collections, which

resulted in a change in political control. The fallout and consternation amongst members from this was considerable and the effects were felt in the council's two OSCs, one of which was tasked with investigating in depth the reporting process leading up to key decisions made by the then ruling coalition. This was a highly party political issue and was not normally a topic that would be considered suitable for OS by councillors.

The importance of senior-level buy-in to the OS process has been discussed, as too has the increasingly technical nature of OS deliberations. These are important factors, but one underdeveloped, yet noteworthy line of enquiry that emerged from the research relates to an ambiguity over the role of OS:

> *... because OS is slightly incoherent in many LAs and is certainly incoherent in this authority, it's hard to actually tease out what councillors want and therefore what tool is most appropriate to let them get what they want.*

RB: *When you say it's incoherent what do you mean? Can you elaborate on that?*

Councillor (Authority A):
> *Yeah, I don't know of any time in the last five years when anybody's been able to tell you what the purpose is of OS in this authority. I don't know of any time in the last five years when there's been any kind of agreement throughout the council on what the proper role for OS should be.*

RB: *Is that among members, officers or both?*

Councillor:
> *I think both. I think members have seen OS as part of a power struggle between the non-executive members of the council and the executive. We're talking about an authority with a very strong leadership group, where the leader and the deputy leader speak with one voice and where anyone who wants to be part of the executive has to really consent to that and go along with it. As a result, members outside the executive, especially the leadership group of OS, have almost seen themselves as being the real opposition. Bear in mind that we're talking about an authority where all the scrutiny chairs are held by members of the ruling group, you know? But, it does lead to his kind of opposition within the ruling group taking over the scrutiny chairs for themselves and using it to*

> *kind of act out their power struggles within the ruling group, rather than in the interests of OS.*

RB: *That is an interesting perspective. So it's party political but not between the parties, it's party political within the dominant party group?*

Councillor:
It's intra party rather than inter party, yeah.

Such confusion and maltreatment of the OS process would, perhaps, be more destructive in a function focussing on the 'big', often ideologically based policy questions. For example: 'As a council should we tax and spend?' If this was the case, then members could appropriate OS in order to promote and grant evidential legitimacy to essentially ideological stances. However, in reality, there was very little questioning of this variety observed, members in general focussing instead on technical detail (e.g. 'what are we doing about ...?') with some regard for outcomes.

7.2.2 Overview

One scrutiny officer (Authority A) interviewed described 'overview' as an 'almost philosophical activity' encompassing anything that members may deem appropriate in order to represent their communities. In general, as a concept 'overview' is very open to the point that it is often rejected as a label altogether, with some involved in the OS process referring simply to 'scrutiny'. This is not just a matter of brevity, as several authorities separate the role they attributed to 'overview' - pre-decision policy development - out from the scrutiny process (see p. 200). This is one way of conceptualising 'overview': the point in time at which non-executive members in their broader OS capacity get the opportunity to evaluate policy. In this sense 'scrutiny' is undertaken *after* the executive has agreed the policy and it has been or is being implemented, whilst 'overview' is undertaken as policy proposals are *being* developed, before they reach the executive for a final decision. 'Overview' has also been seen by some as more outcome-focussed and strategic, as opposed to the focus on minutiae often necessitated by 'scrutiny'.

Other ways of framing 'overview' include reference to the particular work undertaken. For example, in some instances, 'overview' was used to describe performance management by an OSC; this could be labelled as a task-based approach to defining overview. An equally prevalent view is that overview and scrutiny are inseparable in practice, regardless of the definition of overview applied. For example, when applying the 'point-in-time' approach to defining overview, which places the activity at a specific point in the process of fledgling policy development, an OSC in performing scrutiny produces recommendations which go on to develop further (either brand new or rehashed) policy in the pre-decision stage.

Parsons describes this in general terms: 'In reality, the distinction between analysis for policy-making and evaluation of policy is not well demarcated. The evaluative studies of policy feed into analysis of problems and policy issues and vice versa' (1995, p. 382). This clearly suggests that a marked distinction between 'overview' and 'scrutiny' on the 'point in time' basis represents a false dichotomy. However, that such diversity of opinion and practice in local authorities has emerged signifies the flexibility of OS. The significance for external stakeholder participation of each approach to overview is explored in the following sections.

Point-in-time approach to overview

Placing 'overview' at one point in a policy development continuum is a neat and superficially attractive method. The underlying principles behind it are:

- **Policy making is a linear process with single and discrete outputs** (i.e. the policy making process as a production line mandated by the political executive, rather than a loop involving numerous parties including implementing officers): officers draft policy which goes via an OSC to the executive. The OSC comments on the proposals and feeds its opinion into the executive's deliberations on the matter.

- **It should be evidence based**

  Ideally the OSC will have had sufficient time and resources to gather evidence on the issue to underpin its policy recommendations.

- **It should be transparent**

  Due to their electoral mandate, and/or a general commitment to openness, non-executive members have the right to see what is being proposed.

- **Consensus is desirable**

  Either a wish to dilute responsibility for the policy outcome or a general desire to consult widely leads the executive to the view that consensus is desirable.

In this model OS plays a role in developing the foundations of a new policy. As the policy beds in and evidence as to its efficacy begins to emerge, the OSC concerned may later revisit the policy in 'scrutiny' mode and develop it further via recommendations to the executive.

Another view (not strictly at odds with that described) is more inclined to see the policy making process as a loop involving numerous stakeholders, viewing executive sign-off as a merely a single stage in the policy process and therefore accord less importance to OS involvement from the outset. Subsequent OS attention produces recommendations, ideally based on sound evidence, which go on to develop given policy further.

Executive agreement of such recommendations is only the first stage in OS delivering improvements for service users and *existing policies and procedures which are regarded as 'business as usual' may be the hardest in which to effect change*. This can be evidenced by a number of examples, cited both anecdotally and by interviewees, of OSC recommendations being agreed wholesale by the executive, only for them to effect minimal changes in frontline services. Also, in congruence with this is Gains *et al*'s (2008) verification of Dunleavy's bureau shaping model in local authorities. The gap between getting recommendations agreed and having them successfully implemented is large, and can only be narrowed by ensuring the support and understanding of those tasked with implementation: senior officers. Where an OSC is in a position to develop the foundations of the policy in its earliest

stages, there is perhaps the greatest opportunity to influence service delivery. This is in keeping with a view long held by systems thinkers that you cannot inspect quality into a product; rather it must be built in from the outset (Seddon, 2008).

The application of systems thinking to the public sector is currently fashionable, especially in light of recent failures and criticism of 'command and control' inspectorates such as the Audit Commission and Ofsted. If credence is given to the idea that quality is either absent or inbuilt from conception, overview of the pre-decision variety could be seen as potentially the most effective method of non-executive councillor involvement in shaping local policy. Examples of external stakeholder involvement in this variety of overview (policy development from the outset) did not arise in the research. As with all external stakeholder involvement, the value would be in hearing a range of perspectives in a deliberative process that OSCs can orchestrate. This in turn augments the evidence base upon which recommendations are developed.

External stakeholder participation in policy development from the outset (in this context 'overview') is, potentially, more contentious than in other OS activities. As this form of 'overview' is the precursor to a political decision, issues of mandate and legitimacy impinge on otherwise fairly uncontroversial external stakeholder involvement. Where an OSC has the time and resources to develop an evidence base, external stakeholders can prove invaluable, especially where they have prior experience of receiving a similar or related service. Experts may be too easily viewed as implicitly political in their views, especially on highly contentious topics, and always pose the risk of lending their considerable weight to a strong counterargument at odds to the executive position. Also, a strong evidence base is only one part of the decision making process (Sanderson, 2009, p. 699), and what constitutes 'evidence' is subject to epistemic debate, specifically 'whether one valid claim to provide evidence is superior to another' (Stoker & John, 2009, p. 357). Therefore, however well considered and inclusive the evidence gathering process, political expediency or other considerations may lead the political

executive to, at worst, ignore an OSCs recommendations outright in a policy's formative stages, especially if any external stakeholder involvement was ill-conceived.

7.3 Evaluating external stakeholder participation

The literature review introduced Fung's (2006) 'democracy cube' , which provided a more thorough analysis of stakeholder engagement than existing one-dimensional models (Arnstein, 1971, etc.). The following section will attempt to locate the various different degrees of involvement of external stakeholders in OS processes within Fung's schema, which uses three variables:

- **Participants**

  'Diffuse public sphere / everyone' to 'expert administrators'

- **Communication and decision mode**

  Ranging from 'listen as spectator' to 'technical expertise'

- **Authority and power**

  'Individual education' to 'direct authority'

Fung's democracy cube
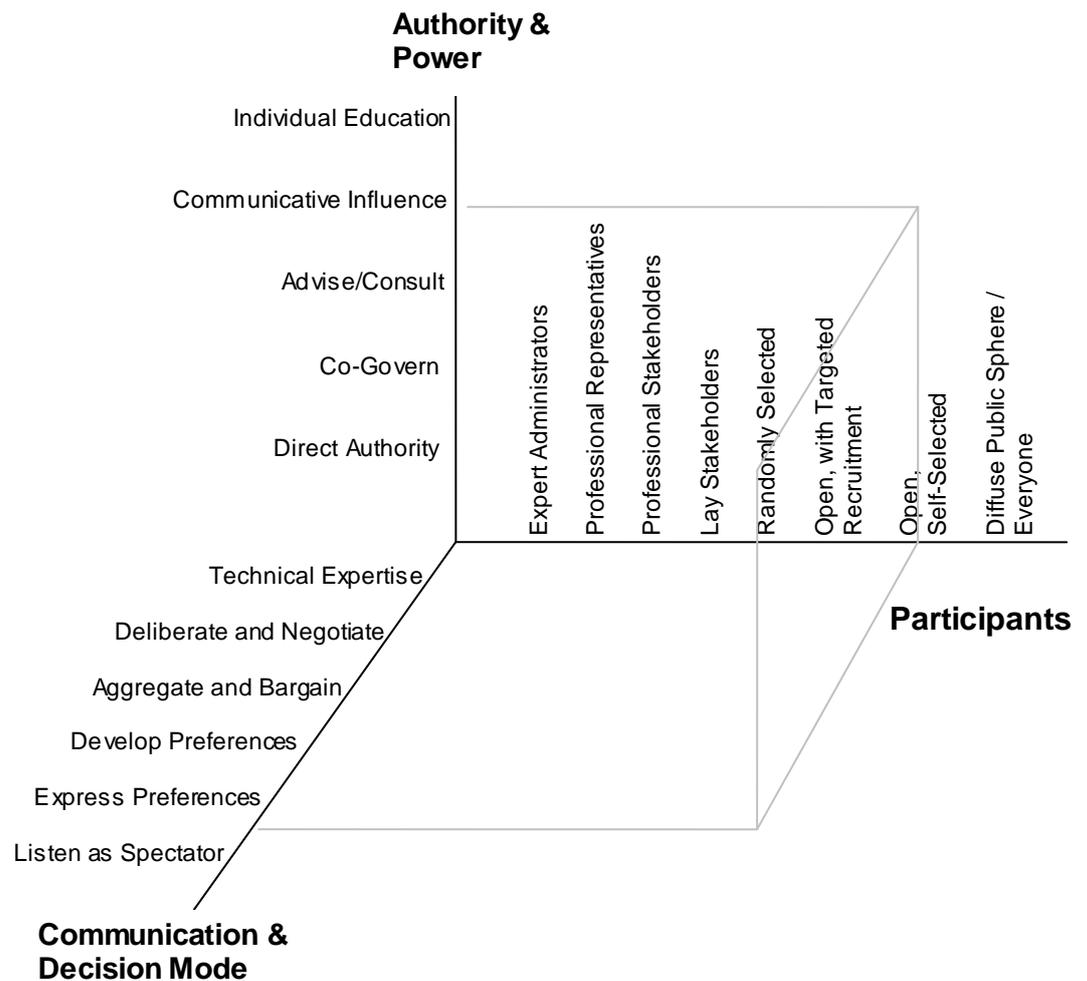
Participants

The external stakeholders themselves ranged from 'lay stakeholders' through to the 'expert administrators' as described by Fung (2006, p. 67-68). In the case of the former, the venue tended to be health scrutiny meetings, which attracted interested relatives and patients when considering substantial variations to NHS services in an area. Where this takes place, the participation is protective and seemingly unconcerned with broader questions of citizenship, voter education and direct democracy. Broader residual benefits of this variety may emerge from the participation, but the immediate concern is the preservation of services as they are.

The research revealed in OS processes none of Fung's more open varieties of participation, the most open encountered being the 'lay stakeholder' type.

'Lay stakeholder' involvement was observed in one of two variations, as a co-opted member (whether formal or informal, permanent or time limited) of an OSC, or as a 'lay' witness to an OSC. A good example of co-opted 'lay stakeholder' involvement in OS processes occurred in Authority B, an OSC of which embarked upon a review of a topic concerning community safety. The OSC co-opted the local Neighbourhood Watch Liaison Officer to add his knowledge to the review. This was essentially a lay person tasked with liaising between neighbourhood watch panels and the police in a part-time role and he gave time and commitment to the review. His network of contacts benefited the process, as did his knowledge of the issues. This was accompanied by a healthy 'distance' from mainstream policing, which allowed him to challenge in a highly constructive manner.

'Lay stakeholders' have also been observed providing evidence to an OSC (Authority C); in this case it was an individual who wished to communicate his experiences as a user of child and adolescent mental health services. The flexible and welcoming manner adopted by the OSC chair allowed the obviously nervous young person to voice his opinions on the services that he received. It was later stated by a strategic manager in conversation with the researcher that this had been one of the more useful OS sessions he had attended at the authority, and attributed that directly to the service user perspective gleaned.

'Professional stakeholders' have been observed adding enormously to the effectiveness of an OSC (Authority D) within the context of a particular, quite specialised agenda item. The professional in question ran a charity which, in a direct manner, tackled the fallout from a particular widespread issue facing children and young people. She was asked to attend a meeting of the OSC as an expert advisor, given her considerable experience of helping young people deal with the issue. The individual was silent throughout the session until the relevant item was due to be discussed. At this point she deployed her knowledge and expertise on the issue to augment the questioning of the rest of the OSC. The same meeting also involved a group of young people who were presenting on the subject in question. Accompanying the young

people were managers of the service with which the young people were involved; a senior manager with strategic responsibility for the service was also present.

The OS processes discussed and observed in the four authorities included only some of the 'participants' of Fung's schema. However, the aforementioned OSC meeting incorporated in one session the full range of participants previously observed in the research:

- **Lay stakeholders** (the young people concerned and statutory co-opted members on the OSC)
- **Professional stakeholders** (frontline managers accompanying the young people and the OSC's expert advisor)
- **Professional representatives** (non-executive councillors)
- **Expert administrators** (strategic management)

The particular agenda item which brought this array of external and internal stakeholders together occurred late on in the meeting, and attitudes and formalities appeared to be relaxed somewhat. This contributed to a much more deliberative approach by the OSC, perhaps necessitated by the youthfulness of some of the participants, but also perhaps to elicit the full range of views from those assembled.

Interestingly, this was the most deliberative formal committee session observed in the research. Ordinarily, the more deliberative sessions involve smaller, less formal gatherings of OSC members, as when working groups are formed to undertake OS reviews. The young people were the focal point of the discussion and were enabled by very effective chairing to have their say and challenge some of the attitudes elected members of the OSC were expressing. Informal feedback from the session was highly positive, with the strategic manager echoing the comments of her counterpart in the other authority previously mentioned. Her view was that the involvement of service users had played a fundamental role in the success of the session and had added valuable insight to the deliberations.

The expert advisor stated to the researcher how valuable the networking opportunity had been, stating that she had made 'new friends' in the OSC members, had promoted her cause and developed her knowledge of how the council operated. The individual also agreed to act in the same capacity whenever the issue is revisited. The young people also had the opportunity to feed back and were generally positive, although there were issues with particular questions that were asked and assumptions that were made by certain OSC members.

Communication and decision mode

Fung outlines six elements of participant interaction, the first three of which are modes of communication, which 'often do not attempt to translate the views or preferences of participants into a collective view or decision' (2006, p. 68); the remaining three are modes of decision making:

- Listen as spectator
- Express preferences
- Develop preferences
- Aggregate and bargain
- Deliberate and negotiate
- Technical expertise

OS processes have been found to occupy mainly the 'aggregate and bargain' and 'deliberate and negotiate' modes. External stakeholder participation has been found to occupy primarily the latter mode, whilst the former is usually the preserve of full-time members of the committee when debating contentious issues, perhaps with a party political element involved, with a view to developing an agreed line.[1] In political theoretical terms 'deliberate and negotiate' 'has been elaborated and defended as a deliberative ideal of democracy' (2006, p. 69) (see the chapter on deliberative democracy, p. 100, for a fuller account).

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[1] In the event of the call-in of an executive decision, for example.

Lay stakeholders, in some instances, attend in the 'listen as spectator' mode and occasionally 'express preferences' to the OSC. A major risk arising from the expression of participant preferences is that OSC members over-emphasise them, especially if they have been strongly expressed or come from an individual with particular legitimacy (see p. 216 for a discussion of legitimacy in the OS context). Triangulation is especially important in this regard; if numerous external stakeholders are expressing the same preferences this has greater claim to be 'evidence', and can legitimately provide the foundation for a recommendation.

An example of this arose during a recent scrutiny review session (Authority D) in which one group of stakeholders, concentrated in a specific locality, who could be termed 'frontline' service providers (although this is a contentious concept) expressed vociferous opinions on a particular matter. The opinions expressed were supported by existing research and common knowledge of the issues; however, members of the scrutiny review group were advised by the scrutiny officer to interview the external stakeholders' counterparts in similar areas, despite the testimony given being compelling and evidence-based. The danger was that the views of this single group of external stakeholders would be seen as insufficient to legitimate a scrutiny recommendation. Decision makers asked to accept and implement recommendations based solely on this testimony could issue the following challenges:

- The individuals concerned have a specific grievance which is atypical and does not constitute a 'broader picture' of reality. Interestingly, the group concerned had a history of speaking on the subject, and had almost undermined their own legitimacy in doing so

- The town/village in which these individuals are located is but one of many communities within the council's geographical area and broader lessons cannot be extrapolated from its experience

- Councillors on the review group may have a particular bias towards the external stakeholders' specific area, due to involvement in policy

decisions affecting the area, matters in the area of relevance to their own constituency, etc.

- Extra provision could have been made for this particular community since the review group heard from the external stakeholders. This, to an extent, invalidates their concerns, but they don't know it yet, as the extra resource could take a while to be released / take effect / etc.

Given the importance of senior officers in the success or failure of the OS function, it is important to note that their concerns around external stakeholder involvement in OS often relate to those attending to 'express preferences'. The view appears to be that individuals with a specific grievance will use OS to amplify their very specific concerns, possibly gaining the support of a full OSC in the process. Whilst this is a possibility, a properly chaired and supported OSC will be aware of the need to balance conflicting views before reaching a conclusion.

A major theme of the research has been the technocratic image of OS across the case study authorities. Fitting with this is the fact that in complex deliberations in the OS setting, the more specialist the participant on a given topic, the more frequent his or her contribution to the proceedings appears to be. The quality of the input is a different question, and is contingent upon the individual's attitude to OS in general, and in particular, his or her attitude to OS involvement with the particular given subject. For example, OS involvement in a relatively uncontroversial topic, which would lead to a good evaluation of the subject, would probably be welcomed and the quality of the specialist's input would reflect that. However, a potentially career damaging OS investigation could lead to the deployment by the specialist of a number of defensive strategies when facing the OSC concerned.

Lay stakeholders are, perhaps, likely to bring a personal agenda to the fore in OS deliberations, especially given that there is no economic or statutory reason for their attendance; that they are motivated enough to attend must indicate a set view on a given topic. They may be less able to contribute specialist knowledge, but they can inject reality into deliberations. During

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interview many OS chairs expressed concerns at the 'personal agenda' risk, although there are many more that view lay stakeholder involvement as welcome; it is not clear, in some regards, if OS chairs have particular strategies of their own to tackle any imbalance in evidence or overt bias. What has been ascertained is that many OS chairs are aware of the risks of lay stakeholder bias and it can, therefore, be assumed that because awareness is present, informal strategies must be in place.

What is less certain is the ability to filter material delivered by senior internal and external stakeholders in the 'deliberate and negotiate' mode. As topics become more complex within the deliberative forum, the emphasis will shift increasingly towards internal or external specialists in the process of OSC opinion formation. This resonates with Margaret Kohn's concerns referenced earlier in the thesis, that socially constructed 'reasonableness', essentially the terms of the debate, 'usually benefits those already in power' (2000, p. 409). Where specialists from different sectors meet in the OS setting and concur during OSC deliberations, OSC members are ideally placed to challenge the orthodoxy using their own local knowledge and the experiences of service users as a counter where necessary.

Authority and power

OS processes typically fall within Fung's 'communicative influence' and 'advise / consult' stages of authority and power, although exceptions to this occur when OSC chairs use the process to act as an informal bastion for the executive. In this situation a strong chair would be able to use OS reports and recommendations to, subtly (or not so subtly), bolster the executive's policy positions or decisions. This 'capture' of OS by the executive is more likely to occur where the opposition group is weak and/or there is a high level of conformity within the ruling group. It is also likely to occur where an OSC chair has strong links with the executive, on a personal or professional level. That many OSC chairs view the period as a non-executive as a rite of passage which culminates in a position on the executive body could underpin a decision to misuse their OS role. Many such local politicians with ambitions

to occupy an executive position may wish to ingratiate themselves with the executive, or at least provide as little effective challenge as is possible. This would be to smooth the progression from the rank of non-executive.

Ironically, this misappropriation of OS would push the function up Fung's scale, meaning that it would 'co-govern' with the executive, albeit on an informal and entirely inappropriate basis. Effective challenge would be absent and opposition members in particular would likely feel disenfranchised and disengaged from the process. Whilst this type of misuse of OS is likely to be rare, a variety of milder acquiescence with the executive is much more common. This could, for example, manifest itself in a scarcity of called-in decisions, call-in being the process by which OSCs can temporarily halt the implementation of executive decisions whilst an OSC investigates the issue further. Only a certain amount of time is available for the OS investigation and the executive is under no obligation to heed the findings. Nevertheless, call-in is one tool available to OSCs which can be used to place them on a stronger footing in relation to the executive. A lack of call-in can signify unwillingness to challenge, and on that basis, would weaken OSCs on Fung's 'authority and power' measure.

7.4 Electorally mandated vs. expert legitimacy

Legitimacy is vitally important to the development of public policy in a democracy. OSCs, populated by elected members, are endowed with the democratically mandated legitimacy accorded by the ballot box. This is largely underpinned by the 'representativeness' of those endowed with it, as determined by the electorate, which in varying degrees may comprise, amongst other things:

- Local knowledge of a constituency
- Proven affinity with residents' concerns
- Political party affiliation

Elected members can obviously benefit from additional forms of legitimacy in particular circumstances, conferred by membership of a stakeholder group

(e.g. business owners), charitable / community work or professional knowledge acquired in gainful employment. This 'circumstantial legitimacy' (namely that in formal public policy-making it adds legitimacy in certain circumstances) is often drawn upon in OSCs (or working groups of OSCs) conducting scrutiny reviews (e.g. an educationalist may be the ideal choice for a review of some aspect of educational provision). These examples are only a few of the many different varieties of legitimacy drawn upon to augment and validate the work of OSCs in different contexts, others include:

- Prior knowledge of the issue, service or external stakeholder concerned

- Experience (e.g. councillors with previous experience of an issue in their case work)

'Rapporteurs',[1] OSC members tasked with independently pursuing a particular topic or piece of work, are often assigned on the basis of some perceived legitimacy, although personal interest in the topic is often enough to validate a particular member's 'rapporteur' role. In the case of the 'rapporteur', legitimacy in the role is developed as knowledge of the subject increases. This, in turn, can be of great benefit to the rapporteur's committee, providing, for example, a ready-made network of experts in the subject area.

The democratic mandate has been viewed as an increasingly compromised source of legitimacy in the context of lower turnouts and mass disenchantment with the political process (Pattie *et al.*, 2004); a situation undoubtedly exacerbated by the expenses scandal, although councillors have managed to avoid a lot of the ill-feeling, at least to an extent (LGC, 2009). Electoral legitimacy underpins a politician's claim to represent his or her constituents, but legitimacy bestowed by popular election co-exists and sometimes conflicts with the 'expert' legitimacy of the senior officer. The

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[1] The phrase 'rapporteur' is one of many used to describe a member tasked with a acquiring a particular body of knowledge, or championing a particular piece of work on behalf of a committee, council, etc.

senior public official,[1] as a full time employee immersed in the issues and shaped by professional knowledge, experience and values, is endowed with expert legitimacy which is a serious counterbalance (or indeed complement) to the electoral legitimacy of the councillor.

Parsons states that '[i]n terms of public policy, professionals clearly have a key role in the production and dissemination of knowledge and in the interpretation and implementation of policy at "street level"' (1995, p. 154): the role of the professional in OS is, therefore, hard to overstate. From providing knowledge to implementing OS recommendations, senior officials play a key role. Under new public management, the empowerment of managers and further blurring of the roles of politicians and public managers has posed questions for the working relationship and competing legitimacies of the two: 'Public managers are now involved in matters of policy, they are also involved in matters of strict politics, they are more often personally responsible for matters and will pay by losing their jobs if something goes wrong' (Hughes, 2003, p. 58).[2]

In practice, the interplay between electoral and expert practitioner legitimacies is usually functional and complementary, a fact perhaps historically supported by the Maude and Bains Reports into local government management structures, both of which argued that the policy / administration dichotomy was false (Jackson, 1976, p. 139). This functional analysis could lend purchase to the idea of a member-officer 'dynamic dependency' and a consequent interplay of professional (expert) and representative legitimacies. The relevance of this to the practice of OS is threefold:

- When making recommendations for service improvement on often very technical matters, under what circumstances can the electoral legitimacy of the OSC challenge officers' expert legitimacy where findings conflict with established norms?

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[1] The terms 'senior officer' and 'professional' are conflated here, as by deign of their position they are at the very least professional managers (others may also be social work professionals, etc.); see Parsons, 2005, p. 154 for a discussion.
[2] The removal by the then Children's Secretary of Haringey LBC's Director of Children's Services in light of the Baby Peter tragedy illustrates the prominence in some circumstances of professional accountability over political accountability.

- Where should the efforts of OSCs be directed – the political executive, the council's senior officers, or both?
- Notwithstanding statutory powers, can OSCs legitimately make recommendations to bodies external to the local authority with already existing lines of accountability?

The research has shown that in the case of the first bullet point the evidence base is of vital importance. Evidence in this sense includes the case work of the elected members and the findings of various types of investigation undertaken by OSCs, such as interviews and site visits. The non-party political nature of OS means that the evidence base (ostensibly) isn't manipulated to suit party-political agendas, and it can, therefore, be used to shore-up and reinforce the conclusions and subsequent recommendations of an OSC. The strength of the evidence base and the legitimacy of the recommendations can be seen as inextricably and positively linked.

In terms of where the efforts of OSCs should be directed, a recurrent theme of OSC chair interviews conducted was that the role of OS is to hold the executive (political leadership) to account. However, observation of the four case study authorities, plus experience of numerous others, has shown that OSCs are almost uniquely officer-focused; in turn, OS has become a highly technical exercise. It can be argued that the sheer complexity of public service provision has played a major role in this development, as has the ongoing disempowerment of local government in general, the desire to bypass local political leadership in favour of direct and participatory forms of public involvement in local governance, the amount of work increasingly undertaken in partnership, central government regulation and performance management, outsourcing, and the amount of activity carried out under the direct auspices of Whitehall departments, with little or no room for local initiative (local administration, as opposed to local government).

Under these constraints it is unsurprising that local politicians attempting to exercise executive power are hidebound by a wash of regulation and

centrally determined powers, a hugely bureaucratic and potentially duplicative (especially so in two-tier areas) partnership framework, and the increasingly complicated and often internally conflicted needs of their localities. Poorly remunerated and time stretched council leaders and cabinet members will, in these circumstances, usually be playing catch-up, and will, inevitably, be reliant upon the full time officers in their employ to guide and advise on matters of both local and national policy and service delivery.[1] As service delivery becomes a more complicated activity, to get any kind of idea about what is going on, OSCs have to refer increasingly to senior officers.

However, senior official involvement in the policy-making process has been viewed as far from unproblematic. As briefly examined earlier (see p. 216), the public choice school, for example, has taken a negative view based on the supposed inherently self-interested behaviour of senior figures (Dowding, 1996). Gordon Tullock (1976) drew from the public choice assumption the following conclusions (see Parsons, 1995, p. 307-308):

- Excessive promises are made by political parties in order to win votes
- Deals are made by power-wielding politicians to secure support; this consequently pushes up the budget
- The bureaucrat's desire for larger bureaux and budgets is based on their own self-interest, rather than the interests of the public
- Liberal democratic political processes aren't controlling political and bureaucratic power growth (of particular importance to OS)

On the final point, the research has revealed a mixed picture. OS chairs have varyingly revealed a strong ability to temper the political executive and its attendant senior officer structure, and less positively, a feeling of relative weakness vis-à-vis the executive. Two of the OSC chairs recognised by many as being highly effective, stated their own view that they were in a very strong position: one based this on access to information, the other on the ability to influence across a broader spectrum of local public policy. On the

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[1] An interesting example of this is a recent (September 2009) Children and Young People Now survey of children's services lead members, which found that of the ten questioned, five were unaware of the ContactPoint database or where they stood on the debate around it. See http://www.cypnow.co.uk/bulletins/InCare/news/936916/?DCMP=EMC-InCare

preceding points, if the public choice view is heeded then OSCs should be constantly on the lookout for oversized departments and excessive budgets or, at the very least, evidence that more can be done with less in terms of service delivery.

Anthony Downs (1967) developed further the public choice school of thought in his study of the RAND (Research and Development) Corporation. This led to his argument that the many different types of official he identified are motivated by, depending on the particular type, complete self interest (power, money, etc.), or a mixture of factors such as loyalty, pride in own performance and/or the public interest (Parsons, 1995, p. 309-310). OS operates on the premise of democratic openness and accountability. The fact that senior political and managerial figures attend and give, at least superficially, an accurate and plausible account to an OSC seems to suggest that the latter mixture of factors play a major, if not primary, role in their motivation. Legislative requirements to attend OSCs may underpin their attendance and cooperation, but it would be relatively easy for senior officers and members to attend as a token gesture and not offer substantive engagement. The research observation process has shown that this is not the case and the senior stakeholders (both internal and external) that have attended have done so seemingly in good faith. This of course need not entirely negate the set of motivations which could be described as purely 'self-interested'. Indeed, the research has shown that substantive engagement with an OSC can be embarked upon to fulfil the requirements of self interest, especially where an assumed mandate (tempered by the fact that OSCs wield no executive power) can be sought in the 'rubber stamp' of a visit to an unchallenging or otherwise tame OSC.

Niskanen's contribution to public choice theory sees those working in bureaucracies as naturally inclined to maximise budgets and bureau size (see Parsons, 1995, p. 310-311), a theory challenged and revised by Patrick Dunleavy's (1991) 'bureau shaping' model. The research has shown that Niskanen's variety of public choice theory is not prevalent amongst those interviewed: the idea that self serving bureau / budget maximisers populate

the ranks of public sector officialdom is not commonplace, at least when discussing it through the prism of a discussion on OS. Whether this view is articulated in different contexts (for example party group discussions) is not clear, and is beyond the scope of the research. What can be speculated is that public choice theory has 'had its day', and with the new public management status quo embedded there is, in general, an implicit acceptance (amongst those interviewed) of the general integrity and public mindedness of senior officials (views of the general public on the perceived honesty of a range of public figures are shown in chart 2, p. 77), enforced by frequent inspection, codes of conduct and increasing levels of public scrutiny.

Dunleavy's bureau-shaping model describes the behaviour of bureaucrats in far more complex terms than merely the desire to maximise their departmental budgets. He has shown that senior bureaucrats 'have been far more concerned with shaping their departments and budgets so as to advance their interests in the same direction as politicians and the business sector' (Parsons, 1995, p. 317). Parsons goes on to describe the model as 'a far better fit with the experience of bureaucracy in contemporary society', as opposed to the public choice argument of Downs and Niskanen, which 'has proved more powerful as a normative model than as an explanatory or descriptive one' (1995, p. 320). In order to focus the discussion solidly on the central concerns of the thesis, it is worth noting that Gains *et al.*, in their recent work on bureau redesign following the new political management arrangements of the Local Government Act 2000, found that Dunleavy's bureau-shaping model is 'a plausible account of the underlying preferences for the [political management] reform, which ... created a more congenial executive structure for the bureaucrats to work in' (2008, p. 659).

Interestingly, Gains and colleagues find that bureaucrats are 'more satisfied if they observe more effective overview and scrutiny committees' (*Ibid*., p. 655), which the authors speculate may be grounded in a prior belief in strong accountability or a view that better scrutiny leads to better performance. The authors go on to state: 'It may also be the case that the positive ascription of overview and scrutiny committee effectiveness occurs when it conforms to

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bureaucratic goals, norms and routines and is negative when it disrupts them' (*Ibid.*, p. 656). It is possible to ascertain two points of particular relevance to this thesis from the work of Gains *et al*. Firstly; the bureau-shaping model has proven its usefulness as a descriptive model in the post Local Government Act 2000 world of political executives. Secondly; based on the last quotation from Gains *et al*., bureaucratic attitudes to OS may, by default, be welcoming or at least ambivalent, *providing OS activities are non-disruptive*. If this is the case, then a paradoxical situation may arise whereby wholesale change prompted by OS activity, even if it is for the better, may be met with ambivalence or even hostility. Unsurprisingly, hostility can emanate from the political executive where shortcomings are highlighted that are attributable directly to ruling group policy, as opposed to failures in implementation (which can be disowned by politicians). According to the speculation of Gains *et al*., hostility can also arise from the 'apolitical' officer structure where senior bureaucrats' carefully 'shaped' bureaus are redesigned, strategically or operationally redefined, financially disinvested, etc. as a result of OS activities. Closer partnership working between senior figures may therefore lead to a replication of this view across the public sector bureaucracies under a statutory duty to cooperate. Where OS is empowered increasingly to look at external agencies and outcomes traditionally viewed as beyond the purview of local authorities (law enforcement for example), substantive change prompted by OS, where it is allowed to occur, may be viewed with hostility by senior non-council officials. This may be especially true where existing scrutiny/accountability arrangements are in place (for example the Police Authority), which may lead, perhaps justifiably, to claims of duplication. This gives rise to a refrain heard on occasion from scrutiny officers, that a single scrutiny entity populated by elected members should be tasked with scrutiny across the public sector (and beyond, to utilities, etc.). In contrast, where OS chairs have commented simply on the more limited context of increasing external OS powers (not the radical proposal from scrutiny officers) they have been, perhaps surprisingly, less positive. Their concerns were grounded in not wishing to raise expectations amongst their constituents, given that partners only have to 'have regard' to OS

recommendations; a notoriously imprecise requirement, at least in the view of practitioners.

Legitimacy bestowed by external stakeholder involvement

External stakeholders can add their own forms of legitimacy to the OS process, whether they are implementing OS recommendations, consulted by OS, involved as witnesses or as co-optees. External stakeholders provide external challenge and ask the questions that elected members may not even consider relevant. The key output from a scrutiny review is the recommendations, built upon a solid evidence base upon which legitimacy depends. When relevant experts or service users have been involved in the process, in whatever capacity, the passage of recommendations through the council executive and on to implementation is smoothed to a greater extent, thanks to their legitimating knowledge or expertise.

At this point an example of external stakeholder participation and the variety of legitimacy accorded will be examined. The example returns to the young person with additional mental health needs delivering an account of his own experiences of service delivery. This was in an OSC meeting (Authority C) gathering evidence for a review and several senior officers were present. Following the meeting, the author discussed with one of the senior council officers how he thought the meeting went; he confided that the main thing that he got from the meeting was the input from the young person. It is easy to see in these circumstances the value of external stakeholder participation in OS processes. The young person lent legitimacy to the OS process underpinned by his own experience of frontline services – an invaluable perspective for a service provider.

This variety of legitimacy is quite different (and in some cases more potent) than the legitimacy accorded by expert involvement in OSC deliberations, which is based upon specialist knowledge, experience or a network especially conducive to the enquiry concerned. In some cases, and in reality, the legitimacy accorded by some experts could easily be challenged when one considers the numerous motivations and incentives to advise or inform

an OSC one way or the other. The converse may, however, also be true – some may genuinely engage with the process in an open and productive manner.

Another challenge to the legitimacy accorded by individual expert input is grounded in the underlying principles of deliberative democracy, i.e. that no one voice can provide a definitive account, rather, an inclusive and deliberative process should be utilised in public policy-making. The rise of participatory budgeting, citizens' juries and neighbourhood forums adhere to the deliberative principle, and it is argued here that OS would do well, especially when undertaking scrutiny reviews, to involve as wide a range of experts and non-experts as possible. This would only provide the underpinnings of a more deliberative process, as the correct venue and ethos would have to be established to create an inclusive and deliberative environment (see p. 252 for proposals in relation to this).

It has already been argued that OS is a deliberative process, in that committee members deliberate amongst themselves on evidence they have heard, and that it is especially conducive to further development in this regard, ultimately leading to a more inclusive (involving partners and the public) and wide-ranging (involving the full range of public services) form of deliberation within the confines of the process (see p. 115). In none of the case study authorities could it be said that conditions for a truly deliberative democratic form of OS were the norm. OS appears to be a process bound essentially by procedure, especially in the larger authorities where traditions and old practices of the committee system still prevail.

Why is this so? In the case study authorities to varying extents there are strong and arguably quite necessary conservative elements grounded in the requirements of due process and legality. These elements clash with forces for change of the type that drives innovation in OS. Even where there is no explicit procedural barrier to an innovation taking place, organisational culture often proves inimical; this throws up a *de facto* barrier to any radical development of OS. For example, for a truly deliberative democratic OS

session to take place in the formal committee setting would be extremely difficult from a logistical and administrative perspective. The correct venue would have to be found, assumptions about the 'proper' way to do committee business would have to be challenged and a way of taking minutes that captured the event formulated. The role of the chair and committee members would be revised and perceptions of the process managed – basically a cultural sea-change would be required for a formal committee session to incorporate deliberative democratic forms.

However, informal working groups set up by the parent OSC are generally not subject to the same formalities as a formal committee session. Therefore in the hands of culturally unencumbered and experimental councillors they could provide a home for enhanced deliberative processes. Smaller groupings and flexibility in terms of minuting requirements, chairing arrangements and venue selection mean that working groups can be real vehicles of substantive external stakeholder engagement in OS processes, possibly utilising enhanced deliberative means to augment and quality assure evidence-bases.

Enhanced deliberation in the OS context would involve deliberating with a broader cross-section of stakeholders, rather than just the working group deliberating on the evidence base independently: service users and experts would be drawn into the deliberative process. This would help realise the principal of 'critical friend challenge' by staging an inclusive process centred on service improvement, and help reconcile differences in the constituent parts of the evidence base by discussing it in aggregate form. It has already been stated that OS has developed into a highly technical process which has heavily privileged the involvement of experts, a development which will obviously not provide clear-cut answers for every policy issue considered. Parsons develops this point:

> *... knowledge has become more pluralistic: for every expert who says A, there are experts who can say B with equal claim to professional or expert authority. This inevitably means that "expertise" or professional standing must be viewed as an integral part of the political*

argumentation which takes place. Thus experts and professionals should not be seen as a distinct separate class or structure within the policy-making process, but inextricably enmeshed with power and politics. (1995, p. 158)

To work with the knowledge pluralism that Parsons describes, OSC working groups must quality assure their work to ensure that as near as possible a consensus emerges on issues arising in the scrutiny review process. One effective way of achieving consensus is to deliberate on the evidence in conjunction with relevant external stakeholders, both experts and service users. Complimenting this process exceptionally well is the electoral mandate of the working group members, who can arbitrate and ultimately avoid the '[w]asted time, procrastination and indecision' (Shapiro, 2003, p. 121) that can result from deliberative processes.

7.5 Strengthening external OS: the implications

The complexity of modern policy making is brought into sharp relief when any local partnership 'map' is observed. Especially in two-tier local government areas, the picture is muddled and lines of accountability are convoluted. Taking the example of a two-tier local government area; each district will have its own Local Strategic Partnership (LSP), which in turn will have thematic partnerships reporting to it (usually related to economic development, environmental sustainability, social inclusion, etc.), all of which bring together the main public service providers in the area. Sitting astride the district partnership arrangements are the county-wide arrangements, which again consist of an overarching LSP with numerous thematic partnerships. All of these are expected to be interlinked and deploying their resources to achieve broadly the same, relatively uncontroversial, policy goals. Government Offices for the regions are the mouthpiece of central government and add to the already complicated picture, as do regional bodies which exercise control over strategic health service matters, elements of spatial planning and economic development, etc. Quangos also exercise considerable influence.

In sum, local authorities amount to one actor amongst many, and their proportion of local public expenditure (national and local) is relatively trivial, as the Total Place pilots are beginning to reveal. The implication of this is that councillors are actually in control of very little in terms of broader public service provision in a given area. When the 'ring fencing' of funds (such as monies for schools) within overall local authority budgets is considered, the proportion under direct control of elected representatives declines further. This leaves councillors in the strange position of holding public office, with a mandate from the electorate, yet unable to enact any major change in their area. The *ultra vires* doctrine hampers their competencies further, as do legal difficulties surrounding the actual scope of the 'wellbeing powers' enshrined in the 2000 Local Government Act.[1] Discussions around a general power of competence which, if implemented, would help to an extent, still do not address the fact that over major areas of service provision, elected local government has no direct control. Although this circumscribes the powers of executive members, who are left attempting to influence the shape of their areas through partnership working, it does not alter the reality of non-executive members of OSCs. As these councillors are resigned to influencing rather than directing, they find themselves, rather ironically, better placed than their executive counterparts to shape services in their locality.

As new powers already discussed are incorporated into existing ways of working, it may be that increasingly councillor control over service provision in their areas is exercised through non-executive OS. Proposed new powers over public utilities and over council partners in general (rather than only in relation to their efforts around local improvement targets) should develop this further. Under these powers an OSC would have a potentially greater influence over partners and utility providers than the executive. It is interesting to note that the proposals, at the time of writing, allow for executive councillors to sit on OS groups that are reviewing public services; a proposal that has been met with opposition from OS practitioners as it defies the executive / non-executive split. This could be construed as an

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[1] The case of the London Authorities Mutual Association (LAML)

acceptance of the fairly limited powers of executive members over service providers other than the council. Allowing them to sit on OS groups is clearly seen as a way to address this imbalance. It can be argued that OS is in a stronger position than the executive when it comes to reviewing and even influencing external services, but there are still broad issues facing OS when it acts in that capacity; these are explored in the following subsections.

Accountability fatigue

All public service providers are subject to scrutiny of some variety. Bodies such as the local constabulary are subject to lay scrutiny by its Police Authority, which also has certain executive responsibilities, such as budget setting. If organisations have no such arrangement for lay scrutiny, they will still be scrutinised by various inspectorates such as Ofsted and the Audit Commission. It is usual for public service providers to be scrutinised from various sources, representing 'top-down' (central government audit and inspection), 'bottom-up' (OSCs, NHS Local Involvement Networks, Police Authorities, etc.) and horizontal (peer review, shared plans, etc.) accountabilities. Extended OS powers over public agencies other than the council have led to claims of excessive scrutiny. One Assistant Chief Constable revealed his personal concerns over duplication and time away from the day job to service the demands of the multitudinous scrutiny bodies he faced. His concerns were exacerbated by the potential for districts and county council OS functions in his area to require his presence.

Scrutiny officers have been at pains to ensure that protocols and effective communication between OSCs are in place, in order to avoid excessive demands on the time of busy professionals. Nevertheless, on occasion the appearance of figures such as the Assistant Chief Constable would be entirely appropriate, and in these circumstances there is a clear understanding (especially amongst scrutiny officers) of the need to scrutinise in a non duplicative and joined-up manner. On a practical level this could involve convening a working group of one OSC, which would involve members from each of the other councils. A more formal route would be to constitute a joint OSC under new statutory powers. This type of arrangement

would enjoy formal OSC powers, but in reality it could be unwieldy, bureaucratic and the statutory powers quite unnecessary unless relationships had broken down substantially.

Existing lines of accountability: potential for conflict?

Taking the case of the constabulary further, another issue for OS of external stakeholders is potential conflict with existing lines of accountability. As stated, Chief Constables already operate within a well established accountability framework. The most common question the researcher has encountered is, 'where does local authority OS fit into that framework?' An answer to this question which avoids duplication and excess bureaucracy is hard to identify. However, the question's underlying assumption is that OS must justify itself to the police force, when a more democratic way of framing the question would assume that the police force should have to justify itself to the OSC.

Exploring the concept further reveals that if a 'scrutiny of place' is to develop, the role played by the police, NHS and others must feature in OS elected members' overview of an area and its service provision. The Police Authority and similar could be said to provide a very specific, service focussed variety of scrutiny which is increasingly obsolete, given the move towards shared services, pooled budgets, joint commissioning and the Total Place agenda. Local authority OSCs should therefore be recognised by all public services providers as a legitimate, electorally mandated means to scrutinise across the board, asking questions around how services are joining-up and how best value for money is to be achieved. It is also incumbent upon OSCs to ensure that their interventions are timely, intelligent and well-conceived, with the absolute minimum party political interference. Evidence emerged from the research that OS functions are positioning themselves to be able to take advantage of the new focus on external stakeholders, with the majority of the case study authorities either having or moving towards a thematic alignment for their OSCs, as opposed to the more traditional alignment towards directorates or cabinet portfolios.

OS members' own reservations

Councillors are driven by motivations other than the achievement of broader or more effective OS. Several councillors interviewed were at best ambivalent about an extension to OS competencies because of the lack of ability to force those external agencies that are subject to OS to act. Some stated that they did not wish to raise expectations amongst their constituents. Others are so embroiled in other duties that they see an extension of OS powers as an extra burden to be avoided; sometimes the extra duties themselves could lead to questions raised about potential conflicts of interest. It is possible to theorise that elected members themselves see their role as concerned uniquely with the local authority. When the senior members of their party groups occupy the top positions on the local authority, it may be unrealistic to expect their attentions to be focussed elsewhere, when their group has the ability to influence the direction of the council's array of services. There could also be a strong disincentive to scrutinise external stakeholders in case damage is caused to relationships with the council's executive. There is also a significant risk of exposing the failings of one's own political group if an external stakeholder speaks openly to an OSC.

7.6 Practical lessons from the research

Scrutiny support

The role of the scrutiny officer is worthy of research in itself, as dedicated officer support is of vital importance to the success of OS. Coleman *et al* (2009) reinforce this point whilst drawing linkages between the development of, and existing arrangements for, statutorily enforced OS of the NHS, which the Health and Social Care Act 2001 introduced, and the developing world of external OS which is potentially much broader ranging. The authors describe the importance of proper resourcing for OS, including dedicated officer support, the expansion of co-option and the greater use of external research. They conclude that successful management of relationships with both internal and external stakeholders will accompany an awareness raising and educational role for scrutiny officers, if external OS is to develop as an effective force for change. The research conducted for this thesis found willingness on behalf of scrutiny officers to develop this agenda, meaning that an important part of putting effective external OS arrangements is in place.

The scrutiny officer role could be described as facilitative and also, as with many other aspects of OS, a balancing act. Effective OS is member-led and the ideal-type OS member / officer relationship would replicate that normally found only in the upper echelons of the authority. The scrutiny officer must allow members to lead the process but should not withhold their advice and support simply to satisfy that requirement. Very few officers at a relatively junior level get as much exposure to councillors and senior officers. For that reason alone, the typical scrutiny officer possesses considerable 'soft' skills, primarily involving diplomacy, influencing and networking. Scrutiny officers must be excellent communicators able to write concise reports which will often summarise complicated information; they must be credible individuals in the eyes of both senior politicians and officers, liaising and balancing the requirements of both as required. Research skills are paramount, but above all else scrutiny officers when required must be resilient and politically astute; this is a major consideration when supporting an OSC which has raised

controversy. As the officer contact for the OSC, the scrutiny officer must be ahead of the game in either preventing controversy in the first place, or engaging in damage limitation in the worst case scenario. In this sense, the scrutiny officer is a full time envoy for the OS function.

The role of the scrutiny officer varies considerably in the four authorities. On a basic level the role entails the facilitation of the OS function, but how that is undertaken depends upon the culture of the authority, the capacity of elected members and the resources available to support OS.

OS was intended to be member-led, as the CfPS's (Centre for Public Scrutiny, 2007) third principle of effective OS[1] describes:

1. Provides 'critical friend' challenge to executive policy-makers and decision-makers
2. Enables the voice and concerns of the public and its communities
3. Is carried out by 'independent minded governors' who lead and own the scrutiny process
4. Drives improvement in public services

Because of this, scrutiny officers walk a fine line when attempting to facilitate the process. The danger is that too much influence dilutes the member lead, too little influence can potentially lead to 'drift', unfocussed or ineffective OS. Two of the case study authorities displayed extremes in

Table 5: CfPS models of scrutiny support
Committee model – where committee officers, who also support other political forums, such as the executive, provide support to the full council and so on.
Integrated model – where support is provided, on an *ad hoc* basis, from a variety of sources, including committee services, officers within departments, and corporate policy officers.
Specialist model - support is provided by a scrutiny support unit with dedicated officers, who only work to the overview and scrutiny function
(From: Centre for Public Scrutiny, 2008, p. 6)

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[1] See: http://www.cfps.org.uk/about

terms of scrutiny officer input. The first had no dedicated scrutiny support other than a single officer who facilitated the process as one part of a much broader remit.[1]

The integrated / committee model of scrutiny support

One authority (Authority C) adopted an integrated / committee model (see Table 5). The OSC in question borrows often very senior officers to support the process. The senior officers are then involved in scrutinising their own services in the context of a scrutiny review. The researcher observed in an OSC meeting a very senior local authority social care professional suggest to the OSC a possible recommendation relating directly to her service. The OSC had little to say in relation to the possible recommendation. There is no problem with participants contributing in such a manner to the OS process. However, the matter becomes more complicated when the person in question is directly supporting the OSC (not merely contributing to the work of it) and is also a very senior officer in the service under scrutiny.

Whilst many members of the authority interviewed wished to emphasise the constructive and non-confrontational nature of OS, it has to be questioned whether the situation described above is a conflict of interest, and whether or not it constitutes effective OS. Interestingly, the same OSC had a very open interpretation of the formal procedures adopted in its meetings, which were heavily populated by senior council officers and some public sector external stakeholders. The officers present asked questions in the manner of members of the committee, although the key difference was the nature of the questioning, with officers asking more probing and technical questions. Members, in contrast, often appeared ill-informed and too willing to digress from the discussion at hand. It appeared that in some cases the focus of members was not strategic or even relevant to the topic; instead members raised 'hobby horses', usually constituency issues, in the meetings.

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[1] The authority's approach to scrutiny support combines the 'committee' and 'integrated' models, as described by the CfPS.

Officer questioning was informed but unchallenging, which is understandable given that their role, presumably, was to facilitate the work of the OSC, rather than do the work for it. Unfortunately, members failed to capitalise on the insights offered by officer questions, seeming, instead, overly reliant upon them. Public sector external stakeholders usually gave presentations and then left after some cursory questioning. Some value was observed on the occasions where service users addressed the OSC. The format and layout of the room seemed especially conducive to getting their input. The chair invited speakers to take the lectern, but on occasion speakers or their representatives asked to remain in their seat to deliver their presentation.

Overall, the OSC in question appeared good at involving external stakeholders and garnering their views. There was certainly an emphasis on engaging the broadest range of partners possible, usually within the LSP framework, but drawing in service users and others as required. However, the overall OS process itself had some noticeable flaws:

1. Member input was very limited, with excessive deference to and reliance on the opinions and questions of the council officers and external stakeholders involved. This led to the impression that senior officers were 'managing' the OS process, although ostensibly they were positively engaged and present in commendably high numbers. The fact that senior officers from the service under scrutiny were borrowed to act in the role of scrutiny support contributed further to this impression.

2. There was perhaps too much emphasis on the 'friend' aspect of 'critical friend challenge'[1] (see p. 171). Whilst the OS challenge is meant to be constructive, there is nevertheless, an important role to play in ensuring that key decision-makers are held to account on behalf of the general public. This would involve, where appropriate, robust questioning, which was not apparent in the meetings observed.

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[1] See the CfPS four principles of effective scrutiny: http://www.cfps.org.uk/about-us/

The specialist model of scrutiny support

The remaining three case study authorities (Authorities A, B and D) employed the 'specialist' model of scrutiny support, with dedicated scrutiny officer/s facilitating the work of the OSCs. As mentioned, the right level of input from the scrutiny officer is a major factor in the effectiveness of OS. Too much influence / intervention dilutes the member lead; too little risks a lack of continuity and focus. Examples of both conditions have been observed throughout the research. In one authority (Authority B) the scrutiny officer 'was scrutiny' in the words of a middle manager. This reflected the key role that this individual played in steering the process, advising (in reality, leading) on the process with consent received, when required, from the chair. The OS function was small and adopted a select committee-style approach to scrutiny reviews, with members employing semi-structured interviews with appropriate individuals when gathering evidence. The scrutiny officer developed questions for the committees which were taken to the members in pre-meetings before interviews took place. Members occasionally added to the questions, but usually relied on the scrutiny officer to come up with questions that would allow them to distil the appropriate information. Secondary questions were put by members following each 'main' question.

This approach demonstrates a type of synergy between OS members and their supporting officer/s which is borderline unhealthy. To develop the example further, members had nominal input into recommendations arising from reviews. A draft report and recommendations would be put to the OSCs and were duly agreed with no alterations. The scrutiny officer in this case is vital to the process as without the expertise and guidance they offer, OSC output would be low quality if not non-existent. The reality is that the scrutiny officer alone could save a lot of time by simply hearing the evidence him/herself and formulating recommendations. That was essentially what happened in one of the authorities; members acted mainly in a passive, legitimating role and very often contributed little of value. As a consequence of this, ownership of OS was firmly in the hands of one particularly strong-

willed elected member, with whom the scrutiny officer negotiated where necessary. The remaining members were essentially 'along for the ride'.

In this authority there were two key points that stood out:

1. Members were unsure of how they could contribute to policy development and review, when often such complex and esoteric issues were involved. Members did not have the self confidence to represent the lay perspective by asking the 'stupid' questions that may have justifiably been asked by the general public they represent. Member reticence in OSC meetings may have been in part down to their belief that they should be an expert on everything, when in fact there is often significant benefit in not being an expert when representing the concerns of their constituents, a vital part of the community leadership role in the context of OS:

   The scrutiny role puts elected and appointed public representatives in a strong position to ask questions that members of the public might otherwise not have an opportunity to raise. Those in leadership positions will welcome challenge and reflection which reflects public and community concerns. In their role as community leaders, scrutineers should take every opportunity to canvass public opinion and ensure that they do represent the public interest (Centre for Public Scrutiny, 2007, p. 12).

2. The attitude and capability of members working in their OS role was most likely both indicative and symptomatic of the culture of the authority as a whole, especially in terms of broader member engagement in the running of the council.

One authority (Authority A) with greater dedicated scrutiny support was marginally better in terms of member lead, but was still over-reliant on the efforts of one or two committed OS members. Many members appeared not to truly understand why they were there or what they were meant to be doing. The OSCs were orchestrated by a single, overarching committee which managed the scrutiny process and received all reports before they

proceeded on to cabinet. Chairs of the subordinate committees were often resentful of this arrangement given the management committee's ability to reject or alter reports; one member once referred to it in passing as 'the witches' coven'. Although the subordinate committee chairs comprised the membership of the management committee, this attitude towards it was not uncommon, especially when a lengthy investigation culminated in a report poorly received by it.

As with the previous example, scrutiny officers 'primed' the members with questions before meetings in which witnesses were to be questioned. A major difference was that this was done almost surreptitiously by the officer, who would discretely place a list of proposed questions before the chair and suggest that he may like to ask them. Invariably the chair in question would rely solely on the officer prepared questions, having had no sight of them prior to the meeting. Scrutiny officers drafted the reports and helped to develop recommendations, with varying degrees of input from different members. They also coordinated input from the different external stakeholders inputting into the OS process, building valuable networks and relationships in the process.

When trying to attract interest from smaller and/or more ward based groups, members excelled, as often the necessary relationships were already developed and external stakeholders recognised many of the other members of the OSC, which in turn made them feel more at home and both willing and able to participate. This was beneficial, as a finding of the research has been that many of those interviewed encounter significant disincentives to greater participation in OS, not least in the fact that members all seem to know one another well (regardless of party affiliation),[1] municipal buildings are remote and unwelcoming, and a lot of jargon and acronyms are employed in committee meetings, etc. In those circumstances, already being familiar with at least one member of the committee is a great help. The main points in this authority are:

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[1] This was felt keenly by certain co-optees, who often felt like outsiders despite being a full member of the OSC.

1. Members (especially chairs) were often resentful of the management committee. To them it represented an extra tier of bureaucracy and prompted frustration when reports were subject to alteration by it.

2. Interestingly, the authority in question had a very strong ruling group which enjoyed little opposition. The OSC chairs were all members of the ruling group, and still issues with the management committee occurred. It could be speculated that this is an authority in which OS is acting in the opposition role in the absence of a strong opposition group.

3. Personal animosities between OS members of the ruling group were well known, as were animosities between certain executive members and key figures in the management committee, lending to this hypothesis. If verified, this could indicate challenges for OS functions in councils with relatively unopposed majority groups.

A particularly well balanced member / scrutiny officer relationship can be observed in one of the case study authorities (Authority D), where great emphasis is placed on the OS process being member-led. The member-led culture permeates the OS process and impacts on how the function is perceived in the authority as a whole. This ranges from the scrutiny reviews undertaken by the committees, right through to the way in which OS is managed by an overarching committee populated by the chairs of the separate committees. It should be noted that there is a key difference between the management committee described previously, which had a role in monitoring the respective subordinate committees' output, and this, which is not a formally constituted committee and does not perform the monitoring role. There is therefore, no observable animosity towards this management committee, which does not have the power to alter reports. Instead it acts in a coordinating capacity when a strategic lead is required for the OS function as a whole; it will issue responses to consultations on behalf of OS as a whole, and it will coordinate the relationship between OS, cabinet and the council's senior management team.

OSC output is owned by the committee responsible for it, particularly by the OSC or OSC sub-group chair, who have a close relationship with their respective scrutiny officer. This relationship is fairly well balanced in terms of influence, with the ultimate power in the hands of the chair. However, the scrutiny officer in this case is consulted frequently and on matters of high importance. His or her opinion, depending upon personal factors, is esteemed by the chair, and is invariably a big part of any decision ultimately made. Ironically, despite the fact that scrutiny support is in less of a steering role (although there is still an element of this), there is large emphasis placed on recruiting high quality scrutiny support. Scrutiny support in the authority has traditionally been a rite of passage for its graduate trainees who are recruited in a highly competitive process every year. The graduate trainees bring intelligence and fresh ideas to OS; in return they get experience working with elected members and the opportunity to raise their profile in the authority. Graduate trainees who have cut their teeth in OS support have frequently gone on to 'better things', one example being an officer who was headhunted by a senior director to lead on a particular improvement project based on her performance in facilitating the scrutiny of his services.

The emphasis on the recruitment of high quality scrutiny support is deemed necessary because of the generally high capacity of the members, who have commensurately high expectations of 'their' officers. The fact that scrutiny support is not unduly influential also, perhaps counter-intuitively, means that they have to work harder and be more discreet when exercising the influence they do have. As the authority is upper tier, there are also a much wider range of interested parties with whom OS must engage, requiring capable individuals to build and develop the requisite relationships.

Professional scrutiny officers?

A current discussion in the field of OS support is whether or not it is desirable to 'professionalise' OS support, with the Centre for Public Scrutiny orchestrating the debate. The main questions posed are:

- Is scrutiny a 'profession'?

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- Is there sufficient interest in a membership body for scrutiny and if so, what kind of body and what might it do?
- Is CfPS the right organisation to support a membership body for a scrutiny profession?
- What are the next steps and practical considerations?

The debate escalated due to the findings of the CfPS annual survey 2008 (Centre for Public Scrutiny, 2008) which revealed:[1]

- 65% local government scrutiny officers were interested in joining a membership body for scrutiny
- Similar numbers were interested in joining a scheme to develop accredited professional standards for scrutiny.
- There is great interest in attending OS training and development sessions (90% scrutiny officers, 66% members and 70-80% of other officers).
- Over a quarter of members didn't see scrutiny as a profession, as opposed to only 2% of scrutiny officers.

A survey question related to the perceived benefits of joining a professional OS membership body. The top three benefits identified were receiving regular updates, access to formal development opportunities, and accredited recognition of skills developed through scrutiny:

- Regular news about developments in policy and practice - 54%
- Formal training and development sessions - 44%
- Accredited recognition for skills gained to assist future career development - 35%
- In-depth policy and practice analysis - 30%
- Coaching and/or mentoring - 23%
- Informal networking and learning from others in the field - 22%
- Discounts for general CfPS events and services - 19%

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[1] The following section on the CfPS annual survey and the Supporting Professional Scrutiny Research project results are taken from the CfPS website: http://www.cfps.org.uk/scrutiny-exchange/wiki/?id=39

- Private / distance learning focused on practical skills and competencies - 17%
- Private / distance learning with an academic component - 14%
- All are important - 29%

The Supporting Professional Scrutiny Research project (see Dacombe, 2008) reported lower interest in a professional membership body (although did not ask this question directly) but found evidence that:

- Scrutiny officers are very interested in networking opportunities, particularly as they can feel quite isolated if they work alone or are part of a small team
- There is interest in developing practice in an accredited way, with a slight preference for NVQ level 5

Five broad competencies for scrutiny officers were also identified:

- Relationship Builder
- Negotiator-Diplomat
- Communicator
- Project Manager
- Research Analyst

Although this has not been the focus of the doctoral research, the findings do not reveal an explicit desire or requirement for professional accreditation and status. What has been observed as a general requirement of the scrutiny support role is a portfolio of very well developed 'soft' skills such as negotiation, relationship building and project management. There is, however, an example of an interviewee quoted at length below on the subject of both the scrutiny officer role and the desirability of accreditation and OS qualifications:

RB: So what is your role as a scrutiny officer?

Scrutiny officer: *I work for* [...] *council, I head* [...] *council overview and scrutiny function and my role is to ensure that we support, develop, give*

advice, give information, enable, contribute to policy development through, through those different approaches in terms of officer support.

My role also is about being politically sensitive, politically astute, and is about leadership. Because I think, I think from an officer perspective, you know, we talk about leadership and elected members ... But I think as an officer it is also important to have leadership. What that means for me Reece, it's about vision, it's about direction, it's about enabling people that you work with to be very clear about what needs to be done and how we're going to get there, in order to go, in order to deliver what I described earlier. A better place to live, where I can bring up a family, is the vision we have in [...]. But it's about, it's about championing through a leadership role the opportunities to contribute to an improved quality of life for local communities.

So the role, the role is one of policy development, the role is one of enabling, the role is one of, of facilitation, the role is one of corporate cupid, because sometimes you've got to put people together, you know, to talk. The role is one of conflict resolution, consensus building, the role is one of intelligence-gathering, the role is one of negotiation, the role is policy advice, and so on and so on and so on. Interesting thing about scrutiny officers I think, you know, quite happy to explore how we develop scrutiny officers and the kind accreditation, training they need because when you get people like yourself that embark on PhD, absolutely fantastic, you know ... how do we get onto the agenda opportunities for our colleagues to progress through local government. To have very clear career paths throughout the government, and to have education opportunity and access to qualifications that are accredited, that enable people to be competitive ...

R - Would you see like an accredited body?

Yes, that's what I'm saying. Absolutely. I think, I think INLOGOV [Institute of Local Government Studies at the University of Birmingham] do some very good stuff ... But for me it's about creating opportunities for colleagues in order to develop skills, knowledge and practice. Now you tell me, what have we got? And I think we should do it for the North East actually, what have we got within the North East that allows and affords the opportunity for local authorities to say "Reece, go and do that course because it's going to make you a better practitioner"? Okay, I mean I accept that we have a whole range of training courses, project management, presentation skills, leadership, fine, but do we have a bespoke course? I don't think we do. Bespoke course for scrutiny officers that will enable them to develop their career and progress by developing skills, knowledge and, you know, techniques to working in what is a highly charged, highly sensitive political environment.

An interesting counter-argument is forwarded as part of the CfPS wiki debate. In the words of one scrutiny officer posting on the CfPS website:[1]

> *Is scrutiny a "profession" in the first place? It's a job (or range of jobs?) in which certain aptitudes are an advantage but I'm not sure that it could be called a profession. Looking purely at local government for the moment: - how many scrutiny officers are there? (a few hundred, perhaps) - how long on average do they spend working in scrutiny? - what do they tend to move on to next? To be a "profession" I think you'd need a critical mass of people doing the job and more of a long-term career path within it. For example we only have two steps in the hierarchy (scrutiny officer and scrutiny manager). If the boss's seat isn't vacant, progression is likely to be either to another authority that pays scrutiny officers better or to another role that can use those talents. We've had scrutiny for 10 years now and I'd guess (cue for another CfPS survey) that for a great many people, scrutiny has been an episode in their career that they have moved on from to another role.*

The developing role of the scrutiny officer certainly warrants further investigation, given the integral part they play in the successful operation of OS.

Scrutiny of the LAA partnership

OS has received considerable new powers in the Local Government and Public Involvement in Health Act 2007, many of which were implemented on 1st April 2009.[2] Amongst the new powers was the ability to scrutinise Local Strategic Partnership (LSP) partners on their performance in relation to Local Area Agreement (LAA) targets. Two different ways of doing this can be observed in the case study authorities, the first in a unitary council area and the second in a two-tier area. The two models are described below.

The informal joint committee model

A LAA scrutiny system operating in a two-tier case study (Authority D) involves a joint committee (although the 'committee' title is a misnomer, as it is not an official committee) comprising district and county council members. The chair of the committee is rotated between the districts and county council

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[1] Posted on the CfPS website 12/5/09. See: http://www.cfps.org.uk/news/cfps-news/?id=110
[2] Including Councillor Call for Action and the power for district councils to scrutinise the local county council

and has proven to be an effective way of demonstrating parity in the district / county council relationship. The committee has not been welcomed by the LAA partnership, which has resisted moves to constitute a formal joint OSC, which would now, with the powers introduced with the Local Government and Public Involvement in Health Act 2007, enjoy considerable powers in relation to it.

The exact nature of the relationship between the scrutinised (the LAA partnership) and the scrutinisers in this instance is unclear, given that the normal OS arrangements in councils are underpinned by primary legislation[1] requiring an OSC to be established. The OSC is a committee of the council; simply put '[t]he authority of the scrutineers is vested in that corporate body' (Centre for Public Scrutiny, 2007, p. 2). The relationship in LAA scrutiny is less clear and is more consensus-based. Unfortunately, if the LAA partnership is recalcitrant towards the 'informal'[2] joint committee, nothing can be done by that committee unless it is willing or able to formally constitute itself as an official joint committee (at which point it can exercise the powers granted in the 2007 Act). There is still the ability for individual councils' OSCs to request the presence of the respective LAA partner's representative to give account on their performance in relation to progress against LAA targets, but doing this in isolation is not furthering the cause of partnership working from the OS perspective, nor is it particularly helpful in terms of effective use of partners' time, which would be better spent addressing county-wide elected representatives rather than just, for example, an individual district council OSC.

The joint committee model does not particularly focus the attention of the remaining district and county OSCs on external matters in the way that the alternative model of thematic alignment does. This does not mean that the individual OSCs would not have an external focus in their own right, but this focus may not necessarily involve the work of the LAA partnership itself. The work of the LAA partnership is vitally important and warrants public scrutiny,

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[1] Local Government Act (2000)
[2] Informal in the sense that it is not a properly constituted committee.

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not least because of the millions of pounds spent in partnership; however, there may be a subconscious view amongst OSC members that LAA scrutiny is taking place in the joint committee and may therefore feature less on individual OSC work programmes as a consequence, despite the joint committee meeting infrequently throughout the year.

The joint committee model may be the best option available in two-tier areas if joined up scrutiny of the LAA partnership is to take place. It is not without its weaknesses, and suffers from the same maladies as much partnership working in two-tier areas. In the words of one, then recently appointed, unitary council chief executive, 'trying to bring together an area's priorities and service improvement in a holistic manner in a two-tier area is like trying to push water uphill' (Drillsma-Milgrom, 2009). Partners are overstretched in servicing each district level LSP, Community Safety Partnership, etc. and undoubtedly duplication will occur. There is a strong argument for OS activity to be done in partnership in two-tier areas for that reason alone, to reduce the burden on already overstretched public agencies.

The thematic alignment model
In this arrangement the council's (Authority C) OSCs have aligned broadly to the LAA themes, allowing a greater focus on external, cross-cutting issues and raising awareness of the LAA and its priorities. Focusing externally in such a way facilitates external scrutiny and helps to prevent the excessive inward-looking observed in the upper tier council which aligned its OSCs to its own services. Aligning to the LAA themes is also more in keeping with the ever-prevalent partnership ethos and the now defunct requirements of the recently introduced Comprehensive Area Assessment (CAA), which was more concerned with outcomes achieved in partnership than processes.

The council has been able to adopt this approach because it is a unitary authority, which means that the imperative to work in partnership with district councils in scrutinising the LAA is not present. In many ways this has simplified the process and resulted in a framework for holding LAA delivery to account with minimal extra demands on scrutiny officer and member time.

This is in contrast to the joint committee model which has implications for member and officer capacity. An added benefit of the thematic alignment model is the way in which partnership scrutiny and the concomitant external focus it brings adds to the competency of OS. Members are able to exercise greater influence over a wider range of issues and agencies on behalf of their constituents and the awareness of OS rises, among other benefits, resulting in a strengthened community leadership role for members. In terms of outcomes, elected member involvement and oversight of the work of partnerships and their component agencies would hopefully, if successful, result in a greater citizen-centred approach, transparency and more effective 'bottom up' accountability.

Children's services are a prime example of why the appropriate OSC would wish to look externally. Section 11 of the Children Act 2004 places a duty on a multitude of public agencies to safeguard children and young people. Local Safeguarding Children Boards (LSCBs) are required to check that the processes to fulfil this requirement are in place. Any proactive OSC with the children and young people remit would wish to acquaint itself with the activities of partners in this regard. There is also a role to be played in relation to the LSCB. The Children's Trust (formerly Children and Young People's Strategic Partnership) engages a variety of external partners and is a vital element of the broader LAA framework. It has an important strategic role in developing the Children and Young People's Plan which is meant to join up local services for this demographic. The nature of the work means that it should not go unchallenged, and OS is in an ideal situation to challenge. The partnership agenda and new powers for OS mean that to ignore the world beyond council services is no longer an option.

Joint overview and scrutiny / scrutiny networks

The pinnacle scrutiny network is the National OS Forum, which comprises a representative scrutiny officer and member from each of the regional OS networks and is coordinated by the Centre for Public Scrutiny. The forum leads on topics such as the aforementioned 'professionalisation' debate, plays a lobbying role, and coordinates national OS responses when required

(such as in the case of the recently issued consultation on proposed OS powers in relation to petitions). Beneath the National Forum are regional networks which are active to varying extents, if they exist in a given region at all. The regional forums will discuss joint events such as conferences and will share good practice. There is also the example of a regional scrutiny network that worked closely with the then soon to be abolished Regional Assembly to discuss how the regional scrutiny network could fill the gap in terms of Regional Development Agency Accountability. The same forum also played a role in disseminating information about the arrangements which were subsequently put in place,[1] a rather convoluted nationally applied framework involving the Regional Minister, a regional select committee and a regional grand committee (Maer, 2008). The main piece of work which will occupy many regional scrutiny networks in the future is the accountability and scrutiny of the nascent Multi Area Agreements (MAAs), although coalition government policy on regionalisation may impact on the continuation and introduction of new MAAs.

Two of the case studies (Authorities B and D), each in a two-tier area, provided examples of joint working in OS and illustrated quite unique attitudes towards it. The underlying relationships in each case were tenuous and subject to many complicated interpersonal, professional, political and organisational factors. It can be stated confidently that significant research could be conducted on cross tier relationships in this context. Although the relationships were ostensibly positive, in some cases there was an underlying mistrust, variable in magnitude depending upon the topic/s under discussion, usually directed towards the county council scrutiny officers. There is an important qualification to this observation: in the case of one of the county-level networks (Authority B) the LGR process was underway and there was widespread unease about the allocation of roles within OS in the new authority. Scrutiny networking in this context is described below.

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[1] Now abandoned following the 2010 general election

Proactive scrutiny networking

(Authority B) Meetings were (the area is now single tier following reorganisation) convened on a regular basis with venues and chairing responsibilities rotated among the participating councils. A companion OS member network met less frequently and existed primarily to receive the findings and conclusions of the scrutiny officer network. The findings of both were, where necessary, fed upwards to the regional network which met less frequently and was facilitated by the local Regional Employers' Organisation with significant input from certain of the top tier or unitary authorities in the region. The primary reason for the seemingly top tier / unitary prevalence in this regard appears to be a general lack of scrutiny support capacity in the district councils, although there were occasions when district staff overcame the capacity issue and contributed to the administration and business of the regional network. Similarly, the county-level network was dominated by the county council staff, with the acquiescence of district colleagues. The general feeling was that the resources and strategic overview of the county council meant that it was better placed to coordinate, as district scrutiny support was often stretched to the limit supporting their own OSCs, whereas the county had the benefit of dedicated scrutiny support. Often the districts employed the committee or integrated models of scrutiny support, models more frequently found in districts than other types of authority (Centre for Public Scrutiny, 2008, p. 6).

The aforementioned LGR context introduced a dynamic into the network which galvanized partnership working in the early to late-middle stages of the run-up to the new unitary authority's Vesting Day (1st April 2009). Whereas before, partnership working in the sense of collaboration on projects, rather than simply sharing work programmes, etc., had been inconsistent and rare, the impending reorganisation motivated scrutiny officers to get involved. This involvement culminated in a relatively large event for external stakeholders, designed to introduce them to OS at the developing unitary authority. This event involved the district scrutiny officers in a facilitative role, with each supporting the conference sub groups as they considered different aspects of the OS process. To a large extent this high point of partnership working was

the beginning of the end of the network in any substantive sense, occurring as it did so late in the run-up to Vesting Day. This was one example of some of the closer partnership working which occurred in the final days of the two-tier councils. The question remains as to whether such a high degree of partnership working could be achieved outside of the LGR context, compelling people as it did to work closer together. There is also the question of whether frequent network meetings and close collaboration for the sake of it are worthwhile. A lot of the business discussed in the network meetings was not especially important or necessarily worthy of scrutiny officer time. A more detached and arguably more pragmatic approach to scrutiny networking, not driven by LGR, encountered by the researcher is described below.

Ad hoc scrutiny networking

The county-level scrutiny network (Authority D) existed in a vacuum, as opposed to the now defunct case study described above. At the time of writing there was no regional network to feed into; instead a representative fed into the National Forum.[1] Substantive items of business, such as a district / county scrutiny protocol were discussed on an *ad hoc* basis, resulting in fewer meetings and less of a drain on scrutiny officer time. The joint committee which scrutinises the LAA partnership is a common interest for all of the officers concerned, and is a frequent item for discussion. More recently, a working group of the network was formed to develop a joint conference for the county area, principally aimed at inducting new county councillors following the June 2009 elections, but also to engage partners in developing cross-tier OSC work programmes.

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[1] It should be noted that a regional network for the area is now in development.

8. Conclusion

New political management arrangements in local government were packaged with a broader array of reforms intended to strengthen governance and democracy in the UK (Morrison, 2001). At the national level, the primary components of this democratic renewal agenda included reform of the House of Lords, devolution to Scotland and Wales, and an attempt to introduce elected government to the English regions. New electoral systems for the Scottish and Welsh devolved administrations were intended to make voting a more attractive proposition, with more representative assemblies the prize for the electorate. Reform of the Lords was designed to weaken the hereditary principle by introducing greater meritocracy with larger numbers of life peers.

A general desire to bring government closer to the people was grounded in New Labour's preference for stronger communities and enhanced social capital. These ideas were adopted and developed by the party in the ideological vacuum created by the decline of the left and the eventual abolition of Clause Four. At a local level the philosophy manifested itself in the new political management arrangements for local authorities, each of which created a clearly defined executive body. This executive body was to be held accountable for decision making, so that the complex committee arrangements that existed under the old arrangements could not be used to mask accountability and abrogate responsibility for policy errors.

OS was the democratic check and balance put in place to counter the new concentration of executive power in local government. The powers required to hold the executive to account were put in place in the Local Government Act 2000, which introduced the new arrangements. Despite this, a large cultural shift was required to prevent members from acting in a party political manner within an OSC. The change required from some of the longer serving councillors must have been quite significant, as the behaviours necessary for the effective functioning of OS were inimical to the tribalism and partisanship of party politics under the old committee system. Following several local

elections and the accompanying influx of new councillors, the picture for OS is quite different, albeit varying across the case study authorities, with some operating very effective OS arrangements, whilst others' are less so. Members are now either adapted to working through OS, or have no experience of any other system. Scrutiny officer support has strengthened, with many scrutiny officers able to share good practice, having moved between authorities on several occasions. The Centre for Public Scrutiny has played a big role in developing libraries of OS reviews, supporting local and regional OS networks, and in providing expertise and consultancy services as required. It latterly (and controversially) moved into a greater lobbying role in the run-up to the 2010 general election, prompted by a Conservative Party pledge to allow authorities a comprehensive choice over how their political management arrangements are structured. This has already led some authorities to state that they are to abolish the executive / non-executive split and with it, presumably, OS arrangements.

The external OS role first legislated for in the 2000 Act has, in a piecemeal fashion, been extended and strengthened over subsequent years. Whilst internal OS gradually embedded itself with varying degrees of success, external scrutiny lacked any legislative recourse should external bodies fail to cooperate. In reality, this wasn't to prove a great issue, as public organisations don't appear to have shirked local authority OS to any noticeable extent. Obviously there have been exceptions, with some notable examples occurring between local governments in two-tier areas, but generally recourse to (now existing) legislation was, and is, never genuinely considered to be an option. This is because many see heavy-handedness as a failure when organisations are expected to be working together productively for the common good. The long term damage to working relationships is deemed by some to be too great a price to pay for legally enforced partner cooperation with OS, which would probably be, in those circumstances, tokenistic.

A then central government desire to hold council partners to account through OS manifested itself in dedicated statutory powers in a range of

parliamentary Acts. The response from the case study OS functions has been, in general, to rename OSCs and realign their terms of reference to be more outward facing; to build relationships with external bodies; and, in two-tier areas, to develop protocols ensuring that the different councils' OS functions don't duplicate effort and increase burdens on partners unnecessarily. In some cases, councillors have shown themselves to be very well suited to external scrutiny. This is predominantly where they are involved in a range of other bodies other than the council, and are in a position to be able to draw upon knowledge, expertise and contacts gained in those different contexts. An important caveat is that many OS members are concerned about extending the scope of OS to cover partners to a greater extent; this is grounded in fears that it may raise expectations amongst constituents, when OS is in fact powerless to enforce change.

Members are ideally placed to bring a range of external stakeholders into the OS process. This is true of external stakeholders as witnesses and as co-optees onto OSCs or their subgroups. Again, this is attributable to the broader community role that non-executive members are able to play. The range of contacts developed and the knowledge of the governance arrangements and issues facing partner bodies is invaluable in their OS role. It is important to note that, to external stakeholders, the democratic mandate of elected members was not a particularly important factor in legitimising the role of OS. There are a number of possible explanations for this. It can be speculated that members were seen as 'lay scrutineers' rather than elected representatives, although this could be simply a matter of context. Furthermore, members tend to approach external stakeholders with regard to a particular element (OS) of their (members') broader role. Were the councillors to approach the external stakeholders with a ward / divisional concern, it is likely that the external stakeholders would be more mindful of the electoral mandate. It could also be argued that councillors are seen to have a single discrete role amongst a range of actors at the local level. Their electoral legitimacy in this case enjoying no greater status than the professional legitimacy accorded to senior officials (see p. 216). Broader global trends over the last approximately thirty years may lend purchase to

the latter view. One of the most relevant of these trends is the new public management, which has privileged managerialism, non-state provision and a reformed, arm's-length role for elected representatives (Hughes, 2003; Massey & Pyper, 2005; Stoker, Unknown).

Globalisation has meant that the liberal democratic nation state and its elected representatives are marginalised in the face of strengthening regional blocs and economic forces. More unique to the UK is the centralised political system, with only limited powers and freedoms for local government; an issue exacerbated by very low turnouts in local elections, and the fact that abundant regulations directly affecting local service provision are continually emerging from Whitehall. This leaves public sector officials working essentially to civil servants and government ministers, rather than local politicians. All of these factors in combination work to undermine the role of the local councillor, leaving him or her working hard to pitch their unique electoral legitimacy against the qualifications, professional kudos and intellects of managers occupying top positions in the public sector.

OS is able to enhance its own legitimacy by using external stakeholders to its advantage. The research has shown that professional external stakeholders are brought into OS processes (OS reviews in particular) to sit alongside members almost by default. Therefore external stakeholders are involved in OS processes in two capacities:

- They are subject to OS
- They are carrying out the OS in partnership with elected members

Increasingly, situations are arising in which the boundaries between the two capacities are blurred. A factor in this is the increasing separation of OS roles into two compatible but, in practice, distinct activities:

- **Holding to account**
  - Aimed at the council executive / senior officers
  - Formal committee sessions
  - Traditional committee layout
  - Clear role delineation (chairman, scrutiniser, scrutinised, etc.)

- o Less scope for external stakeholder involvement

- **Prompting service improvement**
  - o Aimed at relevant service providers across the board
  - o Informal sessions
  - o Random / interspersed layout
  - o Less clarity in role distinction
  - o Greater scope for external stakeholder involvement

A predominant view was that 'service improvement' was the practice through which OS could make the most difference, especially when drawing upon the testimony of service users in the development of evidence bases and recommendations.

OS as a deliberative forum

A primary concern of the thesis is the extent to which OS is becoming a site of a more deliberative style of democracy. The examination of the data in the 'external stakeholder' sub-chapter (see p. 183) revealed the large variety within the external stakeholder concept. The duration of the engagement with OS processes, organisational culture, interpersonal factors and a range of others combine to form a powerful imperative to make OS as flexible and as inclusive as possible, to allow members to draw upon the broadest possible range of expertise.

It has been mentioned that professional external stakeholder involvement in OS processes has become almost the default position, most particularly in OS reviews. To access the expertise and legitimacy accorded by the involvement of selected external stakeholders, OS across the case study authorities has opened itself up and adopted more flexible working practices, especially in smaller OSCs (fewer than approximately eight members) and in working groups of larger OSCs. To refer to these practices as deliberative is, usually, entirely accurate, given that conflicting views are aired, debate is undertaken and common ground is reached, all in pursuit of the common

goal of service improvement. The most successful OS groupings have foregone confrontation and have instead adopted an inclusive and collaborative way of working. The exception to this is in dealings with the council executive, where all of the characteristics highlighted under the 'holding to account' bullet point, above, are emphasised. In this case the characteristics are less about reconciliation, or service improvement (although this features to an extent). Instead, the focus is on asking the tough questions that residents themselves would pose, if they had the knowledge and inclination. This is a valuable activity in itself, but measuring the value that it brings is challenging, and cannot be reduced to a simple economic assessment. The value brought by the 'service improvement' element of OS activity is easier to quantify, but is still very challenging to ascertain in financial terms and / or in terms of outcomes. If recommendations are accepted, and if they are implemented successfully (which is by no means assured), it may be possible to ascertain the amount of value added by OS, if the OS group is allowed to take the credit. This is not something that OS can necessarily influence, as it is very easy for either the executive or implementing officers to claim that it was going to be done anyway.

The importance accorded to the service improvement element of OS work has led to a focus on the work of officials rather than executive politicians. Research across the case study authorities has shown that it is mainly officers that are requested to attend OSC meetings to discuss often quite esoteric matters in relation to the services they are providing. In some instances the lack of attendance by executive members was seen to be unacceptable, and OSC chairs actively pushed for their attendance. Other authorities were not concerned and were content to stay officer-focussed. The corollary of an officer-focus is that OS has become a highly technical exercise that has neglected matters of high policy. Only very rarely were fundamentally 'political' questions addressed to executive members. To elaborate, a question of this type might address the manifesto commitments or ideological principals of the ruling group. For example:

- *'How will you prevent your commitment to protect service X from impacting adversely on service Y?'*

- *'What is your overarching vision for the area and how will you achieve it?'*

- *'Should the council be providing these services, or should we be outsourcing them?'*

Questions instead tend to focus on the minutiae of service delivery, and in doing so, hold the officers responsible to account. There are two possible conclusions that can be drawn from this:

- OSCs are failing to hold the executive fully to account; i.e. the technicalities of service delivery, and therefore service directors, are being held to account, but the overall political vision and programme of the ruling group are being neglected. It could be argued that service directors are a proxy for the executive member in this regard.

- The alternative is that the executive has no prevailing political vision and programme; therefore there is no impetus or necessity for OS to hold the executive to account. If this is the reality then it severely undermines the case for political executives in local government and more broadly, the whole purpose of voting in local elections. Why bother to vote when the party you select has either no manifesto or lacks the will to see it implemented properly?

This final conclusion is worthy of extensive research in its own right, and is beyond the confines of this thesis. Nevertheless, it is a question of fundamental significance, not only to the role of OS, but to the whole purpose and operation of local democracy.

OS as a technical exercise

That OS has become a largely technical exercise has also meant that the general public has only been involved to a very limited extent, whereas other external stakeholders with greater knowledge and expertise are involved frequently and substantively. The possible exception is in health OS, where proposed major alterations to NHS services (a definition that includes

closures) can lead to great general public interest in the issues being discussed within the OS process (not an interest in the OS process itself). It can be assumed that members of the general public, if they were inclined to participate, would be put-off by the emphasis on complicated detail, convoluted statutory requirements and the use of bureaucratic language in reports to OSCs; all symptoms of the technical focus of much OS business. It was noted in the opening of this thesis that OS processes incorporate the full cycle of OS activity (see p. 45), including initial development of work programmes, the actual practice of OS, and the tracking of any recommendations produced. At any of these stages, and across the case study authorities, there was very little general public involvement discussed or observed.

The technical focus of OS is likely to entrench as external OS develops. The highly complex world of modern public policy means that there are few issues in localities that are not subject to a complex web of intervention, likely to involve central government, quangos, the voluntary sector, as well as local government and its statutory partners. Each of these organisations will have its own 'language', will be subject to complex demographic and budgetary considerations, will have its own discrete policies on given issues, and will exhibit a particular organisational culture that may help or hinder efforts to scrutinise the organisation in question. OS groupings will be addressing the agents of these organisations, professional officials of great similarity to their local government counterparts, but without the direct experience of working with local politicians. In sum, these factors will mean that OS groupings undertaking external OS will have to adapt to the technicalities they are presented with. There will be even less scope for local executive member input, and therefore OS will divert its attentions to an ever increasing extent away from the local political executive, towards the organisations external to the council that are delivering what are, essentially, centrally controlled public services.

External stakeholders will become ever more important as lay scrutineers (scrutiny members) attempt to understand and suggest improvements. It is

likely that their expertise or firsthand knowledge of receiving the service will provide vital inroads into the topic at hand. It is highly likely that the same external stakeholders that are contributing evidence to the OS grouping will, in the context of an OS review, also be joining the group in weighing up the evidence, quality assuring conclusions and even questioning peers on matters of service delivery. This will only be possible in 'service improvement' mode, with its more fluid attitude and 'softer' role delineation (see p. 187). In this setting the emphasis is less on point scoring and more on making things better for residents. It is perhaps this that prompts many members (and OS officers) to state that this is the most enjoyable and rewarding type of OS work. To make best use of external stakeholder expertise it may be that OS review groups aim to enhance the most effective deliberative elements of 'service improvement' mode. This could involve an intentional focus on providing a deliberative ethos within OS review group meetings. It could be realised by quite simple means such as interspersing review group attendees so that there aren't contingents of elected members or external stakeholders sat together. Table and chair arrangements can be engineered to create a more collaborative ethos. Review group members can take the time to introduce themselves and explain their role. All of these and more are already being practised by good quality OS groupings, although more ambitious deliberative methods have not yet been observed. These might include moving away from a complete reliance on the question / answer / deliberate approach most commonly observed, and move towards a different type of gathering. Such gatherings might take on a problem-solving approach and involve numerous stakeholders ranging from service users though to strategic level service providers. Very discrete issues within a broader topic could be examined in this way, with the findings from such events being used as jigsaw pieces to fit together, the ultimate output being a strategic overview of the topic in hand. The benefits would be twofold:

- Participants can take immediate action based on the findings of the problem solving event
- The OS review group gets a snapshot of a particular issue, which can be fed into wider findings about a more strategic topic under review.

An example of this could be an OS review into public transport provision. After scoping of the topic and initial investigation, it could be found that there are serious issues around:

- The safety of bus stops during the evenings
- Bus services in rural villages
- Connections between small to medium-sized population centres

Small problem-solving events are held on each of the topics. The mandate for the events is provided by the evidence heard by the OS group during its scoping of the topic and subsequent initial investigations. The relevant stakeholders meet and deliberate with each other and the OS group on the issue in hand; hopefully, solutions emerge as a result of each event. As the review progresses and the events take place, the review group is able to feed the knowledge garnered from previous deliberations into subsequent sessions. What emerges is an excellent overview of some of the key issues within the broader topic of 'Public transport provision in area X'. The OS group makes a valuable contribution in drawing the separate strands together into a single strategic overview of the topic. 'Quick wins' may also have accrued throughout the review as a result of the problem solving sessions held as part of the evidence gathering for the review. These could include:

- **The safety of bus stops during the evenings**
  CCTV operators now prioritise bus stops. An investment in more effective lighting is made.
- **Bus services in rural villages**
  A voluntary group agrees to share the usage of its minibus with elderly residents in a community transport scheme.
- **Connections between small to medium-sized population centres**
  Bus companies agree to better align timetables.

The final report of the OS review group draws the separate strands together into an overarching picture of public transport provision in the area. The 'quick wins' can also be described, demonstrating the immediate value of

OS. Recommendations are grounded on a solid evidence base which has been tested in deliberative processes. This avoids the charge of one-sidedness that is often levelled at OS evidence bases. This is an ambitious approach that would develop on the best aspects of OS groups in 'service improvement' mode. Significant benefits could be derived simply by incorporating one or two such deliberative events into the OS review process. Across the case study authorities members have stated their willingness to engage with a broad range of external stakeholders, citing plurality of expertise and opinion as the principle benefit for OS. This type of approach could be used to extend and increase the quality of this engagement.

8.1 Deliberative work programming

Other OS processes could also benefit from enhanced deliberation. Work programming is of fundamental importance to the OS process, ensuring that work throughout the year is targeted and is able to make a difference. OS functions rely on a range of sources for work programme material. At the minimal end of the spectrum, non-executive member concerns are reflected broadly in the work programme. At the opposite end of the spectrum, OSCs conduct consultations with a broad range of external stakeholders, cross-reference these with member concerns, and utilise the knowledge and expertise of internal stakeholders (such as executive members and senior officers) to create a well targeted and relevant programme of work.

Work programmes are subject to revision throughout the year as priorities change and lower-level issues arise and subside. Inevitably, there is an element of trade-off involved and there may be contention, especially when balancing member concerns with the broader strategic issues facing the authority (the two are not always compatible). These issues bring into sharp relief an inherent dilemma within OS processes: members are elected to represent a specific ward or division, but in their OS role they are expected to abstract and take a strategic approach which encompasses the whole municipality. This is perhaps more difficult for unitary or county council members with a far larger area to consider. District council members in rural

areas need to link the issues in their ward to a broader municipality that is much smaller in scale with generally less diversity of need. As an example, the district of South Cambridgeshire is generally affluent across wards (although there are exceptions). At county level OS members have to consider a far more diverse socio-demographic which, remaining with Cambridgeshire as an example, ranges from the generally affluent South Cambridgeshire district, through to relatively deprived Fenland district.

The nature of many district council services also means that nuances between wards are less pronounced. For example, council housing must be delivered to the Decent Homes Standard district-wide. However, exceptions at district level may occur, predominantly in urban areas, where fairly significant variations can occur across wards as a result of investment in larger economic centres to the detriment of surrounding areas. It can be stated fairly accurately that larger authorities, tending to be counties or unitaries, may have greater difficulties in creating consensus over OSC work programmes. Where difficulties occur, there could be scope for greater use of deliberative methods involving a broad range of external stakeholders. Given that so much is delivered in an area by agencies other than the local authority, it is clear that to implement effective external OS requires the input of as many of these bodies as possible. They fall into the following broad categories:

- **Top-down sources**
  Includes political executives and senior officials across voluntary, private and public services, at any level of government or administration
- **Bottom-up sources**
  Service users, community groups and the general public

Top down sources provide knowledge, networks and decision-making power. Bottom-up sources have real world experience of either directly receiving the service, or in the case of non-service users, experiencing the residual effects

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of the successful / unsuccessful delivery of the service. Downsides exist to over-privileging either perspective. However, to gain a rounded perspective of the issues facing an area, some way of receiving and balancing the views of each has to be determined. One of the major pitfalls in attempting to garner the widest range of views possible is the question of what constitutes representativeness. For example, would the views of the organisation Sustrans be representative of all cyclists? Similarly, would one statutory sector public health specialist agree with another on every aspect of an area's health requirements? The voluntary sector provides a useful example of this issue, comprising as it does of numerous organisations of hugely varying remit, size, resources and capacity. Any one of these organisations could lay claim to a more accurate assessment of a given issue within an area, but which should prevail? The main voluntary sector infrastructure organisation in one of the case study areas may provide a partial solution to this issue in its development of a voluntary sector forum. This body would have representatives decided upon by the constituent organisations; therefore, if an OSC sought to elicit voluntary sector input on a particular issue, the first port of call would be the forum, which would then determine the body best placed to attempt to portray the myriad views of the sector on the issue. This wouldn't address completely the issue of representativeness, but would at least be a step forward.

If OS can secure an approximately representative cross-section of top-down and bottom-up opinion, it can begin the process of sifting and prioritising issues. The simplest approach would be to establish the recurring issues and decide as a group of OS members which to prioritise. A more deliberative approach would involve a broader group of broadly representative stakeholders taking ownership of the OSC work programme, each contributing their views and hopefully demonstrating willingness to get involved in the topic as investigations commence. The most effectively targeted OS functions will be doing this already, in one form or another. Deliberative work programming events of a similar nature were hosted by two of the case study authorities. Conferences were convened that involved external stakeholders and non-executive members from the counties and

districts concerned. After the usual presentations and question and answer panels, the World Cafe methodology (renamed in this context as 'Scrutiny Cafe' was employed to ascertain the pressing issues facing the area within each Local Area Agreement (LAA) theme. These were chosen as they reflected a common framework which all present could relate to. Each LAA theme was assigned its own table and accompanying voluntary and public sector representatives. At twenty minute intervals non-executive members moved from table to table, ensuring a random distribution. The voluntary and public sector representatives at each table were 'anchors' for the debate, and remained in place throughout. Discussions were facilitated by scrutiny officers, who drew the debate back towards how OS could intervene. After the event, scrutiny officers also played a key role writing up the findings from the cafe table which were then circulated to non-executive members. This type of event differs from orthodox involvement / consultation mechanisms in that an emphasis is placed on informality and two-way discussion. Small touches contribute to this. For example, a 'cafe' environment is created by providing drinks and biscuits at each table that are replenished frequently, ideally throughout the event. Participants write on paper table cloths rather than on notepads, leaving their thoughts in writing for others to add to, if they so desire. The end result of a Scrutiny Cafe used in this way is a properly evidenced and targeted work programme, which has drawn upon the views of numerous internal and external stakeholders. This, in turn, mandates the OSC work programme and ensures that it is focussed on the areas where it can make the greatest difference.

8.2 Quality assuring OS outputs: the role of deliberation

An ongoing theme of the thesis has been the value that broad ranging and truly substantive external stakeholder engagement can bring to OS processes. Benefits include stronger evidence bases and more legitimacy for OS. If a significant range of opinions has been considered and cross-referenced and other evidence triangulated, it can be reasonably assumed that a decent quality output (usually a written report and recommendations) will result. To ensure that a higher quality output is produced, it is fairly

common practice for the report to be circulated amongst a group of stakeholders for comment. If remarks of sufficient significance are made, the review group will reconsider their findings if it desires. Building this quality assurance phase into the OS review process can ensure better quality recommendations and better use of time; it also adds significantly to the evidence base and tests any assumptions being made by the OS group.

Building quality assurance into the evidence gathering stages of the OS review can be achieved by testing findings with service users in particular, ideally in a manner that is conducive to their enjoyment and allows them to contribute to the discussion. In an age of consultation and stakeholder engagement, OS groupings can piggyback on existing engagement mechanisms. Established groups of young people, brought together by youth services teams, have equivalents in residents' associations, patients' groups, carers' associations, etc. The only pitfall is the issue of 'representativeness', so wherever possible countervailing views should be sought or ideally brought together to deliberate. Other risks to the approach include how to involve service providers in the debate and whether they should be involved alongside service users. The pragmatic response is to judge the situation on its merits and proceed after careful consideration. It may be that the default position would be to involve the two separately, as their input will be sought for two different reasons:

- **Service users**

  Will be assessing the validity of the OS review findings in terms of its diagnosis, prognosis and recommended course/s of action

- **Service providers**

  Will likely pose an array of questions around the proposed recommendations, including whether they can be implemented, whether they are affordable, and whether they will make a difference.

It has been stated in this conclusion that OS is a highly technical exercise; a situation that is likely to consolidate and extend as OSCs focus increasingly

on the work of council partners. The privileging of the technical over the political (senior officers over executive members for example) exacerbates this, and may mean that service user involvement is the hardest challenge to address. General public involvement has been shown by the research to be almost entirely absent from OS processes across the case study authorities, although the involvement of service users does take place to varying extents. Therefore, service users are probably those citizens best targeted by OS functions, as general public involvement will likely add little to the service improvement mode of OS, and will be very difficult to elicit or maintain.

For that reason, the quality assurance of OS findings / recommendations would be best undertaken in a deliberative forum involving service users and OS group members. The service users would represent as broad a range of views on the topic as possible and would reside, ideally, in different geographical areas for triangulation purposes. Feedback from the sessions would go on to inform the review further via the development of new lines of enquiry, new contacts to interview or sites to visit. The resulting draft recommendations and developing findings could go through further such processes, eventually reaching a stage where highly evidenced, well targeted and implementable recommendations are produced. These recommendations would enjoy the legitimacy accorded by expert, lay (member) and service user input. The iterative nature of their development would result in 'no surprises'. The ultimate benefit would be that the recommendations would have a far higher likelihood of acceptance and implementation, due to the fact that all are bought into the process, recommendations are genuinely evidence-based, and the service user involvement at every stage has kept the review outcome-focussed.

8.3 Overview and scrutiny: the future

OS in local government faces a period of uncertainty following the 2010 general election. This is due to a Conservative Party commitment to allow local authorities to choose their own system of political management; a direct challenge to the Local Government Act 2000, which for most authorities

allowed a choice of three. The principal behind this move is localism and a view that locally elected representatives are best placed to decide independently on these matters. The Liberal Democrat communities spokeswoman has recently backed this principle (Smulian, 2010, p. 13).

The long-term prognosis for OS is, therefore, uncertain given that both coalition partners intend to give councils the freedom to decide on their own political management arrangements. The coalition proposals would, in principle, allow a return to the committee system, which many councillors see as a more inclusive way of conducting local government business. However, the research has shown that many OS chairs are staunch advocates of the current system and many more will remain ambivalent. Some councils have already declared their intention to move away from the executive / non-executive split, although this need not necessarily involve the scrapping of OSCs. Fourth option authorities have operated the committee system successfully alongside OS, with the prevailing view in the fourth option authority case studied being that policy committees offered an extra layer of scrutiny that complemented OS very well. The type of OS that was undertaken by this authority was almost uniquely comprised of scrutiny reviews, the type of OS activity which is most likely to be viewed as valuable to the authority and the broader public.

The monitoring role was almost unnecessary given the lack of concentration of executive power and the party political scrutiny undertaken in policy committees. For some members, holding the executive to account in a non-party political manner, as is expected in an OSC, is counter-intuitive when they have been elected on a party political platform. Therefore, perhaps the best option is to accept that the best type of executive accountability is exercised through the party group sat in policy committees. The service improvement role is likely to be best served by non party-political working through OSCs.

Few localists would question the right of a local authority to choose its own political management arrangements, but there may be a case for coalition

policy to reflect the value that OS in many authorities has provided. This could involve legislating for some kind of non party-political body to adopt the service improvement function (via the conduct of scrutiny reviews, etc.) in all local authorities, regardless of the executive arrangements that are put in place. This could lead to many authorities moving back to the committee system for decision-making with the statutorily required retention of an OSC/s in service improvement mode. Anecdotally, it would seem that the members that have advocated a return to the committee system have done so on the basis of a desire for more inclusive decision-making, rather than dislike or disillusionment with OS. This would appear to replicate Conservative Party thinking on the matter, as the parliamentary group lent its support, very late in the life of the current parliament, to a now defunct private member's Bill which would have strengthened OS considerably.

Revised political management: senior officer views

It is hard to generalise on senior officer advice to elected members on the matter of political management, should the opportunity to scrap executives emerge. Personal experience of senior officer involvement in political governance arrangements (not related to the executive/non-executive split) revealed a reticence on behalf of senior officers to advocate one particular arrangement. This could be attributed to a desire to keep this element of the authority's internal business member-led, and/or a reluctance to expose himself should an officer-recommended arrangement fail. If senior officers did have a stance on the executive political management arrangements of their authority, it could take one of two forms:

- **A desire to retain an executive system**

  This would probably be grounded in the relative speed and efficiency of existing political decision-making. Rather than navigate a range of policy committees, cabinet members / leaders / elected mayors can be consulted before senior officers act. Under the cabinet system (the predominant arrangement across local government in the UK) this is particularly useful where cabinet members have considerable delegated

powers over services. In an elected mayoralty, access to the mayor may prove more problematic for senior officers wishing to act quickly.

- **A desire to reduce the burden of attending / servicing OSCs**

  In some instances the burden placed by OS may not be justified in terms of the value it brings. Where this is this case, it would be understandable for senior officers, if asked, to advocate against the continuation of a system of OS. Senior elected members on the executive would in many cases wish to retain the concentration of executive power (although there are likely to be many exceptions). The reasoning behind is likely to be grounded in proximity to senior officers; speed and efficiency of decision-making; and personal prestige, to varying extents. The attitude of the broader ruling party group is undoubtedly important in colouring the attitude of the executive. If non-executive members enjoy freedom from the party whip, and / or resent their exclusion from direct decision-making, they may be willing to move against the executive if necessary to effect change.

Opposition political groups will also have a role to play in deciding whether to switch from an executive system of political management. Where relationships between political groupings are good and collaborative, it seems logical to suggest that there may be a slightly better chance of adopting alternative arrangements, if advocated strongly by the opposition. However, where inter-party relationships are good, it is quite likely that OS in the authority will also be strong, which will act in favour of retention, regardless of the ultimate choice of executive arrangements.

Indeed, strong OS itself will be a major factor in whether authorities decide to retain it. In this regard the picture is mixed, as the diversity of local authorities has led to a similar diversity in the effectiveness of OS. Where authorities resource OS correctly and adopt an open approach to governance, it has made a positive impact. However, OS is a relatively new development and in some instances the culture change required to allow OS to have an impact has not had sufficient time to embed. In addition to this, a finding from a

comprehensive study of Regional Assembly scrutiny, equally applicable to local authority OS, is 'the extremely difficult, if not impossible, task of identifying the precise impact of "influence"' (Ashworth *et al.*, 2007, p. 207). This has significant implications for OS functions seeking to advertise the difference their interventions have made.

Perhaps ironically, it appears to be politicians who have embraced OS to a greater extent. This can be evidenced by the fact that the acceptance of recommendations (by the council's executive) tends to far outstrip the implementation of recommendations (by lead officers). It can be speculated that this is due to the flux in membership of the executive, with many longer serving councillors having moved from the non-executive ranks into those of the executive (and back again in some cases). The current tranche of senior officers (at a level of seniority to be subject to the regular attention of OS) would have been promoted through a system with no requirement to pay heed to, or implement the recommendations of OSCs. Some will have embraced the contribution of OS where properly evidenced and intelligent; others will have proved more resistant to a perceived dilution of managerial power. It is entirely plausible that as existing junior and middle managers operating in the context of OS adopt senior positions over the coming years, a culture change will mature and embed, which will in turn make officer structures generally more amenable to OS intervention.

Retention of current arrangements

There would be authorities that choose to retain their existing political management arrangements regardless of any opportunity to change. These authorities would be the ones in which OS has achieved the difficult balance of challenging robustly without alienating key stakeholders. It will be able to alter policy via the exercise of influence and play a broader role in the governance of an area. Where such authorities retain OS, the emphasis of the function will have to change in order to stay abreast of a rapidly changing public policy arena.

The parlous state of public finances will require an increasing focus on budget scrutiny and value for money. A recurrent theme of the thesis has been the requirement for OS to adopt a much greater external focus; however, external budget scrutiny will be challenging to develop. Many authorities have struggled to develop effective internal budget scrutiny, so extending it to concerns beyond the direct remit of the local authority will add considerably to the challenge. A key risk will be the duplication of effort, where each public sector body has existing arrangements to ensure financial probity. However, OS of an external organisation's budget would be less focussed on financial controls and assurance, and more on the policy thinking behind budgetary decisions and outcomes delivered. In some cases there may still be a duplicative element which would have to be reconciled, although potential long term developments in the public sector may render this a moot point. If the thinking behind initiatives such as Total Place bears fruit, area-based shared budgets, joint commissioning and collaborative procurement could become the norm, rendering an organisation-focussed budget scrutiny obsolete. Instead, the focus would be on ensuring that the best possible outcomes were being delivered by the strengthened Local Strategic Partnerships (or similar) via their budgeting decisions.

This development could strengthen the role of councillors in general, extending their reach beyond the rather limited scope of local government and into the realms of the broader public service. A degree of member intransigence encountered in the research may yet prove problematic to the achievement of this; as previously mentioned some councillors are concerned about raising the expectations of their constituents, only to leave them unfulfilled due to a lack of enforcement power on behalf of OS.

In two-tier areas the challenge facing enhanced external OS is greater still. The need to work collaboratively across the tiers and the delineation of local government service responsibilities complicates matters further. It means that effective partnership working between the respective OS functions is a fundamental requirement, as so many issues of concern to OSCs involve other councils' remit. An example would be the issue of recycling, which

would almost certainly involve an OSC referring to both the waste collection authorities (usually the local district councils) and the waste disposal authority (usually the county council). Invariably, good practice would dictate a collaborative effort between OS functions across the tiers, although this type of partnership working was not especially advanced in the two-tier areas researched. On occasion one or two members would be co-opted to sit on the other council's OSC or working group. This did deliver a variety of collaborative working, but a recently initiated project in one of the two-tier areas is to take this approach a step further. In joining together to review a specific district's educational attainment, the county council and relevant district council's OSCs are agreeing a joint terms of reference (ToR) for a scrutiny review. The relevant OSC in each authority will discuss and agree the ToR before assigning three members each to a joint working group of the two OSCs. It has been agreed that a district member should chair the group, and that the final report of the group should go via both OSCs for final agreement. Recommendations can then be issued to the appropriate agencies, with both OSCs responsible for tracking their implementation. The benefit of this approach is that there is a larger supporting resource for the review as officer support from both authorities can be provided. It enables the complementary knowledge of the two sets of councillors together to review the subject; the district members provide the local knowledge of the area's particular needs and the county members bring knowledge of education and children's services more broadly. It is hoped that this new way of working will pave the way for future joint OS reviews of this variety.

Broader trends in the public sector, accelerated by the recession, have added impetus to this type of effective collaboration between OS functions in two-tier areas. The first is the need to demonstrate more efficient working in general, meaning less duplication and better sharing of knowledge and resources. The latest round of new unitary councils have meant that the onus is now firmly on two–tier areas to demonstrate greater efficiency. Indeed, there are convincing moral and business cases for this. The recession has meant that the funding of public services will be compromised severely in coming years. This in turn has meant that, alongside the rest of the public

sector, OS functions will be expected to adhere to the mantra 'do more with less'. Ultimately, such working may be the precursor to a more radical model of OS support, which would involve an OS support function located outside of the council's line management structures, possibly funded through the Local Area Agreement and used as a shared resource by partners to support currently existing bodies such as district and county council OSCs, Police Authorities, NHS Local Involvement Networks, or their future equivalents. The advantage of this would be a cost saving, more joined-up working across public sector scrutiny and, importantly, freedom from the ever present risk of managerial interference compromising the neutrality of OS support.

The likelihood of this happening is, for now, rather slim given the requisite change in culture that would be required has yet to occur. However, the recession and Total Place initiatives, or similar, may galvanise the debate and force change. Such a change in the situation of OS support is of course predicated on a willingness to continue to fund dedicated OS officers in the lean years ahead. This willingness would have to extend beyond decision-makers in local government to those in partner bodies. The overarching partnership organisation would have to agree that such a resource would be valuable in terms of providing accountability and stimulating service improvement.

This as an option is bolstered slightly by the relative cheapness of such a resource in the wider context of a devolved area-based budget without any, or minimal, ring-fencing. For example, the Total Place pilots have demonstrated the extent of public spending in the areas concerned. This ranges from £2.2 billion in Lewisham to £22 billion in the Manchester city-region (DCLG & Treasury, 2010, p. 17). A shared scrutiny support body would cost considerably less than .05% of Lewisham's total public spend (based on a £1 million budget) and the savings that such a body would help to identify would most likely make it at least cost-neutral. Even if only a relatively small proportion of this 'area budget' was delegated to local agencies there would still be more than sufficient resource to cover the cost of a scrutiny unit as a shared service.

A hybrid system: the future?

This option could be the best possible compromise if local authorities chose to move away from an executive system of political management. It would allow for a scrutiny review role, therefore retaining the best of the outgoing OS system, to operate alongside a more inclusive system of decision-making, with diffusion of executive power, in the form of a committee system of decision making. It would be most similar to fourth option authorities that operate both OS and party political policy committees.

The two OS roles that the thesis delineated, monitoring and service improvement, are merged into a member-led scrutiny review process, with a particular emphasis on service improvement. This would utilise, primarily, the strongest element of the current system of OS, the scrutiny review. Some of the main elements of the monitoring role are subsumed in the debates in policy committees, where all members are engaged in decision-making and the party political element is not artificially eschewed.

If preferred, separate bodies could be set up to look in-depth at developing policies, or the scrutiny review function could develop evidence-bases and recommend changes to developing policy back to the relevant policy committee. The remaining time available to the function (ideally, at least 80 percent) would be devoted to scrutiny reviews with a predominant external focus and an emphasis on deliberative methods to develop recommendations. The expectation would be that the scrutiny review function would be non-party political and concerned with the development of quality services.

8.4 Theoretical conclusions

The literature review explored several of the main ideas of relevance to OS in practice and as a concept, to ground it in the broader democratic theoretical body of which it is very much a part. Throughout, OS has also been viewed as one element of a broader democratic renewal agenda (see p. 89) which

was intended to galvanise public interest in matters of government, policy and society. The thesis built on the premise that OS is a function of representative democracy especially suited to broader engagement due to its flexibility and many other factors (see p. 115). For this reason it was argued that OS had, to an extent, the *potential* to facilitate participatory democracy, especially in its deliberative forms. Although, the findings of the thesis have shown that, at least in terms of involving the *general public* systematically, OS and the broader political management arrangements of which it is a part have failed.

This failure is attributable, in part, to the fact that the OSC is a very modern incarnation of a long-established representative democratic unit: a committee of elected representatives and as such, it is fettered by elements of that system that make it inimical in many ways to popular participation, including arcane procedures and formalities. As Silk and Walters state, '[t]here have been select committees for hundreds of years' (1998, p. 208) and in that sense OS was not a fundamental departure from the way in which executives have traditionally been scrutinised, as OSCs themselves have much in common with select committees. The 'hard' role delineation (see. p. 185) that emerged from the data perhaps best indicates that this historical tradition is manifesting itself in elements of OSC practice, primarily in the monitoring / holding to account role mainly undertaken in formal committee session.

OS has, however, been genuinely innovative in reviewing services and making recommendations for improvement. This type of work generally involves the relaxation of formality and due process, more inclusive, 'softer' role delineation (see p. 187), and is undertaken in smaller flexible units often referred to as Task and Finish Groups, or Working Groups, etc. The deliberative style that these sub-groups frequently adopt is certainly a new way of conducting representative democracy, and in that sense OS is playing a part in democratic renewal. Whilst this research has shown that these deliberative processes involve predominantly expert stakeholders, there is evidence that general public (especially service user) involvement is being

secured to a greater extent than in formal OSC sessions, although the numbers of those involved are still not especially high.

Where OSC sub-groups in particular have succeeded is in bringing together a range of opinions and ideas in a deliberative setting, allowing elected representatives to bring their local knowledge to the fore, arbitrate, evaluate, and ultimately develop strong recommendations for service improvement. The thesis has argued that herein lays the best that OS has to offer, and the deliberative elements of this work must predominate and develop in the manner suggested (see p. 252) if OS is to continue making a contribution in a complex local governance environment concerned with increasingly challenging policy issues.

8.4.1 A grounded theory

The research findings can be drawn together into the relatively succinct grounded theoretical statement:

OS processes have enhanced local governance in terms of furtherance of the democratic renewal agenda (DRA) insofar as it has empowered the non-executive councillor role, broadening non-executives' sphere of influence beyond the local authority, underpinned by statutory powers that have accrued, in an albeit piecemeal fashion, over a ten year period. Councillors have demonstrated a willingness to hold organisations external to the council to account through OS, although some concerns remain around managing expectations of constituents when OS cannot enforce change. General public engagement, as required by the DRA, has not been well served by OS processes as a result of them being fettered by statutory requirements and local authority cultural imperatives as to how to operate as units of representative democracy – i.e. formal committees with 'hard' role delineation. This emphasises the councillor as a political figure and hampers the potential for public engagement due to negative perceptions of politicians and political process. Formal committee procedures and practice are often viewed by the lay public as intimidating, which has acted as a barrier to

general public engagement, as have councillor perceptions and a lack of willing participants volunteering themselves. Therefore, where public engagement is sought it is best elicited through the committee sub-group which operates in a less formal manner with 'softer' role delineation.

The issues around formal committee procedures and practice that render them less effective in terms of engaging the general public have a less potent effect on professional and expert stakeholders who are often more comfortable giving account in a formal setting; this, in part, has led to a greater reliance upon expert external stakeholder engagement in OS processes, but predominantly this prevalence of experts is attributable to the highly complex nature of the policy issues facing local public agencies today, and the high esteem and legitimacy accorded to expertise in an era shaped by new public management and evidence based policy making. In this context, expert testimony is essential to OS functions legitimating recommendations for service improvement upon a strong and comprehensive base of evidence.

All external stakeholder engagement – if service improvement rather than to hold to account is the goal - is best secured through less formal sub-group work in which there is more of an emphasis on reciprocity, team work and problem solving. For this reason the 'service improvement' aspect of the OS role is usually best undertaken in informal committee sub-groups, which have been observed to be more deliberative in terms of their levelling-up of relationships (mutuality), inclusiveness, reciprocity and more consensual (rather than 'us and them') ethos. The monitoring role, which is predominantly concerned with transparency and accountability, is best undertaken in formal committee session with 'hard' role delineation and the necessary due process, including the production of formal agendas and minutes to aid democratic oversight. When separating OS into respective service improvement and monitoring roles. The ability of OS to make a difference, in the sense of driving improvement or holding effectively to account, is contingent upon its ability to leverage the system / executive through the effective exercise of influence. This involves the avoidance of

'accountability fatigue', whereby individuals / services have been held to account already by other means such as external inspection and OS intervention at that stage is duplicative and unlikely to be of value. It also involves the need to strike a careful balance when implementing the 'critical friend' conceptual approach, emphasising 'critical' or 'friend' on a case-by-case basis, although it can be theorised that the latter is better suited to 'service improvement' work predominantly undertaken in committee sub-groups, whilst the former is better suited to 'monitoring / accountability' work undertaken in formal committee session. Finally, it needs to ensure that its work is timely and well planned, so that OS is seen by service managers / sponsors to be part of the solution rather than a burden.

Implications for the deliberative democracy literature

The OS processes observed during the research, and interview testimony, would suggest that deliberative democracy is evident in certain elements of broader OS work to varying extents. It tends to occur in smaller group work when engaged in 'service improvement' activities, often during the process of an OS review. Where these deliberative activities occur, they rarely address much of the criticism levelled at deliberative democratic processes in the literature. For example, elements of Josie Brooks' concerns around the risk of exclusion in deliberative processes based on gender, education or ethnicity (1999, p. 53) – referred to by Fung (2004, p. 108) as the 'strong egalitarian' critique - are vindicated to an extent; certainly, the general reliance by OS on the more highly educated and articulate to give account can skew evidence bases in favour of the views of this demographic.

Little effort is made to secure the views of less highly educated people because there is an assumption, and the reality is – as described throughout the thesis – that expertise is significant; this relegates the voice of the less highly educated and poses a major challenge to OS processes. The exception is when the views of a specific group of service users are sought. When accessed, depending on the nature of the service used, those expressing views will have varying degrees of educational attainment. For

example, a group of library service users could be expected to represent a relatively high level of educational attainment (although this would not always be the case). However, groups of children, people with learning disabilities and others will present levels of educational attainment deviating significantly from the norm that OS processes have to work hard to accommodate, if their views are to be elicited successfully. Indeed, where the views of those with low levels of educational attainment are sought, it may be that deliberative processes are less suitable. Other means may have to be used that avoid the rigour and as a corollary, the exclusionary potential of a deliberative session. An attempt to elicit the views of a young person with learning disabilities was observed in Authority C. This involved the OSC chair inviting the young person to speak in a formal committee session with the support of his carer. Whilst the young person addressed the OSC very ably, it does prompt reflection on whether this was the best way to consult with this individual and, if not, which engagement methods would be more appropriate?

Gender bias was seen to be less of an issue in deliberative OS processes than in other deliberative systems, simply because a lot of the input to the former is by mid to senior ranking public sector officials, and members of this group observed during the research were not predominantly male. Other external stakeholder input to deliberative OS processes was also not overwhelmingly male, nor was the composition of the member working groups. It is difficult to conclude that deliberative OS processes overcome barriers to involvement in other deliberative forums such as citizen juries, where certain voices may predominate; but the profile of those generally involved in OS deliberation mitigates the issue to some extent. Were greater general public engagement in OS processes ever to be secured, the issue would certainly be more acute due to the fact that a greater mix of participants would be secured - with perhaps a generally lower regard for matters of inclusion - and inequalities present in wider society would present microcosmically in the OS process.

Margaret Kohn's notion of a socially constructed 'reasonableness' as a block to effective deliberation (Kohn, 2000, p. 409) has been discussed at several

points throughout the thesis. 'Reasonableness' benefits the status quo and those in positions of power. The prevalence of senior officials in deliberative OS processes could lead to an entrenchment of existing 'reasonableness', which could be said, in the OS context, to be based upon behavioural, hierarchical, organisational cultural and professional norms. When such norms are also accepted by the arbitrating figures in the deliberative OS process - the elected members - it can provide a significant barrier to completely open deliberation, as certain topics would be automatically considered illegitimate or incredible. To combat this, elected members can play a vital role in, wherever possible, rejecting the orthodoxy and embracing the lay perspective. Truly unorthodox ideas generated by deliberative processes, for example that would result in significant alterations to governance or management arrangements, however credible, could be dismissed simply because they infringe the aforementioned behavioural, hierarchical, organisational cultural and professional norms. This is particularly likely to be the case if the idea makes power brokers look incompetent or complacent. The ability of deliberative OS processes to address the scourge of 'reasonableness' is in large measure dependent upon the independent mindedness of elected members and their willingness to challenge the orthodoxy.

'Enclave deliberation' (Sunstein, 2003) can result in polarisation of opinion amongst those holding similar views and subject knowledge that debate and examine issues within their field on a very frequent basis. This phenomenon is directly applicable to the external stakeholders engaged in OS processes, where they are part of a closely-knit group of specialists in their field. Communicating with fellow specialists can result in the creation of an enclave in which ideas on their shared specialism become solidified and self-reinforcing.

As mentioned earlier in the thesis, deliberative enclaves can be easily developed within OS processes, particularly where party politics have not been sidelined for the purposes of effective OS. Where this is the case, membership of a party group enclave can result in individual members

adhering rigidly to group opinion, to the detriment of the supposedly non-party political deliberative OS process. As Professor Steve Leach states: 'Effective overview and scrutiny requires a lesser degree of constraint on the public contributions of individual group members, and a greater acceptance of the value of open discussion, especially about alternative means for achieving a given end' (2009, p. 19). This would certainly be compromised if deliberative enclaves were to manifest along party group or other lines, within OS processes.

Given the unavoidable presence of party politics in OS processes (as most councillors are political party members), albeit to varying extents, it is perhaps more prone to falling afoul of enclave deliberation than other deliberative mechanisms, although members are commendably aware of the need to forgo party loyalties for OS to be effective. Other deliberative processes that bring together strangers to deliberate on specific matters will not have existing enclaves in place (although they may form independently over longer term periods of deliberation), as they are in deliberative OS along party political lines. Member awareness of the need to work against party loyalties may not be sufficient as adherence to party policy is accompanied by other powerful imperatives to act as a party politician. These include the fact that their electorate asked for, for example, a Conservative Party representative, and would then expect their councillor to ensure that Conservative policies are applied. Loyalty to one's constituents would add a different dimension to the need to have regard to the party enclave and its policy conclusions.

The elected member role: the future

The elected member role faces pressure and incursion from several factors. Taken in combination, these factors lend to a broader conclusion that councillors must demonstrate the value that they can bring to a complex, networked and professionalised world of public policy. The onus is also firmly upon the individual councillor to be proactive in the face of these pressures, as there is a distinctive and highly valuable array of tasks for the councillor to

perform for the greater good of local areas, if he or she is willing and able to undertake them. Pressures and incursions facing the elected member role include:

- **Excessive workload**

  Committee membership, surgeries and ward / divisional case work sit alongside political party duties such as canvassing. These can combine rapidly into an excess of work which results in councillor time being spread too thinly. Only highly effective time managers can maintain simultaneously both consistent effectiveness and large workloads.

- **Voter apathy**

  The elected member role is unique because of its democratic mandate; councillors, rightly, enjoy significant leverage that is underpinned by their popular support and representative function. This is weakened when, as is often the case, turnouts in local elections are low.

- **Managerialism / professionalisation**

  An argument put throughout the thesis has been that managerialism and professionalisation pose challenges to the elected member role. As increasingly difficult cross-cutting issues such as climate change bedevil policy makers, professionals and experts increasingly come to the fore in decision making, as it is they that have the time and the specialist knowledge of the science and the complex legislation and directives around the issue. Elected members have a vital role to play in keeping policy grounded and shaped to meet the concerns and interests of local people, but the onus is on them to exercise leadership, to work together with experts, and prove the value of the lay perspective in these complex and esoteric debates.

- **Local governance**

  The council is but one agency in a web of local governance. Areas are shaped in large part by organisations outside of the direct control of

elected members. This obvious constraint on their competency directly impacts on the capacity of the councillor to see implemented his or her party's programme for the local area. Pledges to reduce anti-social behaviour, for example, are automatically limited by what the local authority can do alone or in partnership with other agencies. The ruling party on the local council cannot set the reduction of anti-social behaviour as the priority of the local constabulary, nor can it do anything other than influence the local Community Safety Partnership to take up this priority. Indeed, partnerships themselves are imperfect arrangements for various reasons, and therefore elected member influence through them is further compromised.

- **Centralism**

  Centralism has a particularly pernicious effect on the councillor role. This is especially so when successive central governments have been willing to reduce or forgo council involvement in local service delivery, as with education, for example (Hollis *et al.*, 1992). Equally impactful on the councillor role is the centre's willingness to issue directives and regulations that senior council officers must adhere to. The effect of most directives is to reduce the scope for executive member competency as an executive member cannot enact change that conflicts with central government directive: the latter must prevail, or the authority risks falling afoul of the doctrine of *ultra vires*, with legal challenge potentially arising as a result. The broader impact is that local politicians' decision making competency is reduced as national politicians' and officials' is increased.

In the face of these pressures councillors cannot be reliant solely on representative democratic legitimacy to underpin their mandate to govern; instead, they must seek out other legitimacies such as that bestowed by substantive engagement with external stakeholders of the council. By augmenting the democratic mandate with participatory democratic legitimacy, members will find themselves in a stronger position to effect change across the web of local governance. Using the vehicle of OS, members can achieve this by implementing a more deliberative style of local democracy which

encompasses a diverse spectrum of opinion brought together in a spirit of reciprocity, with councillors using the process to construct robust evidence bases upon which recommendations can be built. This type of influencing through evidence based recommendation may be the future of local democratic governance beyond the confines of council services, in a world in which democratic legitimacy exists alongside competing legitimacies for control of public services.

8.5 Overview and scrutiny: future research

The OS research agenda is potentially wide-ranging, given the scope of and expectations placed upon the developing external scrutiny role. Certainly, there will be scope for research on member / officer relationships as the partnership agenda accelerates. A particular focus of this would be the extent to which partnerships are involving elected members in their business; this will pose important questions around the role (or even need) for locally elected politicians in an increasingly partnership-dominated environment.

Another valuable area of research would focus on those councils that choose to reject OS wholesale, and return to some form of policy committee system. Useful lines of enquiry within this would include the extent to which elected members are empowered (or perceive themselves to be empowered), the practice of accountability under newly introduced arrangements, and finally, how well policy committee arrangements (or similar) function in a partnership and 'area-based' service delivery arena.

Officers should not be neglected when researching political management arrangements. Theirs is a vitally important role which, at senior levels, is inextricably linked to the political arrangements in place. How encumbered or otherwise officers feel, the extent to which they feel political arrangements are effective, and the strength of the political leadership exhibited are all key questions. Overall, any further research on OS and/or its replacements needs to consider the role of elected members in an increasingly complicated public policy arena in which the lay person's voice is in the minority. Fields

such as scrutiny of finance or performance, in a democracy, must have the input of everyday people and/or their representatives. Local authority OS is one way of achieving this which is powerful due to its legislative underpinnings and democratic mandate. This does not mean that future scrutiny arrangements need take this form or be any less effective. However, what must be ensured is that future arrangements are fit for the purpose for which they are intended: to provide improved services, transparency and democratic accountability.

Appendix A: Interview questions

In all cases questions were very roughly adhered to, so the following should not be read as a definitive statement of the topics considered.

External stakeholder interview

1. Briefly describe your role within your organisation

2. How did your involvement with […] council come about?

3. What were your initial thoughts and expectations when you were asked to participate in overview and scrutiny?

4. How would you describe your involvement so far?

5. Did you hope to achieve anything by being involved?

   - Has your involvement in overview and scrutiny helped to achieve this?

6. Do you think that you make an impact on the proceedings? [Example]

7. In what way could your impact be improved?

8. Do you feel any different about local democracy following your involvement?

Member interview

1. How long have you been a councillor?

2. What are your responsibilities as a councillor?

3. What made you become a councillor?

4. What is the role of local authority overview and scrutiny?

5. Has it been a successful development in your authority?

6. Does scrutiny provide you with a fulfilling role?

7. What do you understand by the term 'external stakeholder'?

8. Do you feel able to forward the views of external stakeholders through scrutiny?

9. Do you feel that the concerns of stakeholders are addressed through scrutiny?

10. How do you think that the views of stakeholders could be better addressed through scrutiny?

11. Is there a role for greater participation in scrutiny by external stakeholders?

12. Do you feel that participation would be a priority for them?

13. Is their participation a priority for you?

14. Can you provide an example of external stakeholder participation?

15. To what extent were they engaged in the review (suggested a topic, attended a meeting, etc.)?

16. How often did they attend?

17. How would you describe their input (consultative, deliberative, co-optee)?

18. Did the participation add to the review?

19. Generally, how has past external stakeholder involvement in scrutiny came about?

20. At what stage in the scrutiny process are external stakeholders generally involved (work programme stage, witness, following up on recommendations)?

21. Has your local authority ever assessed or evaluated external stakeholder involvement in scrutiny?

22. Has your local authority any plans to enhance external involvement in scrutiny?

23. What impact will the recent local government White Paper have on scrutiny (CCfA, etc.)?

Scrutiny officer interview

1. What is the role of local authority overview and scrutiny?

2. What is your role as a scrutiny officer?

3. What do you understand by the term 'external stakeholder'?

4. Do external stakeholders ever play a role in scrutiny, and if so, how does their involvement come about?

5. At what stage in the scrutiny process does external stakeholder participation usually take place (work programme, evidence gathering, follow up on recommendations, etc.)?

6. To what extent do external stakeholders engage voluntarily with scrutiny?

7. How is external stakeholder engagement promoted?

8. When external stakeholders have been involved in scrutiny in the past, how would you describe their input into the process?

9. How do you view external stakeholder engagement in terms of its impact on the scrutiny process?

10. What impact will the recent local government White Paper have on scrutiny (CCfA, etc.)?

Appendix B: Email interview with the chief executive of a LBC

The chief executive in question occupies a prominent national position in his profession and in 2009 published an article on the subject of the politicisation of senior officials. This was of particular relevance to the thesis in terms of exploring whether OS functions should be addressing senior officers or executive members. It got to the heart of the perennial issue of who leads, members or officers:

Is it fair to say that the chiefs who had worked for a long period with Conservative majority groups became associated with Conservative policies?

Yes, became associated in the minds of politicians in other parties. They might or might not have been supporters of these policies. Something similar happened in the early '80s, mainly in London but also notably in Liverpool and elsewhere. councillors were elected, in this case from the far-ish left, and they considered the senior managers they inherited as being out of touch with what they wanted. In London, a lot of that was expressed around moves to equal opportunity. In my view, there were a lot of 'old guard' directors around and some of us appointed to replace them were better equipped for modern local government, but others were political stooges, and that led to a clampdown in the legislation that Thatcher passed.

... if chief executives are getting removed because of an association with a political party, does this mean they have a greater policy role than the traditional view would suggest, or were there any other factors involved?

Yes, that's the traditional view and you can still hear some councillors say proudly that 'we are a member-led authority', but usually these are the places where it is more myth than reality and where there is resentment of senior management. You get it now in the diminishing number of unreconstructed

councils and even then usually only from a diminishing minority. What is policy? Where does it start and finish? If councillors have a clear vision of the place they want to create but are not sure what changes/policies are needed to get there and the top management team comes up with proposals, talks them through, and then, maybe with some modification, they are adopted by the administration, who has made policy? What happens when there is a clear political policy but it is un-implementable but a modified version can go ahead? Whose policy was it?

Anyway, you are confusing appearance and reality. The removal of the chief executives is done [because of] a perceived association with a political party. By working closely with an administration, guiding them well, implementing their policies effectively so they are re-elected over a lengthy period and during that time often having to defend in public what the council is doing, a situation is created where an incoming changed administration might think that the chief executive, etc. are in the pockets of the outgoing administration, i.e. new opposition and [therefore untrustworthy], or they might think the staff hold those political opinions and want staff more sympathetic to their own viewpoint.

We are talking here about guilt by association - think of the purges, the McCarthyite committee, etc. Incoming politicians can be zealous and just as unreasonable and ruthless. There is even some right on their side. It is easier to advise on and implement policies that you support or at least are indifferent to. I dare say that if the BNP took over this council they would be right that I'd struggle to understand some of their thinking and to assist them as they'd expect. It doesn't mean I'm a supporter of the current political administration, just not keen on [the BNP] and so less well equipped for the role in the changed circumstances. In the USA they accept that and the staff change when the administration changes. I can live with that, but we are supposed to live by the continuity of the staffing principle.

I've seen research which suggests that with the advent of special advisors and the concentration of power in No. 10, senior civil servants

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actually spend less time now on policy matters (advising ministers, etc.) and more time on management. My opinion is that that would appear to be the opposite of what's happening at a local level, where senior officers / chief execs are spending more time advising cabinet members / leaders on matters of policy. Is that an oversimplification?

You could say that when the Next Steps agencies were set up many senior civil servants needed to spend even less time on management and so could spend more on advice, although I suspect they didn't alter much, i.e. they had never managed much compared with us in local government. No doubt the trends you mention have eroded the influence of some but overall I think they still are heavily involved. Ministers are full time and paid. Most senior councillors, still, are part time and receive little remuneration. Civil servants need only consider the government constitutionally whereas we are legally obliged to serve the whole council, i.e. to give the opposition some attention too. It remains the case that we are much better than the civil service at running things and they are better at providing policy papers and advice.

Appendix C: Policy making in the leader / cabinet system

National government and its agencies

Local strategic partnership (LSP)

Third sector

Private sector

Policy imperatives emanating from the centre include statutes, performance indicators and national government policy agendas.

NHS

Police

Cabinet (Executive)

| Portfolio | Portfolio |
| Portfolio | Portfolio |

Leader

| Director | Director |
| Director | Director |

Chief Executive

Corporate Management **Team**

The ruling group (non-executive)

Policy / intelligence / imperatives

Middle management

Overview and scrutiny (cross – party non - executives)

Political opposition (non-executive)

The community / frontline service delivery - elected representatives / frontline staff

The pyramidal hierarchy in the officer structure may cause an intelligence 'bottleneck' at middle management level. Policy imperatives and intelligence emanating from frontline staff may not go higher in the organisation due to issues of middle manager capacity. The flatter political party hierarchies may prove more effective in communicating grassroots issues upwards.

Directorates 1 - 4

The LSP is responsible for locally negotiated policy drivers such as the Sustainable Community Strategy and Local Area Agreement. From the local authority's perspective the primary policy interface (represented by solid-lined arrows) is between the cabinet member and his/her portfolio director/s. Principle advisor and policy implementer is the chief executive, whilst the main political manager is the leader of the council.

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