A Review of the Effectiveness of
Wiltshire County Council's
Constitution

A report on a consultation exercise
conducted by
by Market Research UK

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Contents

1. Executive Summary

1.1 Is the constitution achieving its purpose?

- None of the participants expressed complete satisfaction with the way the new constitution was functioning.
- There was agreement that the constitution has not increased transparency and accountability, although participants disagreed as to whether such a deficit was real or perceived.
- The participants representing the public expressed concern about what they perceived to be a small number of people making decisions behind closed doors (even though cabinet meetings are in fact open to the public).
- Some councillors and members of the public remain to be convinced about the role of public relations within the Council.
- Councillors regretted the reduction in interaction between parties.
- Views on whether decision-making was faster and whether better decisions were made, were mixed.

1.2 How effective is constituency working under the new arrangements?

- All non-executive councillors felt that it was more difficult to represent their constituents and to encourage people to attend meetings at County Hall, although their analysis of the underlying issue differed along party lines.
- It appeared that there were variable levels of interest and understanding amongst non-executive members about their community leadership role.
- Executive councillors felt that they have better access to service from officers because their role brings them more into contact with them.
- The participants representing the public did not appear to see any change arising from the new constitution. They had more to say about the strengths and weaknesses of individual councillors and about how to make councillors and the Council more accessible to people who need help.
- Concerns were expressed about the lack of opportunity for councillors to gain experience through the 'apprenticeship' of the committee system. As a consequence, future problems were anticipated in finding councillors who are willing and able to go into the cabinet, although not everybody shared this view.

1.3 Has the role of full Council changed and what are the experiences of having a cabinet?

- Non-executive councillors were unhappy with the way that full Council operates in relation to the cabinet and felt excluded from information and decision-making.
- The participants representing the public believed that it was hard to get information about Council procedures and decisions.
- The executive had the most positive view about the level of effective communication between the executive and the non-executive councillors.
- The opposition councillors appeared to be searching for a clear role within the new political management arrangements.
- There was general agreement that the full Council needs to find a new role, but there was no consensus about what that role should be or how it could be achieved.
- There was agreement that the cabinet was working largely as expected and that cross-cutting service issues were now being handled more effectively.
- A lack of consensus is apparent about the respective responsibilities of cabinet members and senior officers, which some believe serves to increase the pressure on cabinet members.

- There are concerns about the role of officers under the new arrangements, but these concerns do not appear to be widely shared amongst all councillors.

1.4 How effective are Overview and Scrutiny and the Policy Advisory Panels?

- Non-executive councillors were positive about the scrutiny process, although they did not believe that it would result in different outcomes.
- The participants representing the public valued the opportunity to open up issues of importance to them, but were not convinced that scrutiny findings would change cabinet decisions.
- There was concern that scrutiny might be used to attack junior officers.
- The executive generally valued the policy advisory panels, particularly because they provide the opportunity for 'a fresh slant' on policy.
- Some non-executive councillors considered policy advisory panels to be a waste of time. Others non-executive councillors considered the panels to be an opportunity to have their say, although some also thought that they might only be 'a nod at democracy'.
- It appeared that the panels have only partly achieved their purpose of making the non-executive councillors feel more engaged.

1.5 How well are the respective roles of member/officer working evolving?

- Executive councillors generally indicated that they were experiencing closer working relationships with officers and thought the system was working smoothly
- Non-executive councillors thought that there is a distance opening up between themselves and the officers.
- Opposition councillors wondered if officers are being put in a position whereby they are serving the interests of the ruling party rather than the whole Council.
- It was thought that the role of officers should be debated.

2. Introduction

2.1 Background

In September 2002, Market Research UK was invited by Wiltshire County Council to assist with a review of the effectiveness of the new constitution, adopted by the Council on 1 December 2001. The new constitution introduced a Cabinet and Leader style of decision-making with the Council holding the executive to account through an Overview and Scrutiny process. In addition to the arrangements required by statute, the Council decided to appoint Policy Advisory Panels based on the three main service areas. The Council has also set up a Standards Committee and it is this Committee which is responsible for this review.

2.2 Methodology

Market Research UK was commissioned to consult councillors and members of the public through a series of focus groups and to report on the findings. The following groups were invited to attend focus groups:

Conservative non-executive councillors
- Liberal Democrat councillors (including the Group Leader)
- Labour and Independent members
- Cabinet members
- Members of the public who had attended one of the Council's meetings

In addition, individual interviews were conducted with the Leader of the Council and the Chief Executive.

Council officers organised the recruitment for the focus groups. For each session, topic guides were agreed with the client and the proceedings were recorded on tape and on flip charts. Focus group participants were assured that the results would be written up in such a way that views would not be attributed to individuals.

Attendance at the focus groups was low. The outputs of the public focus group should be treated with some caution as four of the five participants had been involved in campaigns that had become associated with party politics.

The topic guides are presented at Appendix 1.

2.3 Acknowledgements

Market Research UK are grateful to the focus group participants, to the Leader of the Council and the Chief Executive for their participation in this review. We would also like to thank Nina Wilton and Julie Martin for all their help.

3. Summary of responses

3.1 Purpose of the constitution

Is the constitution achieving its purpose in promoting greater transparency, efficiency and accountability of the decision-making process?

Transparency. Non-executive councillors believed that decision-making is no longer transparent and that decision-making has not been streamlined. Decisions were thought not to be any better, mainly because they are not the product of robust, open debate. There were complaints that, under the new system, non-executive councillors do not know what is going on. The opportunity to hear the views of other parties has been lost and new councillors have no way of learning about the workings of the Council.

Non-executive councillors regretted the reduction in opportunities for interaction between councillors. Participants felt that they could not judge if decision-making was faster, although it might now be easier for the administration. Some councillors wondered if the Council's public relations might now be concentrated on cabinet members, at the expense of other councillors.

Efficiency. The ruling group has always expressed its dislike of cabinet councils. However, it is generally agreed that decision-making is easier and faster and, in practice, more open to both councillors and the public, although this is not necessarily the general perception. It is clear that non-executive members do not like being unable to vote and also the dislocation between the debate at the advisory panels and the actual decision-making at cabinet can make the process appear to be less open than before. Some perceive that the quality of decisions has not been affected and it is certainly clear too that the cabinet system has greatly improved decision-making on corporate matters such as e-government.

Cabinet members considered that decision-making was easier, faster and probably better. They also felt that it is now more open, although they acknowledged that backbenchers would not agree with this view. The cabinet members thought that backbenchers were not using the system to their best advantage.

Accountability. The public focus group was doubtful that the new constitution was achieving its purpose and certain that decision-making was not transparent. They believed that the constitution enabled the ruling party to make decisions behind closed doors and that this would be the case regardless of which party was in power. They complained that the Council had not made sufficient effort to publicise the changes to the constitution or to tell people how decisions were being arrived at, although commented that the local press did not help in that it provided only superficial coverage of local government matters. The public focus group was sceptical about the Council's commitment to the active involvement of citizens in decision-making.

3.2 Constituency working

How effectively are cabinet members able to represent their constituency role under the new constitution, do they feel they have a real role and are they bringing the community into county hall?

Representation. Non-executive councillors complained that a lack of communication between the cabinet and the backbenchers of their own party made it more difficult for them to know what decisions were being made that affected their divisions. It was also more difficult for them to influence decisions and to be seen by their constituents as doing so. At present, the opportunities offered by the community leadership role were perceived to be limited in practice and that consequently it did not really matter to local people whether or not their councillor is a cabinet member. It was generally agreed that the public takes little interest in local government unless they have a specific problem.

Other councillors believed that it would become harder for divisions represented by opposition members to get their fair share of resources. They felt that the cabinet was making it harder for them to represent the whole community. There were suspicions that cabinet was not demonstrating how it took account of the views of the public.

On the other hand, the cabinet was divided about whether they could serve their constituents more effectively because of their executive role. Some felt that it increased expectations and also increased their workload to levels that were hard to cope with. However, they thought that closer working relationships with officers might enable them to get a better service than non-executive councillors.

Openness. The participants in the public focus group agreed that the service provided by local councillors depended much more on the individual than on which party s/he belonged to or whether s/he was a cabinet member. All would approach their councillor if they had a problem but commented that not everybody would have the confidence to do so, or the knowledge of how to set about it. They discussed how best to make people aware of what councillors and the Council could do to help people who were experiencing a problem.

3.3 Full Council and cabinet

Has the role of full council changed and does it hold the executive to account? What is the experience of local people and councillors of the role of full council and the executive?

Role of full Council. It was generally thought that full Council has yet to realise its new role. For example, full Council should be used to set strategy. Many councillors do not like debating strategic matters in isolation from the impact on their own divisions. Other than on strategic matters, cabinet has already made the decisions, so full Council is perceived by many to be mainly a rubber-stamping process.

The lack of a feeling of involvement of members generally is considered to affect factors such as attendance at meetings and/or the frequency with which they came into the council offices. However, the new allowance system could also be a factor.

It did not appear that officer roles have changed significantly in relation to full Council, but the relationship of officers with cabinet has brought about changes that could usefully be examined in more detail.

Holding to Account. It was felt that full council has lost its power and is not able to hold the executive to account because decisions have already been made. The opposition commented that one outcome of this lack of opportunities for real debate is that they become more 'bloody-minded'. Generally it was thought that there is little role in full Council for non-executive members and that Council meetings were being used more as an opportunity to score points and gain publicity, rather than to change policy. Non-executive members were not really using the opportunity to attend cabinet meetings where a real debate could be held before decisions are made.

In a broad discussion, councillors began to consider the way that cabinet was working and agreed that, whilst corporate working has its advantages, there is further scope for delegating more decisions to the portfolio holders and senior officers.

The participants in the public focus group did not understand the relationship between council and cabinet with a suspicion that decisions were made behind closed doors by the cabinet members. They felt that it was hard to get information about processes and decisions unless you had had direct involvement over a particular issue. They did not know whether their own councillors were executive members or not.

Experiences. Some non-executive councillors were disillusioned with the role of the elected councillor under the new constitution. There were complaints in particular about the lack of communication between the executive and non-executive members. Everybody agreed that communication between the cabinet and other councillors could be improved. Possibly too, non-executive members do not tend to read papers because they do not feel fully involved.

3.4 Overview and scrutiny and policy advisory panels

How effectively is the relationship working between these committees and the cabinet; what are the links with community planning and best value; are the new arrangements seen to be adding value to the local authority?

Effectiveness. Non-executive councillors generally thought that the scrutiny process was working well, despite a feeling that some had that it was under-resourced. Others liked the fact that a scrutiny process is concluded with a vote being taken. However, it was thought that cabinet does not always act on the findings of scrutiny. For cabinet members scrutiny has worked well, particularly in respect of the work on e-government.

Scrutiny is also thought to be a good way of involving members and has led to policy development, for example, with regard to e-government and the capital programme. For the cabinet, scrutiny is helpful and working well because it is being properly managed and is not being used as a way of frustrating the democratic process. However, there might be a certain unease in cabinet due to the unfamiliarity of the process of scrutiny.

Participants in the public focus group thought that there needs to be more information about the scrutiny process and a clarification of the role of the public. Local people who have been involved in scrutiny were generally impressed with the way the committee had handled the issue and had persisted in getting information from officers.

It was generally agreed that it does not matter which party chairs the Management Committee, because the work is done by the task groups. Virtually every councillor had served on one of these task groups.

Links. There was no clear view on how the council handles cross-cutting and strategic issues. The best value process seems to be working well. The commitment of councillors to community planning could be stronger and there continue to be mixed feelings about the process. It was suspected that the findings of Standards Committee on this review would only be acted on if there is the political will.

Adding Value. Many non-executive members considered advisory panels to be a token effort at member involvement, chiefly because they are chaired by a cabinet member and the non-executive members do not have the right to vote. Some councillors went as far as to describe the advisory panels as a waste of time, particularly because they lack any decision-making powers. On the other hand, Regulatory Committee, Schools Organisation Committee and Standards Committees work well because they have real jobs and make decisions.

Possibly, the policy advisory panels are not fully appreciated by non-executive councillors as an engagement opportunity not offered to members on other councils, but overall these panels do not seem to be working as intended in that councillors do not feel included in real decision-making.

From the cabinet perspective, the advisory panels are a good idea and have a real impact on decision-making because they bring in useful information. They are

considered to lead to real debates, to offer all councillors with a platform and to provide an opportunity to involve the public. Cabinet members acknowledged that backbenchers were not entirely happy with the system. They also expressed some concern about the possibly erroneous perception of the gap between lively discussion at the panel and the lack of discussion when the decision is eventually made at cabinet. Feedback to the panels about the outcome of discussions is required.

There are marked differences in perception about the officer role in scrutiny. On one hand, this appears to be working well, but there is also the risk that scrutiny tends to focus on officers rather then councillors and that this is inappropriate.

Further improvements to scrutiny might involve bringing the business community and voluntary sector into the process, when appropriate, but not in such a way that scrutiny grows too big. Scrutiny could also be used to build bridges between the Council and the outside world.

3.5 Member/officer working arrangements

How well are the respective roles and responsibilities of officers and members meshing and developing in response to the change in political management arrangements and how do they see this evolving further?

Development of Roles. Without committee working, most non-executive councillors commented that they feel that there is less routine contact and possibly an increasing distance between members and officers. For many, although their own working relationships with officers were good, they felt it would be difficult for new councillors to get to know officers. For some councillors, it seems that officers are becoming too closely associated with the ruling administration. Many are not satisfied with the level of service they are receiving from officers under the new political management arrangements. On the other hand, the executive feel that they have developed much closer relationships with officers, based on trust and honesty.

Participants in the public focus group felt suspicious about the role of officers and wondered whether or not they were able to remain impartial. However, one participant had an entirely positive view based on her own experience.

Evolving Roles. There are clearly some difficulties experienced by officers in discharging their duties under the constitution in advising the Council. There is a lack of clarity over the member/officer working relationship arising out of the current arrangements, which needs to be addressed. This problem should be debated further.

3.6 Is the cabinet working as anticipated?

Have members had difficulty adjusting to their new responsibilities and ways of working, has portfolio working been successful, what impact has there been on the role and workload of chief officers, how does the cabinet handle cross-cutting issues?

There is general agreement that the cabinet is working as anticipated, but that there have been some unanticipated outcomes such as the issues around member/officer relationships mentioned above which need to be addressed. Portfolio working is considered to have been successful, by promoting understanding between all service areas and leaving more time for dealing with cross-cutting and corporate issues such as the budget, future plans and best value.

The role of chief officers in cabinet is now quite different from the role they used to have under the committee system. It is problematic that there appears to be no common understanding about what the cabinet member is accountable for and what the director is accountable for, which can put more pressure on members.

3.7 How has the role of non-executive councillors changed?

How do ruling party backbenchers contribute, how does the opposition function now, how do new councillors learn about the council?

All councillors need to be building up their community leadership role in the future. The opposition may have a problem in fulfilling this role, but that might be more due to the fact that there is a majority administration than to the new constitution. Various ways have been tried to help address this problem, such as allowing all councillors to speak at cabinet meetings and at the advisory panels. The policy of bringing new councillors onto the cabinet also demonstrates to new councillors that there is a promotion ladder and a means of bringing in fresh ideas.

However, it might also be argued that there is now little difference in the role of non-executive councillors in the ruling party and the opposition councillors. Clearly, the latter now see themselves as being more of an opposition from outside than as making a contribution to the running of the Council by contributing to debates and voting. Opposition councillors do not appear to have the same incentive to seek officer advice and this has created a distance. Consequently, for officers, it has caused a difficulty in reflecting opposition views when advising the cabinet. In addition, it is feared that without committees to act as a training ground, the issue of finding cabinet successors will steadily become more acute.

Appendix 1: Topic Guides

GENERAL RESEARCH QUESTIONS	DISCUSSION TOPICS
1. Purpose of the constitution. *Is the constitution achieving its purpose in promoting greater transparency, efficiency and accountability of the decision-making process?*	Does the Council work more efficiently as a result of the new processes and procedures: • Is decision making easier? • Is decision making faster? • Is decision making more or less open? • Does the Council make better decisions? How well does the cabinet communicate the its decisions to the rest of the Council?
2. Constituency working. *How effectively are cabinet members able to represent their constituency role under the new constitution, do they feel they have a real role and are they bringing the community into county hall?*	Do you think that you relate differently to your constituents because you are in the cabinet? How do you think the new arrangements affect public opportunities for influence and involvement?
3. Full council and cabinet *Has the role of full council changed and does it hold the executive to account? What is the experience of local people and councillors of the role of full council and the executive?*	How well does the relationship between the full council and the cabinet work? How well does the cabinet communicate with the full council? Could this be improved? How well are cabinet members managing their portfolios? Could portfolio management be improved?

	GENERAL RESEARCH QUESTIONS	DISCUSSION TOPICS
3.	**Overview/scrutiny and policy advisory committees.** *How effectively is the relationship working between these committees and the cabinet; what are the links with community planning and best value; are the new arrangements seen to be adding value to the local authority?*	How is the relationship between the overview/scrutiny committee and the cabinet working? Could it be improved? Does the Council make effective links with crosscutting issues, such as best value and community planning? What practical role do the policy advisory panels play in the decision- making process?
5.	**Member/officer working arrangements.** *How well are the respective roles and responsibilities of officers and members meshing and developing in response to the change in political management arrangements and how do they see this evolving further?*	How well do roles and responsibilities of officers and members mesh? Could they be improved? Are the working relationships between officers and members likely to change over time?

Members of the Public

GENERAL RESEARCH QUESTIONS	DISCUSSION TOPICS FOR THE PUBLIC
1. Purpose of the constitution. *Is the constitution achieving its purpose in promoting greater transparency, efficiency and accountability of the decision-making process?*	Are you aware that the process of decision-making has changed from a committee-based system to the new arrangements for a Leader + Cabinet? How do you think that decisions are made? Is the decision-making process open or secretive? How would you identify who is responsible for making decisions?
2. Constituency working. *How effectively are non-executive councillors able to represent their constituency role under the new constitution, do they feel they have a real role and are they bringing the community into county hall?*	Do you know who your county councillor is? How do you find out about issues that might concern you? How would you get more detailed information about issues of concern? How could you influence decisions about issues important to you? Do you think that the County Council takes account of local views when making decisions? [Yes or No - any practical examples?] How does your councillor communicate with people in your area?

	GENERAL RESEARCH QUESTIONS	DISCUSSION TOPICS FOR THE PUBLIC
3.	**Full council and cabinet.** *Has the role of full council changed and does it hold the executive to account? What is the experience of local people and councillors of the role of full council and the executive?*	Do you know if your councillor is a member of the cabinet or is a non-executive member? What difference, if any, does it make if your councillor is a member of the cabinet or is a non-executive member?
4.	**Overview/scrutiny and policy advisory committees.** *How effectively is the relationship working between these committees and the cabinet; what are the links with community planning and best value; are the new arrangements seen to be adding value to the local authority?*	
5.	**Member/officer working arrangements.** *How well are the respective roles and responsibilities of officers and members meshing and developing in response to the change in political management arrangements and how do they see this evolving further?*	

Other Interviews

QUESTIONS	TOPICS TO BE COVERED
1. Is the constitution achieving its purpose i.e. promoting greater transparency, efficiency and accountability in the decision-making process?	• Is decision making easier? • Is decision making faster? • Is decision making more open, less open or about the same? • How do the new arrangements affect public opportunities for influence and involvement? • Does the Council now make better decisions?
2. Has the role of full Council changed?	• Does full Council have a real role under the new arrangements? • How does the relationship between the full Council and the cabinet work? • Have Member attendance levels changed? • Have officer roles changed?
3. Is the Cabinet working as anticipated?	• Have Members had any difficulties adjusting to their new responsibilities and ways of working? • Has portfolio working been successful? • What impact has there been on the role and workload of Chief Officers? • How does the Cabinet handle cross-cutting issues (e.g. Best Value, Community Planning)

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QUESTIONS	TOPICS TO BE COVERED
5. How well are the policy advisory panels working?	• How do the policy advisory panels contribute to the decision making process? • Do they need to be developed further? • How is membership determined? • What is the role of officers
6. How has the role of non-executive Councillors changed?	• How do backbenchers in the ruling party contribute to policy development and decision-making? • How do the new arrangements affect the way the opposition functions? • How do new Councillors learn how the Council operates and their role in its work? • Has the new allowances scheme had any impact on Councillor involvement?
7. How have the respective roles and responsibilities of officers and members changed?	• Have member/officer relationships changed? • Could they be improved? • Have officers had any difficulty adapting to the new arrangements? • Are the working relationships between officers and members likely to change further over time?