



starting to
modernise

reviewing leader and cabinet models

a practical guide

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introduction

The 'leader and cabinet' model is one of the three executive options from which local authorities with populations of 85,000 or over will have to select, following consultation with the local population. This report examines this particular option on the basis of some original research (see below) and an analysis of the various publications which have reviewed recent experience (LGA (1998,1999) The Education Network (2000) Snape, Leach et al (2000)).

The reasons for focusing on this particular option are twofold. First of all it is the only one of the three executive options which has so far been introduced. Elected mayors – with cabinets or council managers – cannot be established until the consultation processes involved in the Local Government Act 2000 have been completed. The only elected mayor currently operating in England is Ken Livingstone in Greater London. Thus evidence from this country on elected mayors is limited to that one case, whereas there are now between 50 and 100 local authorities who have operational experience of an experimental 'leader and cabinet' model.

Secondly all the evidence suggests that the 'leader and cabinet' model is the preference of the overwhelming majority of local authorities themselves (LGA/IDeA (1999)). Not all of them will necessarily be able to introduce their preferred option, if for example a local referendum results in a majority vote in favour of an elected mayor. And in future, if those authorities with elected mayors are perceived to be gaining benefits associated with that status, there may well be a further development of support for that option. However, these two considerations apart, the likelihood is that a substantial majority of English local authorities will be introducing by April 2002 a 'leader and cabinet' form of executive government. Thus a paper which attempts to draw conclusions and develop recommendations from the experience so far of local cabinet government is likely to have wide applicability in the near future.

This paper does not attempt to review in detail all the key elements of the 'leader and cabinet' model, i.e. scrutiny arrangements, area dimension, role of the council, role of non-executive members etc. It concentrates on the choices relating to the 'executive' part of the arrangements i.e. how the executive itself will work. In doing so it considers of course some of the key relationships which the cabinet has or may have in the future, particularly with the overview and scrutiny function. But the main focus is on the cabinet itself. The other elements are not analysed in detail in their own right. A more comprehensive analysis of the full range of new mechanisms, and reviews of particular elements (e.g. scrutiny, decentralisation) are available elsewhere, (Leach (2001) Corrigan (2001 (a) 2001 (b)).

There is a great deal of official guidance already available on how the 'leader and cabinet' model should be operated, in particular the DETR's own voluminous guidance and regulations (3rd Draft) (2000) and the 'model constitutions' which have recently been published (DETR (2001)). This paper takes a different perspective. It is a political analysis of the choices which are available (within the legal framework) in the way the 'leader and cabinet' model can be interpreted. It argues that different choices may be appropriate in different political circumstances. It offers no guidance on what authorities should include in their constitutions (which the author is not equipped to provide anyway) but concentrates instead on the more fundamental choices which logically precede any drawing up of a constitution. Do we want to maximise or minimise the powers of the executive? Do we want a radical change from the current council/committee system or as little change as is consistent with the law? What kind of relationship is desirable (and feasible) between the executive and the overview and scrutiny machinery? These are the kinds of choices upon which this paper concentrates.

With the benefit of a small grant from NLGN/IDeA the author visited six authorities which have a reasonable span of experience with the 'leader and cabinet' model. In some cases it was possible to observe a cabinet meeting taking place. In others, where the cabinet meets in private, interviews were conducted with those who attend cabinet meetings, either as members or in a support capacity. Links between cabinet and the 'overview and scrutiny' arrangements were also studied. The research does not of course constitute a statistically significant sample. It was of real benefit however in providing contrasting illustrations of different interpretations of the 'leader and cabinet' model. These illustrations are used in Section 1 to draw attention to the scope for choice which exists (and which in many respects will continue to exist under the Local Government Act 2000). The six authorities visited are not identified, in line with assurances which were given to them. The analysis in Section 1 also draws upon six in-depth case-studies in DETR/IDeA research into 'New Forms of Political Management Arrangements' in which the author was involved, the surveys referred to on page 1 above, and evidence from other authorities the author has worked with in an advisory or training capacity.

The structure of the report is as follows. In Section 1, the evidence from the six visits and the other sources enumerated above is considered. The major choices which have faced local authorities which have experimented with the 'leader and cabinet' model are identified and illustrated. In Section 2, the way in which this choice agenda will be modified when executive arrangements under the terms of the Local Government Act 2000 are introduced, is examined. It is argued that some existing choices will become constrained but some new areas of choice will be opened up. Predictions are made as to how authorities are likely to respond to these choices, on the basis of their current preferences. Finally in Section 3, four different 'interpretative approaches' to the leader and cabinet model under the terms of the 2000 Act are identified and discussed. The argument is that the two key challenges for all authorities are first to be clear about what objectives they wish to achieve in introducing the new arrangements and second to develop a coherent internally-consistent response to these objectives which provides the highest chance of achieving them. The relevant objectives are not just the priority placed on the five official objectives concerning decision-making which underpin the legislation – efficiency, accountability, transparency, openness and inclusiveness. They also include legitimate objectives of developing a model which is congruent with local political and organisational culture.



section 1

operating the 'leader and cabinet' model: current patterns

There is a great deal of variety apparent in the way in which local authorities which have experimented with the 'leader and cabinet' model have interpreted it. This conclusion is supported by the evidence from the visits carried out in connection with this report, which confirms earlier findings from the in-depth research into six pace-setting authorities (Snape, Leach et al (2000) and other studies LGA (1998, 1999), The Education Network (2000)). To illustrate the variety, consider the contrasting pen pictures set out below of the way in which cabinets have operated in six different authorities.*

Authorities A and B are both hung authorities, in which no combination of parties have perceived enough common ground for a 'joint' or 'partnership' cabinet in which executive responsibility is shared between two parties. But both authorities have chosen to set up an experimental 'leader and cabinet' model, so that lessons can be learned which can be applied to the structures to be introduced under the terms of the Local Government Act 2000. Given the political circumstances, both authorities have established an all-party cabinet, whose composition reflects the relative strength of the parties on the council, and which meets in public. However despite this common background, the two cabinets operate in very different ways.

In Authority A, there has been a serious attempt to develop an effective executive system. The seven cabinet representations drawn from the three parties concerned have increasingly operated as a cohesive unit, discussing and deciding agenda items 'on their merits'. The influence of party politics is only apparent when there is an issue which genuinely divides the parties ideologically. The cabinet operates in an open fashion; non-executive members who wish to address it in relation to a particular issue are normally permitted to do so. A call-in provision has been introduced but it is rarely invoked. Most of the decisions reached by the executive proceed swiftly to implementation.

In Authority B however, there has been a widespread reluctance on the part of all parties to move away from the familiar traditions of the committee system. Thus although a cabinet has been established, all items of significance which it considers are first considered by one of the three Policy committees, whose remits match those of their predecessor service committees. It is rare for the recommendations from these Policy Committees not to be accepted by the executive. Even at this stage, the 'decisions' of the executive have first to be ratified by full council before they can be implemented. Items at council meetings are typically introduced by the appropriate Chair of the Policy Committee, rather than the cabinet member with that area of responsibility (these positions are held by different individuals). In the event of any difference of view between cabinet and Policy Committee, the full council takes the final decision. A call-in power operates which has been used by individual councillors in relation to relatively minor local issues.

* Although the six pen pictures are based on authorities visited in the preparation of this paper, or in other research, they are not precise portraits. Variations have been introduced to sharpen the contrasts.

A more striking contrast in the interpretation of the role of cabinet could scarcely be imagined. In Authority A, the establishment of a cabinet has clearly added value. Everyone recognises that decision-making has been streamlined with most decisions being made more quickly and in a more integrated way than before. There is a much stronger sense of corporate and community leadership in the authority, due to the introduction of a cabinet. Co-operative working amongst the three parties has been enhanced in a way which would have been unlikely under the old committee system. The input from the three scrutiny panels is taken seriously and usually incorporated. Scrutiny takes place on a selective basis, in relation to items where the cabinet decisions (or intentions) have led to genuine concern.

In contrast, in Authority B, the executive is an executive in name only. It adds very little value. The authority has in effect introduced (or sustained) a 'committee system in disguise'. The real business is still done in the three Policy Committees, despite their lack of formal decision-making powers, because the prevailing view is that this is the way things should operate. In no sense has the decision-making system become streamlined; indeed there are more meetings than there used to be under the old system and most decisions take longer to work their way through the system than in the past.

In Authority A, the move to a 'leader and cabinet' system has resulted in demonstrable benefits. In Authority B it has resulted in a more convoluted system of decision making and an ineffective executive (that is not to say however that a cabinet system could not be developed in such circumstances (i.e. a concern to retain perceived benefits of the old committee system), which would constitute an improvement.)

In the second pair of examples, we contrast Authority C with Authority D. Both authorities have established experimental leader and cabinet model in which the cabinets meet in private. Authority C was Labour-controlled when the new arrangements were introduced, but the experiment has been continued by the Conservative/Liberal Democrat coalition which now holds power. Authority D has long been hung. The introduction of a 'leader and cabinet' model coincided with the decision of two parties – Conservative and Liberal Democrats – to form a joint administration. Both authorities are thus currently controlled by a Conservative/Liberal Democrat coalition which has formed a cabinet which meets in private. In Authority C, the cabinet's decisions are ratified by meetings in public of a number of small all-party groupings which are chaired by a cabinet member and cover the responsibilities attached to his or her portfolio. Debates about these recommendations take place on a selective basis (normally reflecting the concerns of the opposition member of the triumvirate). In Authority D the cabinet's 'decisions' are ratified by a short public meeting of the cabinet, a facility which follows a unanimous vote by the council to suspend proportionality in relation to the composition of the new cabinet.

Again there are a number of superficial similarities between the two authorities in terms of cabinet composition and operation. Again, however, these similarities are outweighed by major differences in the way they have interpreted the role of the executive.

Authority C has established as part of the new machinery three scrutiny panels. Under the previous Labour administration these Scrutiny Panels developed a novel and imaginative approach to scrutiny, with a high degree of public involvement, both in the selection of topics for scrutiny and in the way in which the scrutiny projects were carried out. The panels, one of which was chaired by an opposition member, were well-advised and supported by dedicated scrutiny staff. They had produced a series of well-researched reports which had been valued and responded to positively by the cabinet, who recognised that they would not have had the time to go into the depth of analysis of the issue in the way that the scrutiny panel had. The cabinet saw its role as being strengthened by the work of the scrutiny panels. The transition to a Conservative/Liberal Democrat cabinet has resulted in some problems of adjustment. However the commitment to making the system work remains.

In Authority D, the work of the six Scrutiny Committees (and the overarching Scrutiny Commission) has not been valued by the cabinet. The only circumstance in which the cabinet refers items to scrutiny is when it is politically expedient to do so. Otherwise the agendas of scrutiny panels are largely officer-determined. Resolutions passed by the panels and referred to the cabinet are routinely ignored or at best given a superficial response. In this authority, the introduction of an executive has clearly resulted in the speeding-up of decision-making, but this positive outcome has not been properly balanced by an effective scrutiny system, mainly because the cabinet has not been impressed by the performance of scrutiny, and sees no reason to take it seriously.

The major contrast to emphasise here is between the **productive** relationship between cabinet and scrutiny in Authority C and the **detached** relationship between executive and scrutiny in Authority D. In Authority C, there is a 'balanced' situation in which the work of the scrutiny panel is seen (by and large) by the cabinet as adding value to its decision-making. This is not the case in Authority D where the operations of the scrutiny committees are not perceived by the cabinet to be 'adding value'. In both cases the introduction of 'leader and cabinet' model has led to a streamlining of decision-making and an enhancement of corporate leadership. However in one case these benefits have been enhanced by the work of scrutiny, whilst in the other they have been uninfluenced by it, with a possible detrimental effect in the quality of decisions.

A third contrast is provided by Authorities E and F. Both are Labour-controlled, Authority E by a relatively large majority, Authority F by a relatively narrow one. In Authority E, the cabinet has been empowered to take decisions as a result of a unanimous vote in council that proportionality should be suspended. In Authority F, political consensus was not reached concerning the new arrangements, and the one-party cabinet makes recommendations to an all-party proportionate Policy and Resources Committee which has the formal decision-making authority.

In Authority E a definite breakthrough has been made in relation to the opening-up in public of discussion within the Labour leadership group. Almost all cabinet business is transacted in public, the exception being a limited number of controversial items which the cabinet meets in private to discuss before coming to a view, which is subsequently adopted in public session. The public cabinet meetings are not the ritualistic rubber-stamping occasion which the previous Policy and Resources Committees used to be. There is a good deal of genuine discussion with cabinet members feeling secure about challenging one another and expressing different views. There is no sense that one is observing a pre-orchestrated ritual. Labour members present reports (with recommendations) to the cabinet, but the cabinet takes all decisions collectively. Opposition members can of course attend at cabinet meetings, if they choose to do so, to observe a 'transparent' decision-making process in action. All members agree that the nature of decision-making meetings is different and much improved since the introduction of the cabinet.

In Authority F, in contrast, this kind of breakthrough has not been achieved. The cabinet meets in closed session to consider what decisions it wishes to make. It then takes its recommendations to the all-party Policy and Resources Committee, upon which all cabinet members sit, and where opportunities for opposition members to challenge cabinet recommendations are selectively taken (as in the pre-cabinet Policy and Resources Committee) though the intentions of the cabinet are rarely actually changed. In reality the decision-making process in Authority F has changed only marginally from the process which it replaced. The informal cabinet which previously existed has now become formalised – it is now a recognised part of the council machinery. However it still (as it used to) makes recommendations to an all-party Policy and Resources Committee where the ‘decisions’ it has made privately are formally adopted because the majority party has the power to vote them through. A leader and cabinet system has been introduced but the way decisions are actually taken has not been fundamentally changed.

The key contrast here is between a majority-controlled Labour authority in which a one party cabinet has been introduced in a way which represents a major departure from previous practice, and one where it has not. Authority E has succeeded in making decision-making more genuinely open and transparent. In contrast, the change to a formal cabinet in Authority F has not been associated by significant changes in these respects. On the contrary the new system operates very much as the old system did. It should be acknowledged however that progress in Authority E may have been facilitated by the fact that the opposition is relatively weak and divided, whereas it is much more substantial in Authority F!

The purposes of discussing these three-paired examples at some length are threefold. First they illustrate the scope for choice which currently exists in relation to the ‘leader and cabinet’ model, and the different ways in which this scope for choice has been exploited. Secondly, although the parameters of choice will be different under the terms of the Local Government Act 2000, there will be a significant degree of continuity in the choice agenda, and it may be anticipated that the choices made under the present system will influence the choices that will be made in future. Thirdly the demonstrable benefits (in terms of efficiency, accountability, transparency etc) of some approaches rather than others provide us with the basis for developing good practice guidance.

These case studies reflect a number of key choices which have been made by local authorities which have experimented with leader and cabinet models. Some authorities have attempted to set up cabinets which behave like true executives; others have introduced cabinets which are executives in name only in a ‘committee system in disguise’. Some cabinets work closely with scrutiny panels to the mutual benefit of both; others virtually ignore them. Some cabinets behave in a much more open way than their predecessor arrangements, whilst in others there is very little change from previous practice. There are however a range of other choices which have faced experimenting authorities. A summary of survey evidence from various sources (LGA (1998,1999), The Education Network (2000) DETR/IDeA (2000)) helps to establish the pattern of responses which have developed in relation to these choices and to provide helpful indications of future preferences.

(i) Cabinet size

In general relatively large cabinets have been established, in several cases much larger than will be possible under the 2000 Act (where the maximum size specified is 10). Manchester’s cabinet currently has 25

members, Sunderland's 21, Harrow's 17 and Bradford's 16. The dominant size range is 8-12 and there are very few cabinets of less than 6. In several cases also, the idea of 'deputies' or 'support members' has been introduced, which in effect increases the de facto size of the cabinet, even if such additional members are not included in the official cabinet size. This tendency to larger cabinets reflects a widespread concern to share the responsibilities of cabinets as widely as possible, and to thus minimise the impact of the division between one class of member (the executive) and another (non-executive). The likelihood in the future is that many authorities will go for the maximum possible cabinet size of 10, regardless of whether or not this reflects the number of areas of responsibility that have been identified.

(ii) Mode of selection of cabinet

By far the most common pattern has been for the council to appoint the leader and all the cabinet members (although in a majority group or coalition situation, the slate of appointments will of course have been agreed beforehand within the majority party or parties). However a minority of authorities have permitted the leader, once appointed by the council, to select (or in some cases 'nominate') his or her own cabinet colleagues. This is the situation for example in Barnsley, North Wiltshire and Hull. Any mechanism which allows the leader to select cabinet colleagues (or to allocate their portfolios) signals that the authority wishes to strengthen the role of the leader (and the importance of individual leadership) within the cabinet. Thus in the 'leader and cabinet' model so far introduced, it is possible to identify a spectrum ranging from a strong leadership position (with power to select and presumably dismiss cabinet colleagues) to a relatively weak one (first amongst equals?). The majority of authorities are likely to gravitate towards the latter.

(iii) Party composition of cabinets and public/private meetings

These two topics are discussed together because there is such a strong interconnection between them (see below). In assessing the current position, evidence of the choices made in relation to these topics by 55 different authorities was drawn from published material in a range of different reports noted above. Within these 55 authorities, 40 were majority controlled and 15 hung. It does not of course constitute a statistically valid sample, but does give an evidence-based indication of current patterns of choice.

Of the majority-controlled authorities, about two-thirds have established single-party cabinets and one-third, two or three party cabinets. In the 15 hung councils, there were 4 single party cabinets and almost equal numbers of two-party coalitions and all-party cabinets. Of the majority-controlled councils, two-thirds have cabinets which meet in public, whilst one third have cabinets which meet in private. In the hung authorities, the split is similar: two-thirds public, one-third private.

However these figures are potentially misleading. Almost all the multi-party cabinets in majority-controlled councils meet in public. Almost all of them are either designated as Policy and Resource Committees, or operate as though they were. It is impossible to tell from the published details whether or not the majority party cabinet faction meets beforehand in private to 'decide' what decisions it will vote through (if it comes to a vote) in the formal cabinet. However evidence from the authorities visited by the author suggests that such pre-meetings are common. Thus the claim in such circumstances that there is a multi-party cabinet meeting in public may and probably does mask the reality of an informal single-party proto-cabinet meeting in private beforehand, a situation typically found in the pre-executive arrangements. The same point may of course be true of a one-party cabinet meeting in public. Much depends on what an authority has chosen to

call its 'cabinet' – is it the private single party group which in effect makes the decisions, or is it the public setting in which under current legislation decisions are required to be made?

It is interesting that amongst the hung authorities, there are four councils in which it is claimed the cabinet meets in private (2 coalition examples and 2 all-party). Thus the existence of a hung authority does not necessarily result in public cabinet meetings. There are also four examples of authorities where the cabinet currently meets in private but the intention is to hold the meetings in public under the new legislation.

It is clear in relation to these two related topics – cabinet composition and public/private meetings – the reported situation may not reflect the reality. The only situation currently where a cabinet can effectively 'make decisions in private' is where the council has voted unanimously to suspend proportionality as far as the cabinet is concerned, and permitted a single party or two-party cabinet to take decisions in private before ratifying them in public. Where, as is the norm, this option has not been adopted, private cabinet meetings are pushed back into the familiar informal settings.

(iv) Collective/individual balance

Under existing legislation it is not possible to allocate decision-making responsibilities to individual councillors. The closest possible approximation is to introduce a requirement (sometimes written, sometimes unwritten) that cabinet members have to be consulted by officers who hold delegated powers relating to the portfolio of that member before the officer takes decisions (or at least certain categories of delegated decisions are dealt with in this way). This is a highly dubious practice which blurs accountability and transparency, and is not to be recommended. There is a danger that in some authorities there will be pressure to continue this practice even when a new system has been introduced under the 2000 Act. The other move that can currently be made in this direction is the practice introduced in Authority C (see p9 above) whereby instead of a single Policy and Resources Committee to ratify cabinet decisions, there are a series of small (e.g. 3 member) decision-making bodies, corresponding to cabinet portfolio definitions and chaired and led by the appropriate cabinet member. This practice signals a desire to move to extensive individual responsibilities for cabinet members when they become possible.

Although almost all councils which have set up transitional cabinets have also introduced some form of portfolio or lead member system, the interpretation of what this role entails varies considerably. At its most minimal, it can be on expectation simply that a lead member 'takes the lead' in introducing a topic at a cabinet meeting if that topic falls within his or her portfolio definition. Beyond that, it can involve the lead member (or portfolio holder) being expected to make a recommendation for the cabinet to consider collectively. Several cabinets have emphasised that they wish now and in the future to operate on a collective basis and not to allocate individual decision-making to cabinet members. All party cabinets in hung authorities commonly adopt this view, but there are also one-party cabinets that are committed to the principles of collectively in this sense. Other cabinets have, as we have seen, tried to empower portfolio holders as much as is currently possible, and will clearly strengthen this process as soon as they can under the terms of the 2000 Act. However on the basis of current evidence, different views about the collective/individual responsibilities of cabinets are likely to continue.

(v) Definition of portfolios

The way in which authorities experimenting with the 'leader and cabinet' model have defined portfolios or lead member responsibilities has also been subject to a good deal of variety. In many cases it is the familiar service categories which have formed the basis of portfolio definition – e.g. education, social service, housing, leisure and recreation and economic development. But in an increasing number of authorities the definition for portfolios stems from the broader issues which the community leadership agenda points towards. Thus 'lifelong learning' has increasingly replaced 'education' as a portfolio topic. In Breckland, the portfolio holders have responsibility for economic well-being, social well-being, environmental well-being, needs and resources. In Leeds the portfolios are 'resource management and best value', 'community planning and regeneration', 'sustainable development', 'lifelong learning and leisure' and 'communities and neighbourhood'. In Chesterfield, each cabinet member has a responsibility for a service (e.g. leisure) **and** a cross cutting issue (e.g. Health Communities). It is also not unusual for a cabinet member to be given responsibility for a particular element of the council's modernisation agenda e.g. township committees (Tameside), Best Value reviews (Leicestershire County Council) and so on.

Although the author's general impression is that cabinet members find it easier to handle a traditional service portfolio and sometimes struggle to play a lead role in relation to a broader issue (e.g. social inclusion) it is encouraging that so many authorities are taking a broader view of cabinet portfolios based on the new community leadership power, rather than a narrower service-orientated view. Where services have formed the basis of cabinet portfolios, scrutiny panels have been given remits which cover broader issues such as community safety, which at least ensures someone in the system has responsibility for such issues.

As noted in the previous section the responsibilities attached to 'portfolio-holding' under the 2000 Act are likely to vary considerably. So too are the definition of portfolios with, however, an encouraging emphasis on broader issues as the basis of definition.

(vi) Sharing policy development responsibilities

A further important area of choice involves the extent to which a cabinet has chosen to share – or not to share – the responsibility for policy development. Policy development is one of the potential functions of scrutiny panels, particularly in circumstances where the cabinet is happy to commission a scrutiny panel to carry out a piece of policy development work. However there has been a growing tendency for cabinets to use a different mechanism for policy development; a relatively informal task force mechanism in which the appropriate cabinet member or members can participate equally with colleagues in the process of policy development. This equality of participation is not possible given the rules governing the involvement of cabinet members in scrutiny panels. Thus Barnet has four policy development committees separate from its scrutiny arrangements, Barnsley has its member policy workshops, Cumbria has established four deliberative forums to inform policy development. In some authorities the composition of these policy groups is confined to majority party members (e.g. the 'reference groups' in North Tyneside which support each cabinet member). However in the majority of authorities that operate this kind of mechanism, all parties are represented on such panels.

Thus whilst in some authorities it is clear that the policy development role is to be retained within the cabinet, (whose numbers then of course have to submit policy proposals to full council), in some there is an

expectation that the overview and scrutiny panels will, where appropriate, carry out this task, whilst in others the choice has been made to identify separate policy development groups, linked to the cabinet, for this purpose.

(vii) Other areas of choice

A number of other important areas of choice can be identified which have been addressed by authorities operating experimental 'leader and cabinet' models.

Responsibility for Best Value

Although the legislation is clear that it is the executive that has responsibility for ensuring best value, there has been a good deal of variation in the extent to which executives have involved other parts of the political management structure – notably scrutiny panels – in discharging this responsibility. At one extreme cabinet members have led (or supervised) best value panels (with varying degrees of member involvement) which have carried out best value reviews. At the other, it is the scrutiny panels who have played the dominant role, producing reports which the cabinet has then responded to. In other cases the role of scrutiny has been to 'monitor and review these reviews' – i.e. to ensure that whoever else is undertaking such reviews, they are doing them thoroughly, in line with the requirement of the 4 C's.

Access to cabinet papers

The majority of authorities have been relatively open about the availability of cabinet papers to non-cabinet members. For public meetings of a cabinet (however brief) where decisions are formally taken, such availability is of course required by law. But for the 'private' cabinet meetings where 'recommendations' (which later become decisions) are considered there is currently no such requirement. A few authorities have restricted wider access to cabinet papers for these kinds of meetings, but most have been more open, sometimes making exceptions regarding particularly controversial items of business where the wider circulation of an 'options paper' (for example) could become the basis of a media 'scare story'.

Area arrangements

In those authorities that have introduced area-based arrangements as part of a package of 'democratic renewal' measures, the way in which such machinery is linked to the cabinet varies significantly. In some cases there is a cabinet member with a specific responsibility for liaison with the area forum or committees (e.g. Tameside). In others there is an established procedure for ensuring that issues of concern to a locality are fed through to the cabinet and responded to (e.g. Barnsley, Barnet). In others however, the area arrangements operate in a relatively detached way, with relatively weak or opaque links to the executive.

Conclusions

In this section the evidence of the ways in which authorities have implemented 'leader and cabinet' systems has been reviewed (incorporating the research carried out for this paper). The patterns of response to a number of key choices facing experimenting authorities have been highlighted. Although there is a considerable variety of responses, some broader patterns can be identified. In particular, it is clear that some

authorities have developed a relatively strong executive system (in so far as this is possible under current legislation) sometimes with the support of opposition parties, sometimes without it. Where there is support, the scope for innovation is greater. Where there is not the new system may in fact be only marginally different from the system it replaced. Other authorities although they have introduced a 'leader and cabinet' model have done so in a way which perpetuates many of the characteristics of the system it replaced, and thus also often represents a superficial rather than a radical change in the approach to decision-making. In a small number of authorities it appears that a genuine balance has been achieved between a viable interpretation of the executive role (speedier, more efficient and (sometimes) more transparent decision-making) and the other elements of the structure (overview and scrutiny, policy development, area management). These different patterns are explored in more detail in Section 3.



section 2 after the act: how will the leader and cabinet model change?

The discussion in Section 1 focused on the choices made by authorities which had introduced executive government in anticipation of the Local Government Act 2000, and their experiences in implementing these choices. However by May 2002 all authorities will be expected to have introduced one of the three executive forms (following public consultation) under the terms of the 2000 Act. For those authorities introducing the leader and cabinet model, there will be some important differences in the required features of the new arrangements. These may be summarised as follows:

- Executives will have direct decision-making powers as specified by the authority's constitution.
- Executives do not have to reflect the political balance of the council. They can be one-party, two-party or multi-party depending on the authority's choice.
- Executives will be able to meet and make decisions, in private, if they so wish, apart from when they are discussing and talking 'key decisions', in which case meetings will have to be in public.
- Individual executive members will be empowered to take decisions, when the authority so decides, as set out in its constitution.
- Executives will be expected to set out a programme of key decisions for a period of 4 months ahead (on a 'rolling programme' basis). The definition of key decisions is set out on page 18 below. Key decisions are subject to a period of public consultation (and discussion in public by the relevant overview and scrutiny committees) before being decided in public.
- The decision-making process of executives will be constrained by the requirement to introduce a call-in procedure which enables (in circumstances specified by the authority) executive decisions to be called in and publicly discussed (at Overview and Scrutiny Committees or full council) prior to a 'final decision' being made.

The first four of these changes strengthen the power of executives to behave in the way cabinets do at Westminster. To date, all decision-making has had to be in public; it is difficult (though not impossible) to establish single party cabinets with decision-making powers; and decision-making by individual councillors has not been possible. The fifth and sixth provisions in the above list however, circumscribe the power of executives to act decisively. 'Key decisions' constitute a mechanism which has been invented during the late stages of the Bill's passage through the House of Lords to strengthen openness and inclusiveness (and from one perspective accountability). A call-in procedure was, prior to the 2000 Act, voluntary rather than compulsory. Thus the choice agenda facing authorities now is significantly different from that which faced them during the period of experimentation.

Just prior to the completion of this paper, a government announcement was made that new guidance would be introduced to clarify the nature of key decisions and also in other ways to strengthen the 'openness' of cabinet meetings (Municipal Journal, February 18th 2001), following a 'compromise' reached between Hilary Armstrong and Don Foster. Until the precise nature of this guidance is known its impact on the choices in relation to the 'public' and 'private' settings of cabinet meetings cannot be clarified. However it seems likely that the guidance will further restrict the scope for private cabinet meetings. If this is the case, it will in most authorities simply drive these private meetings back into the familiar informal settings.

It is already apparent from the evidence of the visits carried out for this paper and from other sources that authorities are reacting in different ways to these new choices, as they prepare their constitutions.

- Some councils are intending moving to public cabinet meetings in all circumstances. In some cases this choice has been influenced by the requirement for cabinets to meet in public when taking key decisions, thus foreclosing the possibility of private cabinet meetings as a matter of course. In others it reflects a hostile local press response to the introduction of private cabinet meetings. Other authorities however are clear that they wish to retain private cabinet meetings for all decisions other than key decisions.
- Some councils are eagerly anticipating the opportunity under the 2000 Act to empower individual cabinet members to take decisions, and intend to allocate a considerable range of powers in this way. Other councils however remain uneasy about a move to individual decision responsibilities, and intend to make collective decision-making the dominant (if not exclusive) mode of executive decision-making.
- Most politicised councils are clear that they will operate a one-party cabinet (if there is a majority party) or a two-party coalition cabinet if there is not. Not all politicised councils hold this view however. Some intend to introduce (or continue the practice of) an all-party cabinet whose composition reflects that of the council as a whole. This intention is found not just in hung authorities but in some majority-controlled authorities also.
- Some authorities intend to introduce (or continue with) a call-in power which gives individual non-executive members the right to call in any decision item they so wish. Others are concerned to circumscribe this power and require a specified number of members (sometimes of more than one party) and/or a reasoned justification for call-in before permitting this mechanism to be applied.

The greatest area of uncertainty, however, relates to the impact of key decisions. The most recent definition of key decisions (see DETR Guidance Third Draft, para 7.12) is that they are

‘decisions likely to result in significant expenditure or savings, having regard to the local authority’s budget for the service as function, or which have significance for communities living or working in an area covered by two or more wards or electoral divisions’.

The guidance goes on to make it clear that even if key decisions are delegated to individual cabinet members or even officers, they are subject to the same rules (e.g. extensive consultation procedures (including the relevant overview and scrutiny committees) and the decision to be taken in public).

It is apparent that the current definition remains vague (though less so than it was) and offers some scope for interpretation! It may be that the definition will be tightened in a future guidance revision. If it is not, individual authorities will develop criteria which reflect their own perceptions of this new mechanism. Some authorities, particularly those who favour the opportunities in the new arrangements for speedier and more efficient decision-making, will wish to draw up a relatively narrow definition. Those more enthused by the values of ‘openness’ and ‘inclusiveness’ will no doubt opt for a relatively wide definition. The choice of a narrow definition has its dangers. The good practice example in the Guidance refers to an authority that identified 107 key decisions over a four-month period. (Assuming a fortnightly cabinet meeting, this figure implies an average of 4/5 key decisions on the agenda of each and every cabinet meeting!) Comparisons will be made with other authorities and may in certain circumstances result in legal challenges.

Thus one major source of uncertainty is 'what counts as a key decision?' The obvious contenders – the budget, authority-wide plans, and departures from existing policy – are all already covered by a requirement that the council has the ultimate decision-making authority, and hence they are not key decisions (though they may be key recommendations) for the executive. The awarding of a large contract to Firm A rather than Firm B? But that's covered by traditional 'excepted business' provisions. A major planning decision? That will be taken in public by the Planning Committee anyway. The closure of a school? That process is already governed by a set of consultation requirements.

The second area of doubt relates to the scope for programming key decisions four months in advance. That would be possible for all the examples, set out above (apart from possibly for 'exceptions to existing policy') but they, as has been demonstrated, are not key decisions. The few authorities which have tried to make an assessment of key decisions have concluded that there is far more difficulty in future programming than the good practice example in the Guidance suggests. All in all the way that the requirement to identify and deal with 'key decisions' will affect the operation of cabinets (and indeed of other elements in the new structure) is the most difficult to predict element of the 'leader and cabinet' model under the 2000 Act.

Private group meetings

A further important piece of 'political reality' should be made clear. In almost all the authorities interviewed, it was acknowledged that if the form of cabinet that had been introduced was an all-party cabinet meeting in public, then all the parties concerned would hold meetings in private beforehand to prepare for the public meeting (unless the numbers of party group members are so small as to make this unnecessary). This pattern was dominant in the days of informal cabinets (whose 'decisions' were discussed and ratified in Public Policy and Resources Committees and elsewhere). Little has changed in this respect. In authorities that have introduced private cabinet meetings then these meetings in effect replace the informal cabinets which operated before the introduction of the new arrangements. All authorities are clear that if public cabinet meetings are required under the 2000 Act, then these will be preceded by private cabinet meetings with officers present. The only exceptions to this pattern would be the odd case where the dominant party was so secure about its position (e.g. in situations where the opposition was small and/or ineffective) that it was prepared to hold most (though never all) if its informal discussion in public.

The Guidance recognises the need for a private arena where a party can 'think the unthinkable' prior to the presentation of a formal report to a public meeting. However it should be acknowledged that informal private majority party group meetings, prior to a public cabinet (or Policy and Resources Committee) have always done far more than this. They have gone through the agenda item by item, deciding what decision they will make. They will also typically discuss how an item will be presented and what (if any) discussion amongst the group will be permitted. Hence the concern expressed in 'In Touch with the People' and elsewhere about the lack of transparency in decision-making in committees in majority-controlled authorities. That will not change appreciably in the wake of a move to cabinet government, if an authority chooses to hold its cabinet meetings in public.

It was possible in examining the approaches to operating cabinet government in the experimenting authorities to discern some emerging patterns of response. It is possible to examine how these patterns of response are likely to be further developed and modified when the 'leader and cabinet' model is introduced under the terms of the 2000 Act. That is the main aim of the next section.



section 3

integrated approaches to the leader and cabinet model

It has been argued in earlier sections of this paper that there is a considerable amount of choice available in the interpretation of the provisions of the Local Government Act 2000 in so far as they relate to the 'leader and cabinet' model. In particular there are important choices to be made in relation to cabinet composition, collective/individual responsibility balance, definition of portfolios, public/private nature of meetings, the approach to policy development, the relationship with scrutiny and the interpretation of key decisions and call-in arrangements.

It would be possible at this stage merely to draw attention to the areas of choice which exist, and to assume that local authorities will tackle these choices in the way they think best, as indeed they no doubt will. However the choice process can be aided to a greater degree than this. It is important that the choices that local authorities make should be as integrated as possible, so that there is a coherent structure to the package of new arrangements adopted. That coherence will come from two sources: first, a clarity about objectives and in particular the authority's preferred pattern of priorities between the demands that its new decision-making system should be efficient, transparent, accountable, open and inclusive; and secondly, a realistic assessment of the political circumstances and culture of the authority and the extent to which it can and cannot be changed in the foreseeable future.

It is possible to see, in the approaches which are already developing, different patterns which make these kind of judgements in an integrated way. In the final section of this paper an attempt is made to aid and support this process by identifying four different sets of political circumstances and thinking through what the most appropriate response to such circumstances would be in the design of a 'leader and cabinet' system under the terms of the Local Government Act 2000. It is important that the spirit of the legislation is followed and that the five key objectives – efficiency, transparency, accountability, openness and inclusiveness – are built into the system, although there will inevitably be the need for a prioritisation of these objectives. But it is important also that local authorities take advantage of the scope for choice within the legislation to develop a system which is appropriate to their political and organisational culture.

Four such scenarios are identified here and ideas as to what would constitute an appropriate response are developed. These scenarios are as follows:

- a** A majority-controlled authority with a conflictual and competitive political environment, where the scope for inter-party co-operation is limited.
- b** A majority-controlled authority with a history of one-party domination, where there is a tradition of good working relationships between the dominant group and the small opposition parties.
- c** A hung authority in which two parties have formed a coalition administration, with the excluded party seeing itself clearly as the opposition.
- d** A hung authority in which there is no perceived scope for a coalition administration and inter-party relations are often conflictual.

There are of course other political situations which could be considered. However the four identified above cover a reasonable range of the political circumstances which currently exist, and the kind of arguments which are developed below are in principle applicable to any political scenario.

Some areas of choice may not be significantly influenced by these differences; **the right to select cabinet colleagues** is highly unlikely to be granted to a leader in any hung situation (with the possible exception of an authority where one party is permitted to form a 'minority administration'). There is no reason to suppose it will in future extend much beyond the few majority-controlled authorities which already operate in this way, although any authority wishing to emphasise the dimension of **individual** leadership in the new arrangements would be well-advised to consider this option seriously.

Similarly, there is likely to be strong general tendency to opt for the maximum **cabinet size** of 10, to share executive responsibilities as widely as possible amongst the party group or groups involved. A more logical approach to cabinet size would be to assess the positions of responsibility which the authority (or ruling group(s)) wishes to identify, and to ensure that the size of the cabinet reflected the number of such responsibilities.

The arguments about the definition of cabinet portfolios – service-based, wider-issue-based or a mixture – are similar in all types of authority, and apply whatever interpretation of portfolio-holding is decided upon (e.g. 'lead' responsibility without power or devolved decision-making responsibility). It is important that the community leadership/community strategy expectations of the democratic renewal agenda are realised, and that implies that at least some (or part of most) of the portfolios should be wider-issue based in all authorities.

To some extent the balance between collective and individual responsibilities within the cabinet will be decided on the basis of local political preference, and rightly so. However there are significant differences in the feasibility of individual responsibilities in different political circumstances, which are dealt with below.

Otherwise logical patterns of choice can be developed for each of the four chosen examples of political circumstances, in relation to party composition, public/private settings, collective/individual responsibilities, relationships with overview and scrutiny, arrangements of policy development and best value, and approaches to 'key decisions' and 'call-in'. These patterns are discussed below.

Example A: the partisan authority with majority control

The London Borough of Wellingham has long been a politically-partisan authority. Control has varied between Labour and Conservative, with one four year spell of no overall control. Politics are adversarial, reflecting the history of past conflicts, the ideological disparity and the real possibility of a change of control at the next election. Currently Labour has a small but adequate majority and has pushed through a transitional form of cabinet government. The Conservatives have opposed it on principle but recognise that the Local Government Act 2000 has made reversion to a committee-based system impossible. Work is now in progress on the design of a revised 'leader and cabinet' to meet the new legislative requirements.

What are the real options facing the Labour group in Wellingham (and hence the Council itself as the Labour group can vote the changes through)? In reviewing such options it will need to bear in mind the real possibility of it being 'the opposition' after the next election.

In circumstances such as these, the Labour group will clearly want to opt for a one party only cabinet just as it would expect its opponents to do if they were in power. It will want to maximise the opportunities for

private cabinet meetings (as its opponents would). Thus it will be disposed to define key decisions in a relatively narrow way (whilst recognising that the call-in power can and will be used to delay and bring into the public arena a range of other 'political' decisions).

It is also agreed that the portfolio holders (who will be given a mixture of service and 'wider-issue' responsibilities) will have wide powers of individual decision-making within a policy framework which will be developed by the executive collectively. This emphasis on individual decision-making is introduced for two reasons. First, it will enable the cabinet to avoid any further delegation of decisions to officers, thus maximising the power of the cabinet to implement its own priorities. Secondly, it will enable at least some key decisions to be taken by individuals, limiting the public dimension to a brief explanation of the reasons for the decision they intend to take.

The group struggles with the options relating to overview and scrutiny. It is tempted to vote its own members into the scrutiny chairs, and then to attempt to control the agenda of scrutiny committees through informal discussions between cabinet members and scrutiny chairs. However it recognises that this move is very much against the spirit of the new legislation (which it supports and of which it is eager to demonstrate the benefits), and is also aware that such an action would set a precedent which its opponents would be likely to continue, thus limiting its own future potential effectiveness as an opposition.

The group therefore decides to separate out the overview and scrutiny functions. Scrutiny, in the sense of 'holding the executive to account', it is prepared to regard as an opposition-led function with all the scrutiny panel chairs to be offered to the opposition. Overview, in the sense of policy development, it wishes to reserve as a majority party activity, and proposes a set of informal policy development working parties, composed of majority party members only (cabinet member plus 4/5 non-executive members). It offers this separation of functions to the opposition, and regards it as a model they would find acceptable if Labour were in opposition. The opposition accepts the deal on a parallel basis that it would make sense if they were in power. The Labour group's fall-back position on the policy development groups is that if the opposition had not agreed to their being one party only, they would have operated them through the party group machinery.

The group knows it has to introduce a call-in procedure, but decides to define it in such a way that the 3 members (minimum) who invoke it have to demonstrate a good reason for doing so (policy exception or precedent significant budgetary implication, public concern). The monitoring officer is to be the arbiter.

Best value reviews are to be carried out by officer-member working parties appointed by and reporting to the cabinet, but on which there is opposition representation. The scrutiny committees are given the responsibility of reviewing the review process to ensure that each stage (particularly 'challenge') has been carried out properly.

Cabinet papers which are associated with decisions to be taken by the cabinet are made publicly available in advance in accordance with the regulations. Discussion papers which are not intended to lead a decision in the first instance are kept out of the public domain.

Thus the version of the cabinet and leader model which has been developed to fit the circumstances of London Borough of Wellingham has the following characteristics. It embodies a one-party cabinet meeting

in private as far as possible, and devolves considerable individual responsibility to portfolio holders. It attempts to limit the scope for key decisions and call-in opportunities to issues of real significance. In this way the system is arguably both efficient (power of the cabinet to get on with the job is maximised) and transparent (clear who is responsible for what, ritualistic public meetings minimised). It is arguably also accountable, in that the opposition are permitted to dominate the scrutiny function. The policy development function is with opposition approval separated out and dominated by majority party members. This enhances the role of majority party non-executive members and hence contributes to inclusiveness, compensating (to some extent) for the relatively low-key or supportive role they will be expected to play in the scrutiny committees. The level of openness is seen as being as great as is politically feasible, given the political culture of the authority. Most important the structures and processes have an internal coherence to them, and are seen by all as reflecting the political circumstances of the council.

Example B: a one-party dominated authority with co-operative inter-party relations

Milltown Metropolitan Borough Council is a Labour-dominated area and ever since the 1974 Local Government Reorganisation, the Labour group has enjoyed a substantial majority. Currently it holds 80% of the council seats. There are three small opposition groups, none of them numbering more than 5 members. Partly because the possibility of unseating the Labour group seems so remote, the three opposition parties rarely take party political stances, but rather try to influence the majority group over the detail of policy and in relation to local decisions. Following a change of leadership five years ago, the Labour administration has become increasingly relaxed about this process of influence. The authority has been experimenting for some time with a one party cabinet with decision-making powers (following a unanimous council decision to suspend proportionality). The experiment was supported by all party groups.

In moving to a 'leader and cabinet' model under the 2000 Act, the Labour group intends to continue many of the features of the experimental system currently in operation. The cabinet will continue to be one party: no one is likely to challenge that. The cabinet will also however continue to meet in public, and continue its tradition of 'real' meetings in public. There will sometimes be private meetings of the cabinet too, but only in circumstances where there is a controversial issue that the group members wish to consider in closed session first. Any such private discussions will be followed by a public discussion at the next cabinet meeting. Opposition members will be able to attend cabinet meetings and in a range of circumstances can address the cabinet (the same facility is available for members of the public also).

The group intends to move from its current system of 'lead members' in the context of collective cabinet decision-making to one in which there is a balance between collective and individual decision-making, thus alleviating the 'cabinet overload' situation which has recently developed. Members will be allocated portfolios by the leader, which involve a certain degree of developed decision-making responsibility. They (rather than officers) will be expected to present reports at the cabinet meetings covering both recommendations for the cabinet to decide collectively, and decisions which have been made individually.

The six overview and scrutiny committees are to have a range of different chairs. Each of the three minority parties will have the opportunity to nominate one chair and one vice-chair of a scrutiny committee, which gives them a greater than proportionate share of scrutiny responsibility positions. In line with current practice, group discipline will not be enforced by any of the parties and a constructively challenging attitude to the review of cabinet decisions and policies is encouraged. The cabinet may request a scrutiny committee

to review a particular policy, but policy development or review may also on occasions be carried out by informal all-party policy task forces meeting in private.

There is a call-in procedure which can be invoked by any two members but given the openness of cabinet meetings and the way overview and scrutiny is organised there is likely to be little use made of this power. No problems are anticipated in relation to key decisions, given the public nature of cabinet meetings (although the cabinet reserves the right to discuss some 'key decisions' in private first). Key decisions will only be discussed at length by overview and scrutiny committees where they feel there is a case for doing so. Overview and scrutiny panels will also contribute directly to best value reviews, in a way which responds to a brief set by the cabinet.

The version of the cabinet and leader model which has been developed to fit the circumstances of Milltown Metropolitan Borough Council has the following characteristics. The cabinet is one-party (an outcome about which there is an all-party consensus). It meets with only few exceptions in public and encourages real debates amongst its members. Responsibility for overview and scrutiny is shared amongst all parties and provides a potentially influential role for all members, given the cabinet's readiness to respond to the views which emerge. However the importance of the political context and culture in Milltown must be recognised. Two key features – the open cabinet meetings, and the constructive balance between executive and scrutiny – are only possible because of the political consensus about the new arrangements and in particular the preparedness of minority parties not to use either of these mechanisms to score political points (party political debate tends in Milton to be confined to council meetings). If these conditions were removed (e.g. through a change in leadership and a related change in attitude on the part of one of the minority groups) then it is unlikely the system could continue to operate in so open and inclusive a way, whilst still maintaining the efficiency, transparency and accountability of its decision-making.

Example C: a coalition administration in a hung council

Midshire County Council has a long tradition of Conservative control but for the last few years, despite remaining the largest party, it no longer holds a majority. There is currently a Labour/Liberal Democrat 'joint administration' following a decision by both authorities after the last election that they had enough common ground to justify it. The joint administration agreed to introduce an experimental cabinet system in the face of opposition from the Conservatives (who are hopeful of regaining control of the council at the next elections). In this experimental phase, the joint administration decided to take the chairs of all the scrutiny panels. As the opposition would not agree to a two-party cabinet with decision-making powers, a system was introduced in which an informal two-party cabinet met in private and its preferred decisions were then formally debated and decided at an all-party Policy Committee (where the joint administration always voted through its preference).

Faced with the challenge of developing a 'leader and cabinet' proposal to meet the requirements of the 2000 Act, the joint administration is clear that it wants a two-party cabinet meeting wherever possible in private. However it recognises that unless it can persuade the opposition to share ownership of the new system, it will become a political football. Accordingly it is prepared to offer the Conservative opposition two concessions; first a share of the chairs of the five overview and scrutiny committees; and secondly a call-in power which would enable the opposition to call in (via the scrutiny panels) any cabinet decisions it wished.

The future viability of the 'leader and cabinet' system in Midshire County Council depends on the way in which the Conservative opposition responds to these initiatives. If they accept two chairs of the scrutiny committees, they recognise that this acceptance carries with it a responsibility to make scrutiny work effectively and would make it more difficult to exploit opportunities to politically embarrass the joint administration in scrutiny committee meetings. If they refuse the chairs, the joint administration will take them, by default, which would make it easier for the Conservatives to exploit the committees politically, but would also reduce the scope for influencing policies and decisions. That is the dilemma facing the Conservative group. If they accept the two chairs offered to them, there is every chance that the new system could work reasonably effectively. Indeed a scenario which was not dissimilar to that of Wellingham LB would be implied, with the main difference being that the cabinet is two-party rather than one-party. If they do not, and chose to exploit the scrutiny system opportunistically, the new system will not work effectively. In particular, there will be considerable frustration on the part of the non-executive members of the coalition parties who would have been prepared to play a challenging role in scrutiny committees (many of them are suspicious of some of the inter-party compromises reached in cabinet), but will not do so if it plays into the hands of the opposition.

Example D: an all-party administration in a hung council

Freeport Metropolitan Borough Council is a hung authority in which the three party groups (Conservative, Labour, Liberal Democrat) are relatively evenly balanced. This has been the situation for some years now, and no group feels it has a realistic prospect of winning overall control over the next 4-5 years. Inter-party relations are tense and difficult and there has not in Freeport been any move towards a coalition administration between any two of the three parties. Nonetheless it is now recognised that the authority is required to develop a workable 'leader and cabinet' model under the terms of the 2000 Act.

It is quickly recognised in Freeport that the only version that will work is one with the following characteristics. The leader will be a leader in name only, and leadership will alternate between the three parties on a regular basis (certainly the power for the leader to select his or her own colleagues is seen as utterly inappropriate). The balanced cabinet (4:3:3 reflecting current party strengths) will hold all its meetings in public (although each party group is expected to meet in private beforehand, as currently happens). All decision-making will be collective. The idea of strong individual portfolios for cabinet members would be an anathema in Freeport. The idea of a Conservative member with education responsibilities operating in conjunction with a Labour member with housing responsibilities and a Liberal Democrat member with social services responsibilities is seen as quite infeasible. Although there will be a lead member system, that role will be limited to the introduction of reports to the cabinet, and will embrace no decision-making responsibilities. The cabinet will, it is recognised, be very much like a multi-function Policy and Resources Committee, and in that sense will operate in a very similar way to the pre-cabinet system. That is acknowledged, and accepted as the only feasible way forward in Freeport.

Chairs of the scrutiny panels are also allocated on a proportional basis. There is a fear that because many decisions in cabinet will not be unanimous – i.e. will be voted through against the wishes of one of the parties – the call-in power which the council intends to introduce will regularly be invoked by the dissatisfied party to enable a second run of the debate at a scrutiny committee (and the possibility of requiring the cabinet to think again). This process would, it is acknowledged, slow down decision-making, but is seen as a necessary response to the political fragmentation of the council.

Best value reviews will be left almost entirely to scrutiny committees, reflecting the large amount of business which has to be transacted at cabinet, in the absence of individual responsibilities (and in face of a disinclination to delegate more authority to officers).

There is a recognition that the most effective mechanism in the past for developing all-party commitment to a policy initiative have been the small informal member-officer working parties which have been set up to do a particular job. It is intended in Freeport that the council should have the power to establish working parties of this nature in the new system.

The leader and cabinet model which has been developed in Freeport is in effect little different from the existing decision-making process, except that the responsibilities of a range of service committees have been brought together into one area (the cabinet). The cabinet is a cabinet in name only – really it is a multi-purpose Policy and Resources Committee. There may be some increase in efficiency through this very process of concentration, but that will be limited by the tendency to invoke the call-in procedure in a wide range of circumstances (see above). There will certainly be a high degree of transparency – no one can forecast what decisions will actually emerge from cabinet – and a good deal of openness and inclusiveness (at least as far as council members are concerned). It could, however, be argued that Freeport has not introduced a real cabinet in the spirit of the Act, and leadership will certainly be weak rather than strong. But the system is legal, and probably the best Freeport can do in the circumstances. It has responded to the choices available in the legislation to establish a system which fits its political arithmetic and culture.

The opportunity to introduce a system which is only marginally different from the traditional decision-making system in local authorities also exists for majority-controlled authorities. Indeed to some extent it is encouraged by the recent emphasis on ‘openness’ and ‘inclusiveness’ in the operation of cabinets. There is nothing to stop an authority from establishing a proportionate all-party cabinet, meeting in public and working in conjunction with a series of Policy Advisory Committees, whose roles match those of the previous service committees, and whose recommendations the cabinet would normally be minded to accept (as has been done in Authority B – see Section 1). The majority group would of course continue to meet in private before cabinet meetings. The role of scrutiny could in these circumstances be scaled down to reflect the openness of cabinets and the existence of the Policy Advisory Committees. Such a system would however be hard to justify in terms of efficiency, transparency or accountability. But it would not be illegal.

What has been argued and illustrated in this final section is that the form of the leader and cabinet model will vary depending on the political circumstances of the authority, and that it is entirely appropriate that it should. The genuine openness of the one party cabinet in Milltown would not be politically feasible in Wellingham. The open all-party cabinet in Freeport would not be appropriate in Midshire, nor would it be likely to be sought. Table One (right) gives some indication of what features of the ‘leader and cabinet’ model are most appropriate (and feasible) in given political circumstances. But this is only a ‘rough guide’. The challenge for all authorities is to find their own solution, working as far as possible within the spirit of the legislation, but recognising the reality of their particular political circumstances.

Table 1
Political
circumstances
and cabinet
options

	MAJORITY CONTROL Conflictual politics	MAJORITY CONTROL Co-operative politics	NO OVERALL CONTROL A two-party partnership	MAJORITY CONTROL No partnership
Possibility of strong leadership	Yes – especially if leader selects cabinet colleagues	Yes – especially if leader selects cabinet colleagues	Less likely – unless one of the two parties is dominant	Unlikely
Party composition	One-party	One-party	Two-party	All-party
Public/private meetings*	Private meetings appropriate	Public meetings possible (private by exception)	Private meetings appropriate	Public meetings
Collective individual balance	Substantial individual responsibilities	Substantial individual responsibilities	Significant individual responsibilities	Wholly collective lead – members advisory only
Policy development arrangements	Majority party only mechanism needed – separate from scrutiny	Could be done via scrutiny committees	Coalition parties only mechanism needed – separate from scrutiny	Could be done via scrutiny committees
Best Value responsibilities	Cabinet handles the reviews Scrutiny ‘reviews the reviews’	Possible for scrutiny panels to carry out reviews with cabinet brief	Cabinet handles the reviews Scrutiny ‘reviews the reviews’	Possible for scrutiny panels to carry out reviews
Scrutiny chairs	Opposition chairs may be most appropriate	Share of chairs with bias towards opposition	Shared chairs (proportionate)	Shared chairs (proportionate)

* ‘Private meetings’ should be taken to exclude those meetings which must be in public – i.e. key decisions.



postscript 'leadership' in the leader and cabinet model

So far in this paper the scope for individual leadership within the leader and cabinet model has not been highlighted. Given the emphasis on 'leadership' in the democratic renewal agenda, however, it is important to draw out some implications of the political scenarios discussed in section 3 for individual leadership.

As has been argued, it is possible for all authorities introducing the 'leader and cabinet' option to interpret 'leadership' in a predominantly collective sense. In the fourth example (3 party cabinet in a hung council) it is highly unlikely that a 'strong leader' with significant devolved power would be allowed to develop. That would be incongruent with the political realities of such authorities. In the three other examples, however, it would be more possible to facilitate a strong individual leadership role for the cabinet leader.

There is little evidence from the experimenting authorities that the status of leaders within leadership groups has changed much. As indicated earlier, relatively few leaders have been given the authority to select their own cabinet colleagues, a move which would have strengthened the parallels between local leaders and prime ministers in relation to their cabinets. Sometimes leaders have been allocated (or have allocated themselves) a specific portfolio, typically embracing some combination of the concepts of regeneration, partnership, regional issues, strategy and the budget. In many cases however, they have not. As in the pre-cabinet era, there is scope for individual leadership to be exercised informally if the political tradition of the authority (and/or the force of personality of the leader) make this possible. But there is little evidence that the structural change per se is yet having a profound influence on individual leadership.

There is one scenario however which may result in a change to stronger individual leadership amongst authorities operating the leader and cabinet model. The larger urban authorities (particularly those which are city-based, including the London Boroughs) are likely to find themselves competing for resources in regional network and international settings, with a limited number of elected mayors from parallel authorities. The latter will understandably have a strong leadership role and high profile public persona which stems from the legitimacy (and public attention) resulting from the direct election process involved. If leaders from authorities which have adopted 'leader and cabinet' models are to compete effectively on these terrains, they are likely to need more individual authority (and a correspondingly greater emphasis on their individual role as leaders) than many of them are likely to get if current practices are maintained.

Thus to give the power to select cabinet colleagues and the allocation of a major strategic portfolio to non-mayoral leaders may become increasingly common in a world in which elected mayors become a significant feature. Such moves would indeed have a powerful logic behind them.

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Best Value in Education

Professor Paul Corrigan

This report commissioned by Initial Education Personnel takes a snapshot of where local authorities with education services are in the process of carrying out Best Value reviews of those services in early 2000. It examines examples of good practice by authorities who are already engaged in reviews of their education services and contains practical information and action points which will be of assistance in assessing the development of such reviews in other authorities.

'...delivering Best Value in education is essential if we are to succeed in raising attainment and making the best use of the extra resources being invested in the service. This publication offers an excellent practical guide...'

Cllr Katy Donnelly, Deputy for Lifelong Learning, London Borough of Lewisham

Developing New Roles for Council Members

Sue Goss and Professor Paul Corrigan

The Local Government (Organisation and Standards) Bill sets out a range of new roles and responsibilities for council members. This pamphlet explores the way in which councillors need to develop their scrutiny, representation and executive skills to fill these different roles and the support they will need.

'...I believe this publication is a major move forward in the evolving debate on the representative role. Getting a grasp of what this is really going to mean to the majority of elected members is without doubt the biggest barrier, as I see it, to the enthusiastic implementation of the Government's modernisation programme...'

Cllr Douglas Eyre, Bournemouth BC

NEW Balancing Good Government and Open Decision Making

Professor Steve Leach

The Local Government Act 2000 heralds the most radical departure from a system of business management that has remained relatively unchanged for over a century. New structures and methods of working are being introduced in an effort to deliver more efficient and responsive decision-making. The division between executive and scrutiny responsibilities is intended to facilitate more clear, visible and accountable leadership, whilst providing new mechanisms to properly scrutinise decision making in a less partisan political environment. The change will challenge many established cultures and already some of the early experiments have raised concerns about the role of 'backbench' councillors, 'secret cabinets' and access to information. This publication is intended to guide the reader through some of the choices and dilemmas that local authorities will face as they implement these changes.

Developing Your Council's Scrutiny Role

Sue Charteris and Professor Paul Corrigan

Local government is modernising its political structures in response to government proposals outlined in the new Local Government Bill. One of the most important changes is the development of the split between the executive and the monitoring or scrutiny sides of the council. This report, drawing on experiences of local authorities across England and Wales, describes the practical ways in which local authorities can develop their scrutiny functions.

'...effective scrutiny is a vital component of the modernisation of local government. This easy to read guide is full of evidence of best practice and practical advice to demonstrate how scrutiny can contribute to better government. The report should be read by all members and senior managers determined to make scrutiny work...'

John E Foster, Chief Executive, Middlesbrough Borough Council

Starting to Modernise – the change agenda for local government

Lord Geoffrey Filkin with Lord Bassam, Professor Paul Corrigan, Professor Gerry Stoker, John Tizard

The report provides local authorities with an overview of the modernisation agenda including developing the role of community leadership, developing a system of political leadership and developing a stronger relationship with the public to deliver Best Value.

'...an invaluable aide to getting going...'

Cllr Richard Leese, Leader of Manchester City Council

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Now that the Local Government Act 2000 has received Royal Assent all local authorities are responding to the challenge of how to bring about changes to their political management structures. Although some local authorities may decide to adopt the mayoral model, the vast majority of councils seem likely to move towards a cabinet/leader model and in the interim period every local authority will be adopting some form of this arrangement.

It is already clear that local authorities are developing a wide range of practices and models. This report concentrates on how the executive itself will work and provides a political analysis of the choices which are available (within the legal framework) in the way the 'leader and cabinet' model can be interpreted, arguing that different choices may be appropriate in different political circumstances. The report examines how current models are working in practice, evaluates lessons learnt from the last 12 months and offers guidance for the future.

This report forms part of NLGN's 'Starting to Modernise' series of practitioner documents, which aims to help senior officers and councillors across all types of local authorities respond positively and knowledgeably to the modernisation agenda.

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